



*Regular
Board Meeting*

Board Room

January 17, 2022



Fruitport Community Schools
BOARD OF EDUCATION MEETING
Board Room
3255 E. Pontaluna Rd, Fruitport 49415
Monday, January 17, 2022 - 7:00 p.m.

I. CALL to ORDER

II. ROLL CALL

III. APPROVAL OF AGENDA

IV. PRESENTATIONS

1. Board Appreciation Presentation

V. COMMUNICATIONS

VI. REMARKS FROM THE PUBLIC*

VII. SUPERINTENDENT/ADMINISTRATIVE REPORTS

VIII. CONSENT AGENDA

1. Approval of Special Meeting Minutes of January 6, 2022 (attachment VII-1)
2. Approval of Bills (attachment VII-2)

General Fund	\$184,413.57
Other Funds:	
Early Childhood Center	4,770.29
Food Service	70,890.06
Coop Ed (ISD) Tech Millage	22,985.60
Debt Service Fund 2010	1,000.00
Total Bill List	<u>\$284,059.52</u>

3. Acceptance of Monthly Financial Report and ACH Transactions (attachment VII-3)
4. Acceptance of Student Activity Summary Report (attachment VII-4)
5. Acceptance of Credit Card and Utilities Report (attachment VII-5)
6. Approval of Capital Projects Progress Report (attachment VII-6)
7. Approval of 2021 Bond Report (attachment VII-7)
8. Approval of Personnel Report (includes confirmation of new hires, resignations, retirees, and transfers) (attachment VII-8)

IX. GENERAL BOARD BUSINESS

1. Second and Final Reading of New and Updated Board Policies (attachment IX-1)

X. BUSINESS & FINANCE COMMITTEE REPORTS & RECOMMENDATIONS

Elroy Buckner, Chairperson

1. Report of Committee Meeting held January 10, 2022 (attachment X-1)

XI. PERSONNEL COMMITTEE REPORTS & RECOMMENDATIONS

Steve Kelly, Chairperson

1. Report of Committee Meeting held January 10, 2022 (attachment XI-1)
2. Non-affiliated Salary Increase for Fiscal Year 2022 (attachment XI-2)
3. Letter of Agreement with the Fruitport Education Association (attachment XI-3)

XII. STUDENT AFFAIRS COMMITTEE REPORTS & RECOMMENDATIONS

Susan Franklin, Chairperson

1. Report of Committee Meeting held January 12, 2022 (attachment XII-1)

XIII. BOARD MEMBER REPORTS AND DISCUSSIONS

XIV. AGENDA ITEMS FOR FUTURE MEETINGS & SCHEDULING OF SPECIAL MEETINGS

1. Business & Finance Committee will meet January 14, 2022 @ 11:30 a.m.
2. Personnel Committee Meeting will meet January 14, 2022 @ 4:30 p.m.
3. Reschedule Student Affairs Committee Meeting

XV. REMARKS FROM THE PUBLIC*

XVI. ADJOURNMENT

***Time is provided for members of the audience to address the Board of Education regarding any topic including items on the agenda. The board is providing two opportunities for the public to comment during the meeting. The first is for people who wish to bring issues to the Board of Education for board consideration. At the end of the meeting the board will provide a brief opportunity for community members to comment on activities and/or discussion that took place during the board meeting. Time limits may be placed if a large number of individuals would like to address the board.**

BOARD ACTION REQUEST FORM

Meeting Date: January 17, 2022

To: Board of Education

Attachments # VII-1
through VII-8

From: Jason Kennedy

Subject to be Discussed and Policy Reference:

- Special Meeting Minutes of January 6, 2022, 2021
- Bills, Monthly Financial Report, and ACH Transactions
- Student Activity Summary Report
- Credit Card and Utilities Report
- Capital Projects Progress Report
- 2021 Bond Report
- Personnel Report

Background Information:

See attached

Financial Impact:

Recommended Action:

Approval of the Consent Agenda as presented.

Action Taken:

Vote: ___ Buckner ___ Burgess ___ Cole ___ Franklin ___ Hazekamp
 ___ Kelly ___ Meeuwenberg



Fruitport Community Schools
SPECIAL BOARD MEETING
Thursday, January 6, 2022 – 6:00 p.m.
Board of Education Meeting Room

MINUTES

I. CALL to ORDER

The Special Meeting of the Board of Education was called to order at 6:00 p.m. by Board President, Dave Hazekamp.

II. ROLL CALL

Present – Elroy Buckner, Tim Burgess, Kris Cole, Susan Franklin, Dave Hazekamp, JB Meeuwenberg, and Steve Kelly

III. APPROVAL OF AGENDA

Item 22-1. MOTION by Buckner, SECOND by Franklin to approve the agenda as presented. MOTION CARRIED 7-0.

IV. REMARKS FROM THE PUBLIC

None.

V. GENERAL BOARD BUSINESS

A. Approval of Regular Board Meeting Minutes of December 13, 2021

Item 22-2. MOTION by Cole, SECOND by Franklin to approve the Regular Board Meeting Minutes of December 13, 2021, as presented. MOTION CARRIED 7-0.

B. Closed Session Student Discipline Hearing Pursuant to Michigan Open Meetings Act Section 8(b): Student 2022-01

Item 22-3. MOTION by Buckner, SECOND by Franklin to enter into closed session at 6:03 p.m. pursuant to Section 8(b) of the Michigan Open Meetings Act, and upon the written request of the student's parent, for the purpose of conducting a hearing to consider the discipline of a student whose identity is known to the Board as Student 2022-01.

Roll call: Buckner - yes, Burgess - yes, Cole - yes, Franklin - yes, Hazekamp - yes, Meeuwenberg - yes, Kelly - yes. MOTION CARRIED 7-0.

C. Return to Open Session

Item 22-4. MOTION by Buckner, SECOND by Franklin to return to open session at 6:58 p.m.

Roll call: Buckner - yes, Burgess - yes, Cole - yes, Franklin - yes, Hazekamp - yes, Meeuwenberg - yes, Kelly - yes. MOTION CARRIED 7-0.

D. Board Resolution for Student Discipline: Student 2022-01

Item 22-5. MOTION by Buckner, SECOND by Cole to approve the Board resolution for student discipline for a student whose identity is known to the Board as Student 2022-01.

Roll call: Buckner - yes, Burgess - yes, Cole - yes, Franklin - yes, Hazekamp - yes, Meeuwenberg - yes, Kelly - yes. MOTION CARRIED 7-0.

E. Other: None

VI. **ADJOURNMENT**

Item 22-6. MOTION by Buckner, SECOND by Franklin to adjourn. MOTION CARRIED 7-0

The meeting adjourned at 7:40 p.m.

Respectfully submitted,
Steve Kelly

Jason Kennedy

Board Secretary

Acting Recording Board Secretary



**FRUITPORT COMMUNITY SCHOOLS
BILL LIST
Month of December 2021**

<u>FUND</u>	<u>AMOUNT</u>
GENERAL FUND	\$184,413.57
EARLY CHILDHOOD CENTER	\$4,770.29
FOOD SERVICE	\$70,890.06
COOPERATIVE EDUC (ISD) - TECH MILLAGE	\$22,985.60
DEBT SERVICE FUND 2010	\$1,000.00
GRAND TOTAL	<u><u>\$284,059.52</u></u>

		GENERAL FUND	SCHOOL SERVICE FUNDS			CAPITAL PROJECTS							Totals
			Food Service	Tech/Security	ECC	Bldg & Site	Capital Projects 2017	Capital Projects 2021	2010	2012 Refund	2017	2021	
Beginning Fund Balance:		4,403,989	526,813	284,158	289,276	1,178,169	6,284,142	7,967,931	182,703	266,837	1,111,081	-	
Revenues:													
Budgeted revenues:		31,061,962	1,568,597	525,000	714,000	-	-	-	-	-	-	-	
Actual revenues:													
	Jul.	23,799	-	-	64,041	18	221	72					88,152
	Aug.	338,825	1,842	3,046	61,224	18	186	84	62,322	56,045	230,010	99,985	853,589
	Sep.	1,054,197	5,878	43,780	81,838	71,012	99	67	188,259	169,297	694,796	302,026	2,611,250
	Oct.	3,262,374	140,064	87,803	64,397	12	77	70	323,108	290,565	1,192,478	518,368	5,879,316
	Nov.	2,558,058	12,190	57,482	66,226	11	62	66	54	48	198	86	2,694,482
	Dec.	2,499,727	359,245	874	51,352	12	60	67	380	342	1,403	610	2,914,072
Total Actual Revenues		9,736,980	519,219	192,984	389,078	71,084	707	426	574,123	516,298	2,118,885	921,075	15,040,860
Pro Rated buget Variance to date: Rev		5,794,001.06	265,079.01	69,515.84	(32,078.06)								
Expenses:													
Budgeted expenditures:		(31,741,678)	(1,485,288)	(348,040)	(715,916)	-	-	-	-	-	-	-	
Actual expenditures:^													
	Jul.	(743,369)	(13,333)	(22,180)	(36,635)	-	-	(63,927)	-	-	-	-	(879,443)
	Aug.	(725,627)	(11,214)	(116,099)	(53,761)	-	(1,343,270)	(18,000)	-	-	-	-	(2,267,972)
	Sep.	(2,332,170)	(53,498)	(54,433)	(57,369)	(59,978)	(903,835)						(3,461,283)
	Oct.	(3,393,573)	(243,647)	(17,611)	(112,211)	-	(973,799)	(7,840)	(168,013)	(9,138)	(1,136,500)	(88,851)	(6,151,183)
	Nov.	(2,294,261)	(159,103)	(97,810)	(63,692)	-	(452,677)	(6,497)	-	-	-	-	(3,074,039)
	Dec.	(2,440,723)	(122,551)	(25,757)	(66,224)		(646,310)	(924,074)	(1,000)				(4,226,640)
Total Actual Expenses		(11,929,724)	(603,347)	(333,890)	(389,892)	(59,978)	(4,319,891)	(1,020,338)	(169,013)	(9,138)	(1,136,500)	(88,851)	(20,060,562)
Pro Rated budget Variance to date: Exp		(3,941,115.33)	(139,297.03)	159,870.44	31,934.21								
Ending Balance to date:		2,211,245	442,686	143,252	288,462	1,189,275	1,964,957	6,948,020	587,814	773,997	2,093,467		
Projected Ending Balance:		3,724,273	610,122	461,118	287,360	1,178,169	6,284,142	7,967,931	182,703	266,837	1,111,081		
Revenues over(under) Expenses to date:												(5,019,702)	
^Fifth Third Bank auto deductions have been included in actual expenditure totals													

December 2021 Transfers

Payment Date	Debit Account Desc	Credit Account Desc	Amount
12/9/2021	Checking - General Fnd Inv - USD	Checking - Payroll - USD ***12/10/21 Payroll & ORS transfer	\$ 883,624.25
12/13/2021	Checking - General Fnd Inv - USD	Checking - Payroll - USD ***CARES FICA payment transfer	\$ 220,000.00
12/17/2021	Checking - Debt Retirement Acct - USD	Checking - General Account - USD ***AP transfer	\$ 1,000.00
12/20/2021	Checking - General Fnd Inv - USD	Checking - HRA - USD ***Low balance transfer	\$ 15,000.00
12/21/2021	Checking - Trust and Agency - USD	Checking - General Account - USD ***Misc Items - Trust & Agency owes General Fund	\$ 12,466.46
12/21/2021	Checking - General Fnd Inv - USD	Checking - Payroll - USD ***12/24/21 Payroll & ORS transfer	\$ 847,484.09
12/21/2021	Checking - General Fnd Inv - USD	Checking - Debt Retirement Acct - USD ***Deposit adjustment	\$ 1,042,120.76
12/29/2021	Checking - General Fnd Inv - USD	Checking - Payroll - USD ***2022 HSA transfer	\$ 650,600.00
Total Transfers in December			<u>\$ 3,021,695.56</u>

December 2021 ACH's

EduStaff (contracted staff/subs)	\$	99,059.91
Credit Card	\$	113,280.29
Arbiter (official pay)	\$	-
E-Pars (employee 403b)	\$	33,882.32
Insurance (MESSA, Priority, Set Seg & HSA's)	\$	547,994.75
Total ACH's in November	<u>\$</u>	<u>794,217.27</u>

Fruitport Community Schools
 Student Activity Summary Report
 Month ending December 31, 2021

Student Activity Sub Totals	BEGINNING BALANCE	NET CHANGE	ENDING BALANCE
District Wide Student Activity Accounts	48,829.93	4,688.34	53,518.27
Beach Elementary Student Activity Accounts	31,757.14	2,677.64	34,434.78
Edgewood Elementary Student Activity Accounts	26,016.26	9,180.27	35,196.53
High School Class of Student Activity Accounts	7,554.47	-	7,554.47
High School Athletic Student Activity Accounts	103,024.57	(12,238.37)	90,786.20
High School Student Activity Accounts	154,942.34	7,647.45	162,589.79
Middle School Student Activity Accounts	47,006.50	2,296.13	49,302.63
Shettler Elementary Student Activity Accounts	20,851.80	1,808.67	22,660.47
Alt. High School Student Activity Accounts	669.93	(69.49)	600.44
Millionaire Party Accounts	7,721.86	5,793.14	13,515.00
Total Student Activity Fund	\$ 448,374.80	\$ 21,783.78	\$ 470,158.58

Credit Card and Utilities Detail
For the month ending December 31, 2021

	July	August	September	October	November	December	January	February	March	April	May	June	Total
Utilities:													
Consumers	\$ 999.46	\$ 1,019.37	\$ 1,012.98	\$ 1,051.86	\$ 931.48	\$ 1,625.86							\$ 6,641.01
Frontier	\$ 46.94	\$ 46.83	\$ 46.83	\$ 46.83	\$ 46.47	\$ 46.47							\$ 280.37
MISEC	\$ 26,029.81	\$ 20,219.50	\$ 17,802.29	\$ 24,662.29	\$ 21,237.41	46,333.64							\$ 156,284.94
Total Utilities	\$ 27,076.21	\$ 21,285.70	\$ 18,862.10	\$ 25,760.98	\$ 22,215.36	\$ 48,005.97	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 163,206.32
Credit Cards:													
General Fund	\$ 41,753.46	\$118,552.16	\$129,618.75	\$113,593.62									\$ 403,517.99
Early Childhood	\$ 1,685.50	\$ 1,421.18	\$ 1,565.55	\$ 4,775.53									\$ 9,447.76
Tech/Security Millage	\$ 20,152.63	\$ 1,744.82	\$ 997.31	\$ 10,008.17									\$ 32,902.93
Student Activities	\$ 7,160.78	\$ 17,193.28	\$ 9,152.52	\$ 15,655.49									\$ 49,162.07
Total Credit Card Charges	\$ 70,752.37	\$138,911.44	\$141,334.13	\$144,032.81	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 495,030.75

***Credit cards are always a month behind

Project Summary: 2021 Bond Budget Overview

All Work within all buildings

	Treasury App	Schematic Design	Fiscal Year 2021	Fiscal Year 2022	Total Spent	
Athletic Turf	1,548,523.00	2,351,756.00	-	14,336.75	14,336.75	0.61%
Track Replacement	314,353.00	750,000.00	-	-	-	0.00%
Middle School Natatorium to Gym	1,215,355.00	1,215,355.00	-	-	-	0.00%
Total Athletics	3,078,231.00	4,317,111.00	-	14,336.75	14,336.75	0.33%
Beach Elementary	352,556.00	352,556.00	-	-	-	0.00%
Shettler Elementary	576,532.00	576,532.00	-	-	-	0.00%
Edgewood Elementary	100,000.00	25,000.00	-	-	-	0.00%
Middle School	1,387,815.00	1,387,815.00	-	-	-	0.00%
High School	1,023,954.00	896,074.00	-	924,074.00	924,074.00	103.12%
Total Mechanical/Controls/AC	3,440,857.00	3,237,977.00	-	924,074.00	924,074.00	28.54%
Overall Contingency	790,912.00	-747,156.00	-	-	-	0.00%
Tower Pinkster Fees	0.00	487,625.00	-	37,933.62	37,933.62	7.78%
Technology	0.00	0.00	-	-	-	#DIV/0!
Non HS Furniture/Band	150,000.00	150,000.00	-	-	-	0.00%
Transportation	500,000.00	500,000.00	-	-	-	0.00%
Cost of Issuance	60,000.00	74,443.00	30,450.00	43,993.60	74,443.60	100.00%
Total Bond	8,020,000.00	8,020,000.00	30,450.00	1,020,337.97	1,050,787.97	13.10%
Estimated Interest Earned (investment)	-20,000.00	-20,000.00	(2.18)	(426.47)	(428.65)	2.14%
Total Capital Projects Fund	8,000,000.00	8,000,000.00	30,447.82	1,019,911.50	1,050,359.32	13.13%
Overage (Surplus)						

Personnel Report – January 17, 2022

It is recommended that the following candidates be offered contracts and/or salary increases pending final approval from the Board of Education:

Sarah Visser, Reading/Math Interventionist, Shettler

The following staff members will Resign/Retire/Reduce Hours/Transfer:

Jacob Bourne, Bus Driver

Jeff Grossenbacher, Technology Director

Samantha Horne, ASD Classroom Aide, Edgewood

The following positions are currently posted:

Behavioral Coach

Bus Aide

Bus Driver

Bus Driver Substitute

Elementary Special Education Teacher

Instructional Assistant, Edgewood

Long-term Teacher Sub, Middle School

Mather Interventionist, Edgewood

School Age Care Program Director, ECC

School Social Worker



Fruitport Community Schools

Shettler Elementary

Fruitportschools.net

MEMO:

To: Jason Kennedy and the Board of Education
CC: Allison Camp, Sarah Visser
Fr: Janelle Duffey
Re: New Hire for Shettler
Dt: January 10, 2022

I am happy to inform you that we are able to hire a new reading/math interventionist for the rest of this school year. This new hire will be working one on one with Tier 2 and Tier 3 students on individual skills that are needed, all from data based on our benchmarking and progress monitoring. She will work three 6 hour days totaling 18 hours per week.

Sarah Visser, former student teacher of Heidi Radowski, is coming to us from the College of Education at Grand Valley State University. She will be finishing a few classes this semester and will have her teaching degree at the end of this school year.

We are very excited to keep Sarah on staff! She did a wonderful job during student teaching, and we know that it will continue in her new role as an interventionist.



Clarke, Maribeth <mclarke@fruitportschools.net>

Fwd: Resignation

1 message

Kennedy, Jason <jkennedy@fruitportschools.net>
To: "Clarke, Maribeth" <mclarke@fruitportschools.net>

Wed, Jan 5, 2022 at 8:43 AM

----- Forwarded message -----

From: **Bourne, Jake** <jbourne@fruitportschools.net>
Date: Tue, Jan 4, 2022 at 3:16 PM
Subject: Resignation
To: <Jkennedy@fruitportschools.net>

I, Jacob Bourne hereby submit my resignation from the Fruitport School District

G

January 1, 2022

Dear Jason,

I am writing this letter to inform you that I will be retiring from Fruitport Community Schools effective the end of this school year, June 30, 2022.

I cannot easily put into words how I feel about Fruitport Community Schools. This has been my home for the past 32 years, and the only "Official" home I have known for my entire education career. During my time, I have held different positions for the district (Student Teacher, Teacher, Volleyball Coach, Assistant Principal, Director of Technology and most recently Director of the Performing Arts Center) and even though I didn't graduate a Trojan, I truly bleed blue and wouldn't trade any of it for the world. I cherish all of the friends and experiences I have had, they helped mold me into the person I am today. I believe in the short time you have been here, you understand exactly how I feel. The staff and students of Fruitport Community Schools are simply the best!

I was so pleased when it was announced that you were going to be our next Superintendent. I heard many great things, and in watching you navigate these short few months, I am certain that we made the right choice for the future. You are going to lead the district to new heights and I rest easy knowing Fruitport will be in great hands going forward. I couldn't be more proud to be a Trojan.

I think we should meet with Allison and Mark in the near future to discuss plans for the next Director of Technology to help ensure a smooth transition going forward.

If there is anything I can do to assist Fruitport Community Schools in the future, I would be honored to do so. Please don't hesitate to ask.

Thank you for everything!



~ Jeff

Jeff Grossenbacher
1522 Greenwich Rd
Muskegon, MI 49441

(231) 638-2190
jjgbacher@gmail.com



12/28/2021



Clarke, Maribeth <mclarke@fruitportschools.net>

Letter of resignation

1 message

Horn, Sam <shorn@fruitportschools.net>

Wed, Jan 12, 2022 at 8:20 PM

To: Tom Hamilton <thamilton@fruitportschools.net>, Maribeth Clarke <mclarke@fruitportschools.net>

Please accept this email as my letter of resignation from Edgewood Elementary in the ASD Program. During my time at Edgewood I have been able to learn more about the ASD program. My last day will be Friday January 21. I hope this gives time to find another person to support the students in the ASD Program. I have enjoyed working at Edgewood and if there is anything I can do before my last day please let me know.

Thanks,
Samantha Horn

BOARD ACTION REQUEST FORM

Meeting Date: January 17, 2022

To: Board of Education

Attachment # IX-1

From: Jason Kennedy

Subject to be Discussed and Policy Reference:

New and updated board policies.

Background Information:

Thrun Law Firm, P.C. has recommended updating the following board policies: 2201, 2501, 2501A, 2505, 3102, 3107, 3118, 3119, 3208, 3301, 3302, 3303, 3304, 3305, 3306, 4101, 4102, 4106, 4108, 4112, 4205, 4225, 4226, 4302, 4403, 5101, 5104, 5201, 5202, 5206, 5206B, 5206D, 5309, 5402, 5403, 5405, 5406, 5409, 5411, 5416, 5704, 5708, and 5710.

All bylaws and policies reflect procedures and guidelines followed by the district.

Financial Impact:

None.

Recommended Action:

Approve the second and final reading of new and updated Thrun Board Policies as presented.

Action Taken:

Vote: ___ Buckner ___ Burgess ___ Cole ___ Franklin ___ Hazekamp
___ Kelly ___ Meeuwenberg

Series 2000: Bylaws

2200 Board Powers

2201 Board Powers/General Powers

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

A. Expressly Conferred Powers

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

- vii. adopt a parent/guardian involvement plan; and
 - viii. adopt, implement, and annually make available to MDE a copy of a 3 to 5-year school improvement plan and continuing school improvement process for each school in the District in compliance with Revised School Code Section 1277.
2. The Board will provide for the safety and welfare of students while at school or a school-sponsored activity or event, and while traveling to or from school or a school-sponsored activity or event, as required by law.
 3. The Board may acquire, construct, maintain, repair, renovate, dispose of, or convey school property, facilities, equipment, technology, or furnishings as it deems appropriate, within applicable legal parameters.
 4. The Board may hire, contract with, schedule, supervise, or terminate employees, independent contractors, and other persons or entities to carry out District powers. The Board may defend and indemnify its employees to the extent authorized by law.
 5. The Board may receive, account for, invest, or expend public school money; borrow money and pledge public school funds for repayment; and qualify for state school aid and other public or private money from local, regional, state, or federal sources.

6. The Board delegates to the Superintendent the authority to take action in circumstances not authorized by Board action or Policy when required to effectively maintain the District's day-to-day operations. The Superintendent should (a) promptly inform the Board of the action taken and the need for taking expedited action; and (b) report the action to the Board at the Board's first meeting after the Superintendent takes such action.

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B. Limitations on Powers

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

C. Authority

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

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

Date adopted:

Date revised:

Series 2000 Bylaws

2500 Board Meetings and Open Meetings Act Compliance

2501 Meetings

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

A. Notice

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

B. Quorum

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

C. Meeting Types

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

4. The Board may meet as a committee of the whole. See Policy 2505(C).

D. Closed Session

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

E. Meeting Cancellation

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

F. Electronic Board Meetings and Remote Participation

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

G. Minutes

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

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

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

H. Parliamentary Procedure

Board meetings will be conducted consistent with the parliamentary authority provided in Robert's Rules of Order, provided the procedure is consistent with these Policies and the law.

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

Date adopted:

Date revised:

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Series 2000 Bylaws

2500 Board Meetings and Open Meetings Act Compliance

2501A Electronic Board of Education Meetings

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

A. Definitions

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

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

B. Permissible Reasons for Wholly Electronic Board Meetings

1. Statewide State of Emergency or Disaster

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

2. Local State of Emergency or Disaster

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

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1. Any Reason

Before March 31, 2021, the Board may, for any reason, hold a meeting wholly electronically, with every Board member and the public participating remotely.

3. All Board Members Participating Remotely

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

C. Permissible Reasons for Individual Board Member Remote Participation

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

1. Military Duty

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

2. Medical Condition

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

3. Statewide State of Emergency or Disaster

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

4. Local State of Emergency or Disaster

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

D. Procedures to Accommodate Board Member Remote Participation

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

1. The remote Board member must make a public announcement at the beginning of the meeting stating that the Board member is attending remotely and (except for remote attendance for military duty) identifying the Board member's physical

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1. Any Reason

Before March 31, 2021, the Board may, for any reason, hold a meeting wholly electronically, with every Board member and the public participating remotely.

location, which must include the county, city, township, or village and the state from which the Board member is attending remotely;

2. The remote Board member's public announcement must be recorded in the minutes;
3. The Board and the remote Board member will ensure there is Two-Way Communication during the meeting;
4. A Board member who plans to participate in a meeting remotely must provide notice to [] at least [] hours before the meeting; and [NOTE – DELETE AFTER ADOPTION: Notice of an electronic meeting must be posted at least 18 hours in advance. We recommend that the remote Board member give notice sufficiently in advance of that time so that the District can disclose that member's absence into the posted notice.]
5. The Superintendent or designee will ensure that public notice of the Board member's absence and information on how to contact the Board member is provided sufficiently in advance of the Board meeting so that a member of the public may provide input on or ask questions about any business that will come before the Board at the meeting.

E. Procedures to Ensure Public Participation at Electronic Meetings

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

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

F. Electronic Board Meeting Notice Requirements

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

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

The notice must clearly explain:

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

G. Electronic Board Meeting Agenda Requirements

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

Legal authority: MCL 15.263, 15.263a.

Date adopted:

Date revised:

Series 2000 Bylaws

2500 Board Meetings and Open Meetings Act Compliance

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2501A-F-1 Electronic Board Meeting Checklist

Deciding whether to hold an electronic Board meeting:

- For a **wholly electronic** Board meeting, one or more of the following apply:
 - On or before December 31, 2021, there is a statewide State of Emergency or Disaster and convening a meeting in a physical location would risk the personal health or safety of the Board or the public.
 - On or before December 31, 2021, there is a local State of Emergency or Disaster that affects an area where the Board typically holds its meetings and convening a meeting in that physical location would risk the personal health or safety of the Board or the public.
 - On or before December 31, 2021, every Board member has a medical condition as defined by the Open Meetings Act, or is absent due to military duty or a State of Emergency or Disaster affecting the area in which each Board member resides.
 - Every Board member is absent due to military duty (no date restrictions).
- For a **hybrid physical/electronic** Board meeting, a Board member is participating remotely because of one or more of the following:
 - Until December 31, 2021, there is a statewide State of Emergency or Disaster and the Board member's in-person attendance at a physical meeting would risk the personal health or safety of the Board members or the public.
 - Until December 31, 2021, there is a local State of Emergency or Disaster that affects an area in which the Board member resides and the Board member's in-person attendance at a physical meeting would risk the personal health or safety of the Board members or the public.
 - Until December 31, 2021, the Board member has a medical condition as defined by the Open Meetings Act.
 - The Board member is absent due to military duty (no date restrictions).

Preparing for an electronic Board meeting:

- Ensure the Board, each Board member participating remotely, and the public have access to two-way communication.
- Ensure that persons with disabilities will be able to participate in the meeting and notice is given about how to request an accommodation.
- At least 18 hours before the electronic Board meeting, post the electronic Board meeting notice. The notice must include:
 - Why the Board is holding an electronic meeting;

2501A-F-1 Electronic Board Meeting Checklist

- How the public may participate remotely;
- How the public may contact Board members to provide input or ask questions about business that will come before the Board; and
- How persons with disabilities may participate in the meeting.

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

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

During the electronic Board meeting:

- At the beginning of the meeting, a Board member who is participating remotely must publicly announce that he or she is participating remotely and (except for remote attendance for military duty) must identify his or her physical location, which must include the county, city, township, or village and the state from which the Board member is attending remotely.
- Confirm the Board, each Board member participating remotely, and the public have access to two-way communication.
- Record the remote Board member's public announcement in the minutes.

Series 2000 Bylaws

2500 Board Meetings and Open Meetings Act **Compliance**

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2501A-F-3 Electronic Board Meeting Notice

Directions [Delete directions and notes in document before posting]: At least 18 hours before an electronic Board meeting, the Superintendent or designee must prominently post this notice. If the District has an internet presence that includes at least monthly updates of public meeting agendas or minutes, this notice must be included on a portion of its website that is fully accessible to the public either on the District's homepage or on a separate webpage dedicated to public notices for non-regularly scheduled or electronic public meetings that is accessible through a prominent and conspicuous link on the District's website homepage. The link must clearly describe its purpose for public notice of non-regularly scheduled or electronic public meetings. If the electronic meeting is a special meeting, the special meeting posting requirements contained in MCL 15.265 must also be satisfied. For Board meetings at which significant board action is anticipated (e.g., related to the sale of property, approval of contracts, or adoption of bond or finance documents) consider completing an Affidavit of Website Posting.

Choose Option A (Wholly Electronic) or Option B (Hybrid) and delete option not chosen:

Option A – Wholly Electronic Meeting

The Fruitport Community Schools Board of Education will hold a regular/special Board meeting on Day of the Week, Month Calendar Day, Year.

Deleted: District Name

The meeting will be held wholly electronically. The public may attend and participate virtually using this link: insert telephone number, internet address, virtual meeting address, or other information needed to participate.

The Board of Education is holding a *wholly electronic* Board meeting because (select all that apply):

- The meeting will be held on or before December 31, 2021 and all Board members will be physically absent due to one or more of the following:
 - Military duty;
 - A medical condition;
 - A statewide state of emergency or disaster is declared pursuant to law, charter, or local ordinance and convening a meeting in a physical location would risk the personal health or safety of the Board or the public; or
 - A local state of emergency or disaster is declared pursuant to law, charter, or local ordinance that affects an area where the Board typically holds its meetings and convening a meeting in the physical location would risk the personal health or safety of the Board or the public.
- All Board members will be physically absent due to military duty.

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Deleted: insert individual Board member contact information (e.g. email addresses)

Members of the public may contact the Superintendent in advance of the meeting to provide input or ask questions about business that will come before the Board by email at: jkennedy@fruitportschools.net.

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

2501A-F-3 Electronic Board Meeting Notice

Any person with a disability requiring special accommodations to participate in this meeting should contact the Superintendent's office at 231-865-4100.

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Option B – Hybrid Meeting

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

Deleted: [District Name]

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

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

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

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

Members of the public may contact the superintendent in advance of the meeting to provide input or ask questions about business that will come before the Board by email at: jkennedy@fruitportschools.net.

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Deleted: [insert individual Board member contact information (e.g. email addresses)]

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

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

Series 2000 Bylaws

2500 Board Meetings and Open Meetings Act Compliance

2505 Board Committees

A. General

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

B. Committee Meetings

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

C. Committee of the Whole Meetings

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

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

Date adopted:

Date revised:

Series 3000: Operations, Finance, and Property

3100 General Operations

3102 Smoking, Tobacco Products, Drugs, and Alcohol

A. Definitions

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

B. Smoking and Tobacco Products

1. The District prohibits the sale, possession, distribution, dispensation, or use of tobacco products, electronic cigarettes, vaporizers, and all electronic nicotine delivery systems on property owned or operated by the District.

C. Drugs

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

Deleted: [Choose Option 1 or 2:] [Option 1: and at any District-related event].

Deleted: <#>[Option 2: The District may also prohibit the use of these products at District-related events.]¶

2. The District prohibits the sale, possession, distribution, dispensation, or use of any products containing cannabidiol (commonly referred to as CBD) on property owned or operated by the District and at any District-related event. The Superintendent or designee will consider exceptions to this prohibition.

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3. District personnel should review Policy 4210 for the District's drug- and alcohol-free workplace policy. Students should review Policy 5206 for the student discipline policy.

D. Alcohol

1. The District generally prohibits the sale, possession, distribution, dispensation, and use of alcohol on property owned or operated by the District and at any District-sponsored event, except as otherwise provided in this Policy.

2. With the written permission of the Superintendent or designee, the District may permit the lawful sale, possession, distribution, dispensation, and use of alcohol on school property if:

a. the District building is used for adult education or college extension courses; [or]

b. the use or possession of alcohol is part of a generally recognized religious service or ceremony[Optional: ;or

c. the use or possession is part of a non-school function. The District will require the entity utilizing school property to furnish evidence of insurance, satisfactory to the District, with the District identified as an additional insured on the policy].

3. Any person or entity with the Superintendent's or designee's permission in subsection D.2 must comply with and enforce all applicable laws and regulations and obtain any legally-required permits. See also Policy 3304.

4. District personnel should review Policy 4210 for the District's drug- and alcohol-free workplace policy.

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

Date adopted:

Date revised:

Series 3000: Operations, Finance, and Property

3100 General Operations

3107 Use of Detection Dogs

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

A. Protocol for Use of a Detection Dog

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

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

B. Notice to Students and Staff

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

Date Adopted:

Date Revised:

Series 3000: Operation, Finance, and Property

3100 General Operations

3118 Title IX Sexual Harassment

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

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

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

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

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

A. Definitions

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

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

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

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

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

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

B. Posting Requirement

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

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

C. Designation of Title IX Coordinator

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

Greg Bodrie	Laura Gavin
Director of Special Education	Special Education Supervisor
231-865-4012	231-865-4011
3255 E. Pontaluna Rd.	3255 E. Pontaluna Rd.
Fruitport, MI 49415	Fruitport, MI 49415
gbodrie@fruitportschools.net	lgavin@fruitportschools.net

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D. Reporting Title IX Sexual Harassment:

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

Deleted: [TITLE IX COORDINATOR NAME OR POSITION/TITLE]¶
[TITLE IX COORDINATOR OFFICE ADDRESS]¶
[TITLE IX COORDINATOR PHONE NUMBER]¶
[TITLE IX COORDINATOR EMAIL]¶

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

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

E. General Response to Sexual Harassment

1. District's Obligation to Respond without Deliberate Indifference

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

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

2. Response to Report of Title IX Sexual Harassment

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

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3. Formal Complaint Filed

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

4. Equitable Treatment

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

5. Documentation and Recordkeeping

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

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

6. Supportive Measures

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

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

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

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

Supportive measures may include, but are not limited to:

- a. District-provided counseling;
- b. Course-related adjustments, such as deadline extensions;
- c. Modifications to class or work schedules;
- d. Provision of an escort to ensure that the Complainant and Respondent can safely attend classes and school activities; and

e. No-contact orders.

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

7. Respondent Removal

a. Emergency Removal (Student)

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

b. Administrative Leave (Employee)

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

8. Law Enforcement

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

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

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

F. Grievance Process

1. Generally

The Grievance Process begins when a Formal Complaint is filed or when the Title IX Coordinator signs a Formal Complaint and concludes the date the

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

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

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

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

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

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

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

2. Notice of Allegations

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

- a. A copy of this Policy, which includes the District's Grievance Process, and any informal resolution process;
- b. The sexual harassment allegations, including sufficient details known at the time and with sufficient time so that parties may prepare a response before

the initial interview. Sufficient details include parties involved in the incident, if known; the alleged conduct constituting sexual harassment; and the date and time of the alleged incident;

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

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

3. Informal Resolution

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

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

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

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

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

- a. Allegations;
 - b. Informal resolution requirements, including the circumstances under which the informal resolution precludes the parties from resuming a Formal Complaint arising from the same allegations;
 - c. Right to withdraw from informal resolution and resume the Grievance Process at any time prior to agreeing to a resolution; and
 - d. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared
4. Investigation

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

a. Investigation Process

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

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

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

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

The Investigator must provide the date, time, location, participants, and purpose of all hearings (if any), investigative interviews, and meetings, to a party whose participation is invited or expected. Written notice must be

provided a sufficient time in advance so that a party may prepare to participate.

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

The Investigator must ensure that the Complainant and Respondent have an equal opportunity to inspect and review any evidence obtained as part of the investigation so that each party has the opportunity to meaningfully respond to the evidence before the investigation's conclusion. This evidence includes (1) evidence upon which the District does not intend to rely in reaching a determination regarding responsibility, and (2) inculpatory or exculpatory evidence obtained from any source.

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

b. Investigation Report

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

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

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

5. Determination of Responsibility

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

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

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

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

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

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

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

6. Appeals

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

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

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

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ADDITIONAL APPEAL GROUNDS]

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

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

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

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

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

G. Dismissal

1. Mandatory Dismissals

The Title IX Coordinator must dismiss a Formal Complaint if:

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

c. The Formal Complaint's allegations did not occur in the United States.

2. Discretionary Dismissals

The Title IX Coordinator may dismiss a Formal Complaint if:

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

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

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

H. Consolidation of Complaints

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

I. Remedies

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

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

1. Providing an escort to ensure that the Complainant and Respondent can safely attend classes and school activities;
2. Offering the parties school-based counseling services, as necessary;
3. Providing the parties with academic support services, such as tutoring, as necessary;

4. Rearranging course or work schedules, to the extent practicable, to minimize contact between the Complainant and Respondent;
5. Moving the Complainant's or the Respondent's locker or work space;
6. Issuing a "no contact" directive between the Complainant and Respondent;
7. Providing counseling memoranda with directives or recommendations;
8. Imposing discipline consistent with District Policy, as applicable, and any applicable codes of conduct, handbooks, collective bargaining agreements, or individual employee contracts.

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

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

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

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

J. False Statements

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

K. Confidentiality

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

L. Retaliation

Retaliation (e.g., intimidation, threats, coercion) for the purpose of interfering with a person's rights under Title IX is prohibited. This prohibition applies to retaliation against any person who makes a report, files a Formal Complaint, or participates in, or refuses to participate in a Title IX proceeding. Complaints alleging retaliation may be pursued in accordance with District Policy.

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

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

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

M. Training

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

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

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

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

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

Any materials used to train District employees who act as Title IX Coordinators, Investigators, Decision-Makers, Appeals Officers, or who facilitate an informal resolution process must not rely on sex stereotypes and must promote impartial

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investigations and adjudications of Formal Complaints. These training materials must be posted on the District's website.

N. Record Keeping

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

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

O. Office for Civil Rights

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

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

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

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

Date adopted:

Date revised:

Series 3000: Operation, Finance, and Property

3100 General Operations

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

District Letterhead

This form is being submitted by: Complainant Title IX Coordinator

Complainant Name: _____

Address: _____

Phone: _____ Email: _____

If the Complainant is a student:

Date of Birth: _____ Grade: _____

School Building Attending: _____

If the Complainant is an employee:

Job Title: _____ Building: _____

Complaint Details

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

Reporter's Relationship to Complainant: _____

Reporter's Address: _____

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

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

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

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

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

Complainant's/Coordinator's Signature

Date

Please submit this form to:

Greg Bodrie
Director of Special Education
231-865-4012
3255 E. Pontaluna Rd.
Fruitport, MI 49415
gbodrie@fruitportschools.net

Laura Gavin
Special Education Supervisor
231-865-4011
3255 E. Pontaluna Rd.
Fruitport, MI 49415
lgavin@fruitportschools.net

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

Series 3000: Operations, Finance, and Property

3100 General Operations

3119 *Experimental or Pilot Programs*

The Board encourages innovation and creativity in its educational programming and general operations through the use of experimental or pilot programs ("Programs"). An experimental or pilot program is a trial program conducted to evaluate feasibility that may be converted to a regular program at the conclusion of the trial period.

Employees may submit a proposal for a Program to the Superintendent or designee for consideration. The Superintendent may also prepare a Program proposal.

A Program proposal must include the Program name, duration, purpose, and goals. Proposals must also include:

- A. A list of proposed materials and equipment to be used in the Program;
- B. Anticipated Program costs, including staffing costs;
- C. A proposed framework for implementing the Program and evaluating the Program's success, including evaluation intervals and criteria; and
- D. Other relevant information, if requested by the Superintendent or designee.

The Superintendent or designee will review the Program proposal and may seek clarification from the employee(s) that submitted the proposal, if prepared by employees other than the Superintendent. The Superintendent or designee may also amend the proposed Program in the Superintendent's or designee's sole discretion.

If the Superintendent or designee believes that the proposed Program (either as originally drafted or as amended) is in the best interests of the District, the Superintendent or designee will present the proposed Program to the Board for its consideration. The Program may be approved by the Board in its sole discretion.

The Board recognizes that experimental and pilot programs are a prohibited subject of bargaining under the Michigan Public Employment Relations Act. The Superintendent is encouraged to consult with legal counsel about legal implications of a Program before submitting it for Board approval.

At the conclusion of the Program, the Board may consider conversion of the Program to a regular program.

Legal Authority: MCL 380.11a; MCL 423.215(3)(h)

Date adopted:

Date revised:

Commented [MC1]: NEW Policy

Deleted: [Optional] [Note: If the Board elects not to adopt this Policy, delete the body of the policy and replace the title with "Intentionally Left Blank" after the policy number and in the Table of Contents to ensure accurate numbering of subsequent policies in the Policy Manual.]

Series 3000: Operations, Finance, and Property

3200 Finance and Borrowing

3208 Surety Bonds of District Officials Bonded Officials

1. The Superintendent, any financial officer, and any attendance officer of the District must furnish a surety bond in the penal sum of not less than ~~\$10,000~~, or an amount otherwise required by law, to assure the faithful performance of their respective duties.
2. A "financial officer" is any person who is required, by job description or Policy, to transact financial business on behalf of the District or to supervise or handle monetary receipts or disbursements on a reasonably consistent basis, including, but not limited to, the persons holding in whole or in part the following positions or their functional equivalent:
 - Treasurer;
 - ~~Director of Business Services;~~
 - ~~Accountant;~~
 - ~~Payroll Clerk;~~

Deleted: [Optional] [Note: If the Board elects not to adopt this Policy, delete the body of the policy and replace the title with "Intentionally Left Blank" after the policy number and in the Table of Contents to ensure accurate numbering of subsequent policies in the Policy Manual.]¶

Deleted: \$ _____.

Deleted: Chief Business Official

Deleted: []

Deleted: Assistant Business Official

Deleted: Payroll Clerk

B. Bond Requirements

Deleted: <#>Activity Fund Custodian]; and¶
<#> _____.

1. A surety bond may be furnished as either:
 - a. a separate bond or surety contract for each individual officer or employee; or
 - b. a blanket bond.

A blanket bond must be a blanket position bond that covers the Superintendent and any financial or attendance officer positions (rather than the individual people).

2. A surety bond must be purchased by the District and furnished by a company duly qualified under state law. Each surety bond must be payable to the District and require the Superintendent, all financial officers, and all attendance officers to faithfully perform their duties during their employment or term of office and properly account for all monies and property received by virtue of their position or employment.

Legal authority: MCL 129.51; MCL 380.1571

Date adopted:

Date revised:

Series 3000: Operations, Finance, and Property

3300 Facilities, Real, and Personal Property

3301 Purchasing and Procurement

This Policy applies to all purchases of materials, supplies, and equipment. Purchases acquired through lease financing are governed by this Policy, but true leases (i.e., rental agreements) are not.

A. Responsibility for Purchasing

The District's administration, under the Superintendent's supervision, may purchase items for the District, subject to any parameters established by the Board.

B. When Competitive Bidding is Required

1. The District must competitively bid the purchase of an item or group of items costing an amount equal to or greater than the then-current state bid threshold published annually by MDE.
2. The District does not need to competitively bid a purchase if competitive bidding is not required by law.
3. The District will not artificially segregate purchases into smaller orders to avoid the bid threshold.

C. Bidding Procedure

1. The District may competitively bid a purchase using 1 or more of the following methods:
 - a. Requesting written price quotations from at least 3 known and practical vendors of an item;
 - b. Distributing a request for proposals to at least 3 known and practical vendors of an item;
 - c. Posting a request for proposals on the District's website or any other website that regularly informs vendors of bid opportunities;
 - d. Selecting a contract awarded to a winning bidder under a bid process operated by a reputable bid cooperative if the District determines, after reasonable due diligence, that the bid procedure used by the bid cooperative was fair and open, resulted in a bid award to the lowest responsible bidder, and the contract price is comparable to current market rates for the purchased item; or

- e. Any other process, in the Superintendent's or designee's discretion, that is likely to result in at least 3 known vendors providing bids for the item sought, regardless of whether at least 3 bids are actually received.
2. Each bidder responding to a request for proposals must certify that it is not an Iran-linked business as defined by MCL 129.312.

3. Awarding Bids

- a. If competitive bidding is required by law, any contract must be awarded by the Board to the lowest responsible bidder.
- b. In determining bidder responsibility, the District may take 1 or more of the following into account:
- The District's experience with the bidder;
 - Others' experience with the bidder;
 - The bidder's history of satisfactory performance or questionable litigation, protests, or disputes;
 - The bidder's capitalization and solvency;
 - The length of time the bidder has been engaged in its business;
 - The recommendation of the District's professional consultants; and
 - Any other factor consistently and lawfully applied.
- c. In any bid procedure, the District reserves the right to reject any or all bids or waive any informalities or irregularities in the bid process.

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4. Michigan-Based Business Preference

- a. The District may give up to a 10% preference to a bidder that is a Michigan-based business as defined by MCL 18.1268.
- b. The Michigan-based business preference will not apply if federal funds are used for the purchase.

D. Purchases Using State Aid Act Funds

1. The District will not use state aid to purchase foreign goods or services if American goods or services are available, competitively priced, and of comparable quality.
2. The District will give a preference to goods or services manufactured or provided by Michigan businesses if competitively priced and of comparable quality.

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3. The District will give a preference to goods or services manufactured or provided by Michigan businesses owned and operated by veterans if competitively priced and of comparable quality.

E. Purchases Using Federal Funds

1. This subsection D only applies to purchases made with federal funds and subject to the federal Uniform Grant Guidance. All terms in this subsection D have the same respective meanings as defined by federal regulation (2 CFR 200.1-99).
2. Subject to the District's obligation to comply with Michigan law, the District must use 1 of the following procurement methods that includes information sufficient to inform all potential bidders about the District's technical, service, and bid procedure requirements:

- a. Purchases up to \$10,000 (micro-purchases)

- i. To the extent District administration determines that the cost of the purchase is reasonable, micro-purchases may be made or awarded without bidding in accordance with this Policy. For purposes of this subsection, "reasonable" means the purchase is comparable to market prices for the geographic area.
- ii. To the extent practicable, the District will distribute micro-purchases equitably among qualified suppliers.

- b. Purchases between \$10,000 and \$250,000 (small purchase procedures)

The District will use a bidding procedure in subsection C.1., above, **except that the District may use the bidding procedure in subsection D.2.a, above, for purchases up to the then-current state bid threshold published annually by MDE if the District satisfies the annual certification requirements of 2 CFR 200.320(a)(1)(iv).**

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- c. Purchases over \$250,000

- i. The District must either receive sealed bids through formal advertising or prepare a comprehensive request for proposals and submit it to at least 5 sources.
 - ii. With either method, the District will perform a price analysis, making an independent estimate of costs before receiving bids.
3. The District will take affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are included in bidding opportunities.
 4. A person may protest the veracity, conformity, or eligibility of a bid. The District will handle bid protests as follows:

- a. Within 48 hours of the time bid results are available, the protesting person will submit a written protest to the Superintendent describing in detail the nature of the protest;
- b. The Superintendent or designee will review the written protest, and the Superintendent may bring it to the Board's attention in the Superintendent's discretion;
- c. A person's failure to file a protest as described above is an irrevocable waiver of the bid protest; and

Nothing in this Policy reduces or eliminates the District's rights or protections afforded under the law.

5. The District will retain all bids and formal bid solicitation documents for a period of 6 years after the bid opening date, or longer if required by law.

Legal authority: 2 CFR 200.1 et seq.; MCL 129.311 et seq.; MCL 380.1274; MCL 388.1764c

Date adopted:

Date revised:

Series 3000: Operations, Finance, and Property

3300 Facilities, Real, and Personal Property

3302 Acquisition of Real Property

The Board may acquire real property for any purpose through any means permitted by law.

- A. Acquisition costs must be reasonable, as determined by the Board. Reasonable cost may not be the same as fair market value.
- B. Subject to Board parameters and legal review, the Superintendent may obtain, negotiate, modify, and execute transaction documents for any Board-authorized acquisition of real property.
- C. The Board may meet in closed session to discuss the purchase or lease of real property as permitted by law.
- D. When title to real property is acquired, the District should provide written notice via registered mail to the local tax assessor by December 31 of the year of acquisition that the property will be tax-exempt.

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Legal authority: MCL 15.268; MCL 207.501 et seq., 207.521 et seq.; MCL 380.553, 380.1225, 380.1351 et seq.; MCL 565.351 et seq.

Date adopted:

Date revised:

Series 3000: Operations, Finance, and Property

3300 Facilities, Real, and Personal Property

3303 Gifts and Donations

The Board recognizes and appreciates the generosity and support it receives in the form of gifts, donations, and voluntary contributions (“Donations”) from individuals, companies, parent/guardian support groups, the community, and other donors.

The District requests that substantial Donations be accompanied by Form 3303-F Gifts and Donations. All Donations made for a particular purpose must be accompanied by Form 3303-F.

A. Accepting Donations

1. Donations must be lawful and support an educational purpose.
2. Donations accepted by the District will become public funds or public property unless an exception is provided under applicable law.
3. The Board authorizes the Superintendent or designee to accept Donations of personal property with an estimated fair market value of \$1,000 or less. The Board retains authority, in its discretion, to accept Donations of personal property exceeding \$1,000.
4. The Board must approve all Donations of real property, regardless of value.
5. Donations accepted by the District will be used for any specific purpose identified by the donor provided the purpose is lawful and consistent with the District’s interests and objectives. A donor may identify the specific purpose of the Donation and any other lawful conditions using the District 3303-F.
6. Except as required by law, the District does not have an obligation to replace a Donation that is lost, destroyed, or becomes obsolete.

B. Scholarships are governed by Policy 3207.

C. A donor is solely responsible for any tax consequences related to a Donation.

Legal authority: MCL 123.905

Date adopted:

Date revised:

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Series 3000: Operations, Finance, and Property

3300 Facilities, Real, and Personal Property

3303-F Gifts and Donations Form

The Board of Education recognizes and appreciates the generosity and support it receives from individuals, companies, parent/guardian support groups, the community, and other donors (“Donors”).

The District is a tax-exempt organization that may receive charitable contributions under Internal Revenue Service (IRS) Code Section 170(c)(1). The District may not be a tax-exempt organization under Section 501(c)(3). For additional information on deductions related to a donation (“Donation”) or charitable contribution, Donors are encouraged to consult with a tax professional. Donations to the District shall be treated as public funds to be used for a public and educational purpose in accordance with state and federal law. Donors may also donate directly to, Fruitport Education Foundation. The Foundation is a tax-exempt organization under Section 501(c)(3).

Deleted: [Optional:]
Deleted: _____ (insert name of educational foundation supporting the District)
Deleted: (insert tax-exempt status if applicable.)

Donor Information

Name of Donor: _____
Contact Person: _____
Address: _____
Phone: _____ Email: _____

If the Donor is an internal support group operating within the District as described under Policy 3106, please provide the following information, if applicable:

Describe student group or club, activity, or event:

3303-F Gifts and Donations Form

Donation Information

School building associated with Donation: _____
Insert "district-wide" if not associated with a particular school building.

Please indicate type of Donation and complete the appropriate section that follows.

- Cash Donation
- Real Property
- Personal Property (e.g., equipment, supplies)
- Other (e.g., services, capital projects, or other construction):

Cash or Monetary Donation:

Amount of Donation: \$ _____

Do not attach checks to this Form. The District will provide notification of acceptance or, if unable to accept, notification including the reason for non-acceptance.

Personal Property:

Description of Personal Property: _____

Estimated fair market value: * \$ _____

Real Property and Capital Projects:

Description of Real Property: _____

Estimated fair market value: * \$ _____

Pursuant to Policy 3303, donations of real property require approval by the Board of Education. The Superintendent or designee will contact Donors desiring to gift real property or complete capital projects for additional documentation as identified in Policy 3303.

Other:

Description: _____

* For specific information related to valuation, see IRS Publication 561, *Determining the Value of Donated Property*.

3303-F Gifts and Donations Form

Donation Purpose

Is the gift or donation for a specific purpose? Yes No
If yes, please describe the specific purpose (e.g., the District building, event or student club) as well as any other related details:

Is the Donation for the purchase of a gift or an award for recognition (e.g., volunteer services, student achievement, staff appreciation)? Yes No

If yes, please describe the purpose: _____

Do any other terms, conditions, or restrictions apply to the Donation? Yes No

If yes, please describe: _____

By signing this form, I understand and agree that:
The information provided is complete and accurate to the best of my knowledge and belief. I acknowledge that I have read and understand Board Policy 3303, Gifts and Donations, and understand that accepted Donations become public funds of the District unless a specific exception applies under law. Donor acknowledges that the District shall not be accountable to replace Donations that are lost, destroyed, or become obsolete. I further represent that I am an authorized representative of the Donor.

Signature: _____ Date: _____

Printed Name: _____

Title or Position (if Donor is other than an individual): _____

For Internal Use	
<input type="checkbox"/> Accepted	<input type="checkbox"/> Not Accepted
Date: _____	
Signature of Superintendent or Designee: _____	
<input type="checkbox"/> Donor Contacted by: _____	
<i>staff member name</i>	
Date: _____	
If approved by Board, date of Board meeting: _____	

Deleted: [Optional: Provide a link to PDF version of Form on District letterhead]

Series 3000: Operations, Finance, and Property

3300 Facilities, Real, and Personal Property

3304 Use of District Property

A. Definitions

1. "Non-curricular education group" means a non-student group comprised of a substantial number of District students organized for the general benefit of students, such as Boy Scouts, Girl Scouts, 4-H, and other similar groups.
2. "Non-student group" means any group or persons, other than a student group, who requests to use District facilities and are supervised by at least 1 adult responsible for the group.
3. "Student group" means 1 or more students participating in District-sponsored curricular or extracurricular activities supervised by District personnel, such as an athletic team, student council, academic team, or student club.

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B. General Facilities Use Guidelines

1. Rental fees for District facilities and equipment will be set by the Superintendent or designee.
2. Any person or group using District facilities must maintain order and safety, protect property, and restore the facilities to their condition before use.
3. The District may seek reimbursement from a user of its facilities for any costs the District incurs in opening, restoring, or cleaning such facilities.
4. The Superintendent or designee may deny a request to use the District's facilities or equipment if the Superintendent or designee believes that the person or group does not have sufficient financial resources to cover costs required by this Policy or is unwilling to pay them.
5. No person or group using District facilities under this Policy may charge a fee for admission or parking unless approved in writing in advance by the Superintendent or designee.
6. Any person or group using the District's facilities for any purpose must comply with all Board Policies, rules, and regulations.
7. For a non-student group that wishes to use a facility, a supervising adult must submit a written facility use request to the Superintendent or designee. The request, applicable rental fee, and other required documents must be received by the Superintendent or designee before any facility use will be considered. The supervising adult assumes primary responsibility for complying with subsection B.2.

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8. Leasing District property is addressed in Policy 3305.

C. Use of District Facilities by Student Groups

1. The applicable building principal may determine the time and place of a student group's use of available District facilities.
2. Student groups may use available District facilities without charge.
3. The District may bear any costs associated with use by a student group (e.g., fees paid to a cook or a custodian).
4. Student groups have priority to use District facilities over non-student groups.

D. Use of District Facilities by Non-Student Groups

1. ~~The Superintendent or designee may authorize or limit the use of District facilities by non-student groups consistent with this Policy and applicable law.~~
2. ~~When any non-student group requests to use District facilities, the group may be required to provide proof of insurance, naming the District as an additional insured, with coverage acceptable to the Superintendent or designee.~~
3. ~~Use must occur while the facility is available, with minimal interference to scheduled activities, custodians, or other student and personnel facility use.~~
4. ~~The facility use will occur at times and places determined by the Superintendent or designee.~~
5. ~~If non-student groups are authorized to use District facilities, the Superintendent or designee will prioritize their use in the following order:~~
 - a. ~~non-curricular education groups~~
 - b. ~~community groups solely or jointly supporting the District (e.g., booster clubs, PTO);~~
 - c. ~~government organizations within the District's geographic boundaries;~~
 - d. ~~non-profit organizations whose activities are open to the general public and serve the community; and~~
 - e. ~~all other non-student groups.~~

~~The Superintendent or designee has sole discretion to determine the classification of a non-student group.~~

6. ~~The District's facilities are not public fora, and a non-student group's access to such facilities does not create a public forum.~~
7. Denial of access

Deleted: [Choose Option 1 or 2;] ¶
[Option 1: The District does not allow non-student groups to use District facilities.] ¶
[Option 2:]

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Deleted: [Optional:]

Deleted:] [Note: Call legal counsel to discuss before relying on this].

a. The Superintendent or designee may reject a non-student group's request to use District facilities if the group's use of the facilities is for a commercial purpose. A booster club or other organization raising money purely for the support of a student group and not for personal profit is not considered a commercial purpose.

b. The Superintendent or designee may lawfully restrict, exclude, or impose conditions on a person inappropriately using District facilities or violating this Policy. A person who refuses to comply may be considered a trespasser.

E. **Use of Specialty Facilities by Application and Agreement**

Deleted: [Optional:

1. The District permits non-commercial use of the following facilities by persons for their personal health and wellness: weight room, track, and associated locker-room facilities (the "Specialty Facilities"). The District may authorize use of the Specialty Facilities on an annual / a semi-annual / or a monthly basis on conditions determined by the Superintendent or designee, which may include a waiver and use agreement.

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2. A person using the Specialty Facilities must comply with applicable provisions of this Policy.

3. A person failing or refusing to abide by this Policy may lose the privilege of using the Specialty Facilities.

4. Users of Specialty Facilities acknowledge that they have reduced privacy rights while on District property and that lockers may be subject to search by District officials.

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F. Using District Personal Property

1. A person may use District personal property for non-school use only with the prior permission of the Superintendent or designee.

2. The District may seek reimbursement from a user of its personal property for any costs the District incurs in repairing or replacing such personal property.

Date adopted:

Date revised:

Series 3000: Operations, Finance, and Property

3300 Facilities, Real, and Personal Property

3305 Sale or Lease of District Property

The District may, in accordance with applicable law, sell, lease, or otherwise convey (each, a “transfer”) its property, whether real or personal. Subject to Board parameters and legal review, the Superintendent may obtain, negotiate, or modify transfer documents for any Board-authorized transfer of District property.

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- A. The District may consider both solicited and unsolicited offers to transfer its property. The District may market its property through any lawful process, including employing a real estate broker, publicly listing the property for a specific price, soliciting bids, or holding an auction.
- B. The Superintendent or designee will contact the District’s financial advisor or legal counsel to investigate any tax consequences from the transfer of District property financed with tax-exempt obligations.
- C. Except for a transfer in subsection D, the District may only transfer its property in exchange for value deemed fair by the Board. An appraisal may be obtained but is not required.
- D. The District may transfer real property to a public entity for less than fair value if the property is subject to a lawful public purpose deed restriction.
- E. The District may not impose a deed or use restriction that is prohibited by law.
- F. The transfer of District real property is exempt from transfer tax.

Commented [MC2]: THRUN deleted last part of this sentence, “that it only be used for a public purpose.”

Legal authority: Const 1963, art 9, § 18; MCL 123.1045; MCL 207.505, 207.526

Date adopted:

Date revised:

Series 3000: Operations, Finance, and Property

3300 Facilities, Real, and Personal Property

3306 Construction Bidding

The Board will comply with applicable laws and this Policy for the construction of a new school building or an addition to or repair or renovation of an existing school building (a "Construction Project").

A. When Competitive Bidding is Required

1. The District must competitively bid all labor and material for a Construction Project if the project cost exceeds the then-current state bid threshold published annually by MDE (the "Bid Threshold").
2. The District does not need to competitively bid a:
 - Construction Project costing less than the Bid Threshold;
 - contract for repair in emergency situations;
 - repair normally performed by District employees; or
 - professional consultant contract.

B. Bidding Procedure

1. If competitive bidding is required, the District must follow the bidding procedure prescribed by Revised School Code Section 1267 and award contracts to the lowest responsible bidder.
2. To determine whether a bidder is a responsible bidder, the District may consider the factors enumerated in Policy 3301 subsection C.3.b.
3. If competitive bidding is not required, the District may use any lawful means to procure contracts.
4. Each bidder must certify that it is not an Iran-linked business as defined by MCL 129.312.

C. Alternates

1. Bid specifications may require bidders to submit bids with mandatory alternates or allow bidders to submit voluntary alternates; provided, however, that no voluntary alternate may change the nature of the work.
2. The Board, in its discretion, may award bids based on allowable alternates.

D. Michigan Business Preference

For any Construction Project, the District may apply a preference to a Michigan-based business as described in Policy 3301 subsection C.4.

E. Construction Bidding Using State Aid Act Funds

The purchase of property and services made with state aid must comply with the requirements described in Policy 3301 subsection D.

F. Construction Bidding Using Federal Funds

The purchase of property and services made with federal funds subject to the Uniform Grant Guidance must comply with the Uniform Grant Guidance and the procedures described in Policy 3301 subsection E.

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Legal authority: 2 CFR 200.1, et seq.; MCL 129.311 et seq.; MCL 380.1267; MCL 388.1764c

Date adopted:

Date revised:

Series 3000: Operations, Finance, and Property

3500 FOIA Requests and Record Retention

3501-AG Michigan Freedom of Information Act Procedures and Guidelines

Commented [MC1]: NEW Guideline. No changes other than inputting our district information.

The Michigan Freedom of Information Act (FOIA) provides for public access to certain public records, permits the charging of prescribed fees and deposits, and provides remedies and penalties for non-compliance. A person has a right to inspect, copy, or receive copies of certain requested public records. Some public records are permitted or required not to be disclosed. The District is a public body that must comply with FOIA. The District has established the following Procedures and Guidelines to implement FOIA. For purposes of these Procedures and Guidelines, terms have the same meaning as defined in FOIA. A complete copy of FOIA is available on the Michigan Legislature's website at www.legislature.mi.gov.

These Procedures and Guidelines (which include a Public Summary and a Fee Itemization Form) are available on the District's website at: www.fruitportschools.net. This link or a physical copy of these Procedures and Guidelines will be included in each of the District's FOIA responses. Paper copies of these Procedures and Guidelines are available upon request by a visitor at the District's Central Administration Offices, located at [3255 E. Pontaluna Rd, Fruitport, MI 49415](#).

Deleted: [\[insert link to district website\]](#)

Deleted: [\[insert physical address\]](#)

A. Written Public Summary

1. How to Submit Written Requests

A written request to inspect, copy, or review a public record should be submitted to the District's FOIA Coordinator.

FOIA requests can be sent via U.S. Mail to: [3255 E. Pontaluna Rd, Fruitport, MI 49415](#).

Deleted: [\[insert District address\]](#)

FOIA requests sent via email should be sent to: jkennedy@fruitportschools.net.

Deleted: [\[insert email address\]](#)

FOIA requests sent via fax should be faxed to: [231-865-3393](tel:231-865-3393).

Deleted:]

Deleted: [\[insert fax number\]](#)

A request must describe the public record in sufficient detail to enable the District to find the requested record. A sample Request Form is appended to these Procedures and Guidelines as Attachment A.

A request must include the requester's (1) complete name (first and last name), (2) mailing address, and (3) either phone number or email address. A request made by an organization must include the contact information of its agent or representative. Any mailing address provided must be in a format that complies with United States Postal Service addressing standards. This information is not required for a request by an individual who qualifies as indigent under FOIA (i.e., by submitting an affidavit that describes the individual's indigence).

A person may subscribe to future issuances of public records created, issued, or disseminated by the District *on a regular basis*, such as notices of board meetings. A subscription is valid for up to 6 months and may be renewed by the subscriber.

In lieu of paper copies, the requester may stipulate that the District provide non-exempt public records on non-paper physical media, electronically mailed, or otherwise electronically provided. The District is not required to produce non-exempt public records on non-paper physical media if the District lacks the technological capability necessary to provide the requested records on the particular non-paper physical media stipulated in the particular instance. The District is not required to use non-paper physical media provided *by the requester* and, to safeguard the District's information technology infrastructure, will not do so.

A person may request a certified copy of a public record.

2. Explanation of Written Responses

The District will respond to a written request under FOIA within 5 business days (excluding weekends and legal holidays) after the District receives the written request, unless otherwise agreed to in writing by the requester. FOIA defines the date of receipt by the District differently depending upon how the request was delivered to the District (e.g., hand-delivery, U.S. Mail, email, facsimile).

The District will respond to a request by doing one of the following: (a) granting the request; (b) issuing a written notice denying the request; (c) granting the request in part and issuing a written notice denying the request in part; or (d) issuing a notice extending for not more than 10 business days the period during which the District will respond to the request. The District will not issue more than 1 notice of extension for a particular request.

If a requester asks for information that is available on the District's website, the District will notify the requester in its response where to find the records on its website. Paper copies of public records available on the District's website will be made available upon request, but a fee may be charged as explained in Section B.4 and on the detailed Fee Itemization Form.

The District will provide reasonable facilities for a requester to inspect non-exempt public records. The facilities will be available during the District's normal business hours. The FOIA Coordinator will establish rules regulating the manner in which a requester may inspect records to protect the District's records from loss, alteration, mutilation, or destruction or to prevent undue interference with the District's normal operations.

If a request is denied in whole or in part, the District will include in the written notice of denial an explanation of the basis for the denial and, if applicable, a certificate that the public record does not exist under the name given by the requester or by another name reasonably known to the District. A sample

Certificate of Non-Existence of Public Record is appended as Attachment B. If a public record or information is separated and exempt from disclosure (redacted), the District will describe generally the material exempted unless that description would reveal the contents of the exempt information and thus defeat the purpose of the exemption.

3. Deposit Requirements

Where the District estimates that the fee authorized under the FOIA and these Procedures and Guidelines for responding to a request will exceed \$50, the District may require a good-faith deposit from the requester before processing the request. A good-faith deposit will not exceed half of the total estimated fee and will include a detailed itemization of estimated fee amounts. The FOIA Coordinator will provide the requester with a detailed itemization of the allowable fees estimated to be incurred by the District to process the request as well as notice of the date by which the deposit must be received, which is 48 days after the notice is sent by any means of transmission. The District will include with its request for a good-faith deposit a best efforts estimate of the time frame within which the District will provide the requested public records. The time frame estimate is not binding on the District but will be made in good faith, and the District will strive to be reasonably accurate.

If a requester previously requested public records from the District and if the District made the requested public records available on a timely basis but was not paid in full the total estimated fee for that previous request, the District may, to the extent permitted by the FOIA, require a deposit of up to 100% of the estimated fee for the subsequent request(s).

If a requester fails to pay the good-faith deposit within 48 days after the date of the deposit notice and if the requester has not appealed the deposit amount, the request will be considered abandoned and the District will no longer be required to fulfill the request.

4. Fee Calculations

The FOIA permits the District to charge 6 fee components: (a) labor costs of searching for, locating, and examining public records; (b) labor costs of separating or deleting (redacting) exempt information from non-exempt information; (c) labor costs to duplicate or publish requested public records; (d) actual costs of paper copies (not to exceed 10 cents per sheet for standard 8-1/2 by 11-inch sheets of paper or 8-1/2 by 14-inch sheets of paper); (e) actual costs of non-paper physical media (e.g., flash drive, CD), if requested and if the District has the technological capability to comply; and (f) actual costs of postal delivery. For more detailed information about the District's fee calculations, including fee reductions for untimely responses, see Section B.4. of these Procedures and Guidelines and Attachment C, Fee Itemization Form. The FOIA Coordinator will require that payment be made in full for the allowable fees before the requested records are made available.

- a. Fee Waivers. A search for a public record may be conducted or copies of public records may be furnished without charge or at a reduced charge if the District determines that a waiver or reduction of the fee is in the public interest because searching for or furnishing copies of the public records can be considered as primarily benefiting the general public.
- b. Discounts. Under the following circumstances, a public record search will be made by the District and a copy of a non-exempt public record will be furnished without charge for the first \$20 of the fee:
 - i. If an individual who is entitled to information under the FOIA:
 - submits an affidavit stating that the individual is receiving specific public assistance or is unable to pay the fee because of indigence and stating that the individual is not making the request in conjunction with outside parties in exchange for payment or other remuneration; and
 - that individual has not previously received discounted copies of public records from the District twice during the same calendar year.
 - ii. If a nonprofit corporation formally designated by the State of Michigan to carry out activities under subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000, Public Law 106-402, and the Protection and Advocacy for Individuals with Mental Illness Act, Public Law 99-319, or their successors, submits a request that meets all of the following requirements:
 - is made directly on behalf of the organization or its clients;
 - is made for a reason wholly consistent with the mission and provisions of those laws under section 931 of the Mental Health Code, 1974 PA 258, MCL 330.1931; and
 - is accompanied by documentation of its designation by the state, if requested by the District.

5. Avenues for Challenge and Appeal

- a. Challenge to Record Denial. If the District fails to respond to a FOIA request or makes a final determination to deny all or a portion of a request, the requester may submit an appeal to the Board or may commence an action in the circuit court for the county in which the public record or the District's office is located. See Section B.5.a. of these Procedures and Guidelines for a more detailed explanation of the procedures and timelines for appealing a record denial.
- b. Challenge to Fee. If the District requires a fee that the requester believes exceeds the amount permitted under FOIA or the District's publicly available procedures and guidelines, the requester may commence an action in the

circuit court for the county in which the public record or the District's office is located. See Section B.5.b. of these Procedures and Guidelines for a more detailed explanation of the procedures and timelines for a fee appeal.

B. Procedures and Guidelines

1. Requests

- a. All "persons," except those persons incarcerated in state or local correctional facilities, are entitled to submit a FOIA request to the District. A "person" is defined for purposes of the FOIA to mean "an individual, corporation, limited liability company, partnership, firm, organization, association, governmental entity, or other legal entity." A request made by a "person," other than an individual (e.g., a corporation, firm, governmental entity) must include the requester's complete name (first and last name), mailing address, and either the phone number or email address of the "person's" agent who is an individual. Any mailing address provided must comply with United States Postal Service addressing standards.
- b. A FOIA request is a written request to inspect, copy, or receive copies of a public record. A request must describe the public record in sufficient detail to enable the District to find the requested record. The District suggests that requesters use the sample Request Form appended as Attachment A.
- c. FOIA requests must be in writing. If, however, a person makes an oral request for information that is available on the District's website and if the employee to whom the request is directed knows that the information is available on the District's website, that employee must inform the requester that the information is available on the District's website.
- d. The District's FOIA Coordinator is responsible to process requests to inspect, copy, or receive copies of public records. FOIA requests should be sent to the District's FOIA Coordinator.

i. FOIA requests can be sent via U.S. Mail to: 3255 E. Pontaluna Rd.
Fruitport, MI 49415

Deleted: [i

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ii. FOIA requests sent via email should be sent to:
jkennedy@fruitportschools.net

Deleted: [insert email address

Deleted:]

iii. FOIA requests sent via fax should be faxed to: 231-865-3393

Deleted: [insert fax number]

If an employee of the District receives a written request to inspect, copy, or receive copies of a public record, the employee should promptly forward the request to the District's FOIA Coordinator. A requester is not required to use the District's sample Request Form or to include the word "FOIA" in the request. Therefore, all written requests to inspect, copy, or receive copies of records should be promptly forwarded to the FOIA Coordinator for review.

- e. The FOIA Coordinator will keep a copy of all written requests for public records received by the District on file for a period of at least 1 year.
- f. A person may subscribe to future issuances of public records created, issued, or disseminated on a regular basis, such as notices or agendas of board meetings. In all other respects, if the requested public record does not exist as of the date requested, the District has no obligation under the FOIA to create the requested record or to provide a copy if created on a later date. A subscription is valid for up to 6 months and may be renewed by the subscriber.
- g. The FOIA Coordinator will, upon written request, furnish a certified copy of a public record to the requester.

2. Responses

- a. Unless otherwise agreed to in writing by the person making the request, the District must respond to a written request under FOIA within 5 business days (excluding weekends and legal holidays) after the District receives the request by doing one of the following:
 - i. granting the request;
 - ii. sending written notice denying the request;
 - iii. granting the request in part and issuing a written notice denying the request in part; or
 - iv. issuing a notice extending for not more than 10 business days the period during which the District will respond to the request. The District will not issue more than 1 notice of extension for a particular request.
- b. If a request is denied in whole or in part, the District must include in the written notice of denial an explanation of the basis for the denial and, if applicable, a certificate that the public record does not exist under the name given by the requester or by another name reasonably known to the District. A sample Certificate of Non-Existence of Public Record is appended as Attachment B.
 - i. Exemptions to disclosure are set forth in Section 13 of the FOIA, MCL 15.243, which is available on the Michigan Legislature's website at www.legislature.mi.gov.
 - ii. If a public record or information is separated and exempt from disclosure (redacted), the District will describe generally the material exempted unless that description would reveal the contents of the exempt information and thus defeat the purpose of the exemption.
- c. The date for responding to a FOIA request depends upon the manner in which the request was delivered. A request sent by mail or delivered by

hand is received for purposes of FOIA on the day it arrives at the District. A request sent by email, fax, or other electronic means is received for purposes of FOIA 1 business day after the date on which it was electronically transmitted. If a request is sent by email and is diverted to the District spam or junk mail folder, the request is not received until 1 day after the date it is discovered in the spam or junk mail folder. The FOIA Coordinator will include in the District's records both the time that a written request was delivered to its spam or junk-mail folder and the time that the District first became aware of that request. The District will review the FOIA Coordinator's spam or junk mail folder at least once every 30 days.

- d. If a request is fully granted, the District will provide copies of, or an opportunity to inspect, all the public records that were requested upon payment of the appropriate fee (if any). No pages will be left out, and nothing will be redacted.
- e. The District will provide reasonable facilities for a requester to inspect non-exempt public records. The facilities will be available during the District's normal business hours. The FOIA Coordinator will establish rules regulating the manner in which records may be inspected to protect the District's records from loss, alteration, mutilation, or destruction or to prevent undue interference with the District's normal operations.
- f. The FOIA identifies numerous specific exemptions to disclosure. If a request includes information that is exempt from disclosure, the District will provide a written response and list the reason(s) why the record(s) or portions of records will not be disclosed. The District will include a link to, or a copy of, these Procedures and Guidelines (including the Public Summary and Attachments) with each denial.
- g. If a request is partially denied, it means that some records or parts of records will be disclosed, and that some records or parts of records will not be disclosed. The District will provide copies of, or an opportunity to inspect, the non-exempt records, but exempt information (which may consist of entire documents, pages, or information on a page) may be withheld or redacted. The District will include in the written notice of denial-in-part an explanation of the basis for the denial-in-part and, if applicable, a certificate that one or more of the public records does not exist under the name given by the requester or by another name reasonably known to the District. The District will include a link to, or a copy of, these Procedures and Guidelines (including the Public Summary and Attachments) with each denial.
- h. Failure of the District to respond to a FOIA request within the prescribed timelines constitutes denial of the request. The fee the District is permitted to charge will be reduced by 5% per day, up to a 50% reduction, if the failure to timely respond was willful or intentional or if the request included language described in FOIA as readily conveying a FOIA request. (See Section B.4., Fees).

- i. The FOIA does not require the District to create any records or to make compilations, summaries, or reports of existing records. If a request seeks records that do not exist, the District will certify that no records responsive to the request exist under the name or description provided in the request or another name known to the District. (See sample Certificate of Non-Existence of Public Record appended as Attachment B).
- j. If a request asks for information that is available on the District's website, the District will notify the requester in its response where the records may be found. If a requester seeks paper copies of information available on the website, the District may charge the fees noted below and on the Fee Itemization Form, except that there will be no charge for separating exempt from non-exempt material.
- k. In lieu of paper copies, the requester may stipulate that the District provide non-exempt public records on non-paper physical media, by electronic mail, or other electronic means. The District is not required to produce non-exempt public records on non-paper physical media if the District lacks the technological capability necessary to provide the requested records on the particular non-paper physical media stipulated in the particular instance. The District is not required to use non-paper physical media provided by the requester and, to safeguard the District's information technology infrastructure, will not do so.

3. Deposit Requirements

- a. Where the District estimates that the fee authorized under the FOIA and these Procedures and Guidelines for responding to a request will exceed \$50, the District may require a good-faith deposit from the requester before processing the request. A good-faith deposit will not exceed half of the total estimated fee and will include a detailed itemization of estimated fee amounts. The FOIA Coordinator will provide the requester with a detailed itemization of allowable fees estimated to be incurred by the District to process the request as well as notice of the date by which the deposit must be received, which is 48 days after the notice is sent by any means of transmission. The District will include with its request for a good-faith deposit a best efforts estimate of the time frame within which the District will provide the requested public records. The timeframe estimate is not binding on the District, but the estimate will be made in good faith and the District will strive to be reasonably accurate.
- b. If a requester fails to pay the good-faith deposit within 48 days of the date of notice and if the requester has not filed an appeal of the deposit amount, the request will be considered abandoned by the requester and the District is no longer required to fulfill the request.
- c. If a requester previously requested public records from the District and if the District made the requested public records available on a timely basis but

was not paid in full the total estimated fee for that previous request, the District may, to the extent permitted by the FOIA, require a deposit of up to 100% of the estimated fee for the subsequent request(s).

4. Fees

- a. A fee will not be charged for the cost to search, examine, review, and delete/separate/redact exempt from non-exempt information unless failure to charge a fee would result in unreasonably high costs to the District. In determining whether such costs are “unreasonably high,” the District will consider, on a case-by-case basis, the estimated costs given the volume and complexity of the request relative to the usual or typical costs incurred by the District in responding to FOIA requests.
- b. Fees are calculated using the Fee Itemization Form appended to these Guidelines and Procedures as Attachment C. The District charges the following fees:
 - i. Labor costs incurred for searching for, locating, and examining public records. Labor costs are calculated in 15-minute increments (rounded down) and will not exceed the hourly rate of the lowest-paid employee capable of searching for, locating, and examining the public records. No overtime will be charged unless requested by the requester, approved by the District, and included on the Fee Itemization Form. The hourly rate of the lowest-paid employee capable of searching for, locating, and examining particular records may vary depending upon the nature of the records sought and the corresponding qualifications or authorizations required to search for, locate, or examine the requested record. All charges will be noted on the Fee Itemization Form.
 - ii. Labor costs for separating and deleting exempt information from non-exempt information. Labor costs are calculated in 15-minute increments (rounded down) and will not exceed the hourly rate of the lowest-paid employee capable of separating and deleting material that is exempt from disclosure from information that is non-exempt from disclosure. No overtime will be charged unless requested by the requester, approved by the District, and included on the Fee Itemization Form. The hourly rate of the lowest-paid employee capable of separating and deleting exempt information from non-exempt information may vary depending upon the nature of the records sought and the corresponding qualifications or authorizations required to separate and redact exempt information from non-exempt information. If the District FOIA Coordinator determines on a case-by-case basis that no employee of the District is capable of separating and deleting exempt from non-exempt material, the District may engage a contracted services provider and charge labor costs. Such labor costs will be calculated in 15-minute increments (rounded down), and the hourly rate will not exceed 6 times

the state minimum wage. All charges will be noted on the Fee Itemization Form.

- iii. Costs for non-paper physical media. A requester may stipulate that records be produced on non-paper physical media (e.g., a flash drive or CD). If the District has the technological capability to comply with the request for production on non-paper physical media, the District may charge the actual and most reasonably economical cost of the requested non-paper physical media, and the cost of non-paper physical media will be included on the Fee Itemization Form.
 - iv. Actual cost of duplication for paper records. The District will charge the actual cost of duplication (not to exceed 10 cents per sheet) for 8-1/2 by 11-inch sheets of paper or 8-1/2 by 14-inch sheets of paper. The actual cost of duplication will be charged for non-standard-sized sheets of paper and may exceed 10 cents per sheet. The District will utilize the most economical means available for making copies of public records, including using double-sided printing, if cost saving and available.
 - v. Actual labor costs for duplication or publication. The District's charges for duplication or publication will not exceed the hourly rate of the lowest-paid employee capable of duplicating or publishing the records. The hourly rate of the lowest-paid employee capable of duplicating or publishing records may vary depending on the nature of the records sought. Duplication or publication fees are calculated in 15-minute increments (rounded down). All charges will be noted on the Fee Itemization Form.
 - vi. Postal delivery charges. The District may charge the costs of the least expensive form of postal delivery. If a requester asks for expedited mailing and if the District agrees to provide expedited mailing, the actual cost of the expedited mailing may be charged and must be included on the Fee Itemization Form.
 - vii. Fringe benefits. The District may add to the labor charges described above the actual cost of the public employee's fringe benefits, up to 50% of the labor costs. Fringe benefits must be noted on the Fee Itemization Form.
 - viii. Overtime wages. No overtime will be charged unless requested by the requester, approved by the District, and included on the Fee Itemization Form.
- c. Each of the fee components described above must be specifically listed on the Fee Itemization Form. A completed copy of the Fee Itemization Form will be included with the response to the request. A copy of the Fee Itemization Form is appended to these Procedures and Guidelines as Attachment C.

d. Fee reductions. If the FOIA Coordinator does not respond to a written request within the time frames required by FOIA, the District will reduce the charges for labor costs otherwise permitted under FOIA and these Procedure and Guidelines by 5% for each day the District exceeds the time permitted for a response to the request, up to a maximum 50% reduction, if either of the following applies:

- i. The late response was willful and intentional.
- ii. The written request included language that conveyed a request for information within the first 250 words of the body of a letter, facsimile, electronic mail, or electronic mail attachment or specifically included the words, characters, or abbreviations for “freedom of information,” “information,” “FOIA,” “copy,” or a recognizable misspelling of such, or appropriate legal code reference for the FOIA, on the front of an envelope or in the subject line of an electronic mail, letter, or facsimile cover page.

If a fee reduction is required, the District will fully note the fee reduction on the detailed Fee Itemization Form (Attachment C).

- e. Payment. The FOIA Coordinator will require that payment be made in full for the allowable fees before the requested records are made available.
- f. Fee waivers. A search for a public record may be conducted, or copies of public records may be furnished, without charge or at a reduced charge if the District determines, in its discretion, that a waiver or reduction of the fee is in the public interest because searching for or furnishing copies of the public records can be considered as primarily benefiting the general public.
- g. Discounts. Under the following circumstances, a public record search will be made by the District and a copy of a non-exempt public record will be furnished without charge for the first \$20 of the fee:
 - i. if an individual who is entitled to information under the FOIA:
 - submits an affidavit stating that the individual is receiving specific public assistance or is unable to pay the fee because of indigence and stating that the individual is not making the request in conjunction with outside parties in exchange for payment or other remuneration; and
 - that individual has not previously received discounted copies of public records from the District twice during the same calendar year.
 - ii. if a nonprofit corporation formally designated by the State of Michigan to carry out activities under subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000, Public Law 106-402, and the Protection and Advocacy for Individuals with Mental Illness Act, Public

Law 99-319, or their successors, submits a request that meets all of the following requirements:

- is made directly on behalf of the organization or its clients;
- is made for a reason wholly consistent with the mission and provisions of those laws under Mental Health Code Section 431, 1974 PA 258, MCL 330.1931; and
- is accompanied by documentation of its designation by the state, if requested by the District.

5. Appeals

A requester may appeal any denial of records or any fee charged for public records.

a. Challenge to Record Denial.

i. If the District denies a request for records, the requester may either:

- A) appeal to the District's Board; or
- B) commence an action in the circuit court in Muskegon County within 180 days of the denial.

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ii. If the requester appeals to the Board, the appeal must specifically state the word "appeal" and state the reason(s) that the denial should be reversed. The following rules apply to record denial appeals to the governing board:

- A) An appeal is not "received" until the first regularly scheduled board meeting after the appeal is submitted.
- B) Within 10 business days after receiving the appeal, the Board will do one of the following:
 - reverse the denial;
 - issue written notice upholding the denial;
 - reverse the denial in part and issue written notice upholding the denial, in part; or
 - issue written notice extending the time for response by not more than 10 business days.
- C) If the Board fails to respond in a timely manner to the written appeal or upholds all or a portion of the disclosure denial that is the subject of the written appeal, the requester may seek judicial review by commencing a civil action in circuit court.

iii. A requester is not required to submit an appeal to the Board before commencing a civil action in circuit court to challenge a disclosure denial. If a circuit court determines that the requested record is not

exempt from disclosure, the court will order the District to cease withholding or to produce all or a portion of the public record determined to have been wrongfully withheld. If the court determines that a disclosure denial was arbitrary and capricious, willful and intentional, or made in bad faith, the court will order that the District pay a civil fine to the state and punitive damages to the requester. If a person asserting the right to inspect, copy, or receive a copy of all or a portion of a public record prevails in an action commenced in the circuit court, the court will also require the District to pay the requester's reasonable attorneys' fees, costs, and disbursements. If the requester or the District prevails in part, the court may, in its discretion, award the District all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements.

- b. Challenge to fee. If the District requires a fee (defined to include a deposit) that the requester believes exceeds the amount permitted under the FOIA or these publicly available Procedures and Guidelines, the requester may, within 45 days after receiving notice of the required fee, commence an action in the circuit court for the county in which the public record or the District's office is located.
 - i. If a court determines that the fee exceeds the amount permitted under the FOIA or these Procedures and Guidelines, the court will reduce the fee to the permissible amount (if any).
 - ii. If the requester prevails in an action commenced under this section by receiving a reduction of 50% or more of the total fee, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements.
 - iii. If the court determines that the District arbitrarily and capriciously violated FOIA by charging an excessive fee, or by acting in bad faith, the court will order that the District pay a civil fine to the state and punitive damages to the requester.

6. Questions

Any questions about these Procedures and Guidelines should be directed to the District's FOIA Coordinator.

7. Attachments

- a. Sample FOIA Request Form
- b. Sample Certificate of Non-Existence of Public Record
- c. Standard Form for Detailed Itemization of Fee Amounts

Adoption Date:

Revised Date:

Attachment A
Sample FOIA Request Form

[Date]

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FOIA Coordinator
3255 E. Pontaluna Rd.
Fruitport, MI 49415

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Re: Freedom of Information Act Request

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Dear FOIA Coordinator:

Pursuant to the Michigan Freedom of Information Act, MCL 15.231 et seq., I am writing [to inspect / to copy / to obtain copies of] the following public records:

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[Insert description of records sought]

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Optional: Please provide a copy of the requested public records on [Insert description of desired non-paper physical medium, such as CD or flash drive].

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Optional: Please waive or reduce the fee to search for or furnish copies of the requested public records on grounds that a waiver or reduction of the fee is in the public interest because searching for or furnishing copies of the public records can be considered as primarily benefiting the general public.

Optional: Please furnish the requested records without charge for the first \$20 of the fee because (A) I am receiving public assistance [Insert specific description] or I am unable to pay the fee because of indigence; (B) I am not making this request in conjunction with outside parties in exchange for payment or other remuneration; and (C) I have not previously received discounted copies of public records from the [Public Body] twice during this same calendar year.

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Optional: Please furnish the requested records without charge for the first \$20 of the fee because (A) this request is made directly on behalf of a nonprofit corporation formally designated by the State of Michigan to carry out activities under subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000, Public Law 106-402, and the Protection and Advocacy for Individuals with Mental Illness Act, Public Law 99-319, or their successors, or on behalf of its clients; (B) this request is made for a reason wholly consistent with the mission and provisions of those laws under Mental Health Code Section 931, MCL 330.1931; and (C) this request is accompanied by documentation of designation by the State of Michigan.

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Optional: I am writing to request, pursuant to the Michigan Freedom of Information Act, MCL 15.231 et seq., to subscribe for up to six months to the following future issuances of public records created, issued, or disseminated by [Public Body] on a regular basis: [Insert specific description].

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Please contact me if you have any questions.

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Sincerely,

[Requester Name]

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[Requester Address]

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[Requester Email]

[Requester Phone Number]

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**Attachment B
Certificate of Non-Existence of Public Record**

To be sent on District letterhead.

[Date]

[Requester's Name]

[Requester's Address]

Re: Freedom of Information Act Request Dated [], 20[]

Dear [Mr./Ms.]:

[Insert District Name] is in receipt of your letter dated [], 20[], regarding a request under the Michigan Freedom of Information Act ("FOIA"). Your letter was received on [Insert statutory receipt date]. You requested [Insert description of records sought].

I hereby certify, pursuant to Section 5(5)(b) of FOIA, that your FOIA request is denied because, to the best of my knowledge, information, and belief, no public records exist as of [Insert statutory receipt date], under the name(s) set forth in your request as detailed below, nor under another name reasonably known to the District. MCL 15.235(4)(b).

**Right to Appeal Disclosure Denial
and Recover Attorneys Fees and Costs**

If a public body makes a final determination to deny all or a portion of a FOIA request, the requester may do one of the following at his or her option:

- (1) Submit to the "head of the public body" (the Governing Board) a written appeal that specifically states the word "appeal" and identifies the reason or reasons for reversal of the disclosure denial; or
- (2) Commence an action in the circuit court to compel the public body's disclosure of the public records.

If a person asserting the right to inspect, copy, or receive a copy of all or a portion of a public record prevails in an action commenced under section 10 of the FOIA, the court will award reasonable attorneys' fees, costs, and disbursements. If the person or public body prevails in part, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements. The award will be assessed against the public body liable for damages that kept or maintained the public record as part of its public function.

If the circuit court determines in an action commenced under section 10 of the FOIA that the District arbitrarily and capriciously violated the FOIA by refusal or delay in disclosing or providing copies of a public record, or that

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the District willfully and intentionally failed to comply with FOIA or otherwise acted in bad faith, the court will award, in addition to any actual or compensatory damages, punitive damages as prescribed in FOIA to the person seeking the right to inspect or receive a copy of a public record. The damages will not be assessed against an individual but will be assessed against the next succeeding public body that is not an individual and that kept or maintained the public record as part of its public function.

A full explanation of your right to seek either appeal or judicial review is set forth in Section 10 of the FOIA, MCL 15.240.

A copy of the District's FOIA Procedures and Guidelines is available on the District's website at [\[Insert District website\]](#).

Very truly yours,

[Insert Name]
FOIA Coordinator
Fruitport Community Schools

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**Attachment C
Standard Form for Detailed Itemization of Fee Amounts**

[Insert District Name]
FOIA Fee Itemization Form

Requester's Name: _____ Date on Request: _____

Hand-Delivered U.S. Mail Email Fax

Date Received¹: _____ Estimated Fee: _____ -or- Actual Fee: _____

If estimated fee is over \$50, the District shall charge a good faith deposit of 50% of the estimated fee. Failure to pay the deposit within 48 calendar days of the District's notice constitutes abandonment, and the District is no longer required to fulfill the request.

Request diverted to spam/junk Mail²? Yes No If yes, please fill in delivery/discovery times:

Date/time delivered _____ Date/time discovered _____

Record available on website but copy nonetheless requested Yes No

Estimated date FOIA response will be available: _____

Labor Costs³

Not charged unless failure to charge would result in unnecessarily high costs to the District.

Searching/Locating/Examining Records

_____ x 1. _____ = _____ / 4 = _____ x _____ = _____
Hourly wage⁴ x Fringe Benefit⁵ % = Hourly cost / 4 = 15 minute cost⁶ x # of Increments **Total**

_____ / 4 = _____ x _____ = _____
Overtime wage (if any)⁷ / 4 = 15 minute cost x # of Increments **Total**

Separating and Deleting Exempt from Non-Exempt Information/Records

Employee

_____ x 1. _____ = _____ / 4 = _____ x _____ = _____
Hourly wage⁸ x Fringe Benefit % = Hourly cost / 4 = 15 minute cost x # of Increments **Total**

_____ / 4 = _____ x _____ = _____
Overtime wage (if any) / 4 = 15 minute cost x # of Increments **Total**

Contracted Labor (if any)

Name of person or firm engaged under contract _____

_____ / 4 = _____ x _____ = _____
Hourly wage / 4 = 15 minute cost x # of increments **Total**

Duplicating or Publishing Records⁹

_____ x 1. _____ = _____ / 4 = _____ x _____ = _____
Hourly wage x Fringe Benefit % = Hourly cost / 4 = 15 minute cost x # of Increments = **Total**

_____ / 4 = _____ x _____ = _____
Overtime wage (if any) / 4 = 15 minute cost x # of Increments **Total**

Subtotal Labor Costs _____

Copying Costs for Paper Copies¹⁰

Letter (8 1/2" x 11")¹¹ Cost per page \$0. _____ x # of sheets _____ = Total _____

Legal (8 1/2" x 14") Cost per page \$0. _____ x # of sheets _____ = Total _____

Size (_____) Cost per page \$0. _____ x # of sheets _____ = Total _____

Size (_____) Cost per page \$0. _____ x # of sheets _____ = Total _____

Subtotal Paper Costs _____

Postal Delivery Charges

Overnight or Special Request Yes No \$ _____

Cost of Packaging \$ _____

Postage Cost \$ _____

Cost of Delivery Confirmation \$ _____

Special Shipping Cost \$ _____

Insurance Cost \$ _____

Subtotal Postage Costs _____

Non-Paper Physical Media

USB Flash Drives \$ _____ each x # of drives _____ = Total _____

Computer Discs \$ _____ each x # of discs _____ = Total _____

Other Digital Media _____ \$ _____ each x # of _____ = Total _____

Other or Special Request Yes No \$ _____

Subtotal Non-Paper Costs _____

Total Costs _____

Discounts

Qualified for Discount Yes No If yes, subtract \$20. (\$ _____)

- Indigence (maximum of 2 discounts per calendar year)
- State Designated Non-Profit (e.g., MPAS) (unlimited number of discounts)

Qualified for Waiver or Reduction as primary and benefiting the general public?
 Yes No If yes, insert amount of waiver or reduction (\$ _____)

Reduction for untimely response by District? Yes No If yes:

of days late _____ x 5 = _____ % reduction of Labor Costs (Maximum 50%)

Subtotal Labor Costs _____ x _____ % = Total Labor Cost Reduction (\$ _____)

Good faith deposit requested? Yes No

If yes, Deposit Amount \$ _____ Date deposit requested: _____

Date deposit received: _____ Amount of Deposit (\$ _____)

Total Discounts (\$ _____)

Totals

Total Costs \$ _____

Total Discounts (\$ _____)

Total Due \$ _____

Date Delivered: _____ Date Paid: _____

¹ A FOIA request is received on the date that it is hand-delivered, or that U.S. Mail is delivered, to the District. A FOIA request is treated as received on the next business day if sent via fax, email, or other electronic transmission; provided, however, the special rules apply to an email re-directed to a SPAM or trash account. (See n. 2)

² If a written request is sent by electronic mail and delivered to the public body's spam or junk-mail folder, the request is not received until 1 day after the public body first becomes aware of the written request. The public body shall note in its records both the time a written request is delivered to its spam or junk-mail folder and the time the public body first becomes aware of that request.

³ A fee shall not be charged to search, locate, examine, review, or delete/separate/redact exempt from non-exempt information unless failure to charge would result in unnecessarily high costs to the District.

⁴ The hourly rate shall not be more than the hourly wage of the lowest-paid staff member capable of performing the labor in the particular instance.

⁵ The District will add up to 50% to the applicable labor charge amount to cover or partially cover the cost of fringe benefits. 100% of fringe benefit costs will be added to the applicable labor charge if a requester stipulates that records available on the District website nonetheless are requested to be provided in a paper format or in a specific form of electronic media. Under no circumstances shall the District charge more than the actual cost of fringe benefits.

⁶ In general, labor costs shall be estimated and charged in increments of 15 minutes, with all partial time increments rounded down. (See n. 9 for exception.) Divide the resulting hourly wage(s) by 4 to determine the charge per 15-minute increment.

⁷ Overtime rates shall not be included in the calculation of labor costs unless overtime is specifically requested by the requester and agreed upon by the District.

⁸ If more than one employee is completing any task, use additional cost itemization forms to separately note each employee's hourly wage, fringe benefits, and time.

⁹ Labor costs for duplicating or publishing records may be estimated and charged in time increments of the District's choosing, with all partial time increments rounded down. The District has determined to charge labor costs for duplicating or publishing records in 15-minute increments.

¹⁰ The District shall utilize the most economical means available for making copies, including using double-sided printing.

¹¹ The fee shall not exceed 10 cents per sheet of paper (one-sided or two-sided) for copies made on 8½ x 11-inch sheets of paper or 8½ x 14-inch sheets of paper.

Series 4000: District Employment

4100 Employee Rights and Responsibilities

4101 Non-Discrimination

A. Equal Employment Opportunity

The District is committed to equal employment opportunity and compliance with federal, state, and local laws that prohibit workplace discrimination, unlawful harassment, and unlawful retaliation based on any protected class or activity. This Policy applies to all aspects of employment, including recruiting, advertising, hiring, training, job placement, evaluation, classification, promotion, transfer, work assignment, compensation, benefits, discipline, demotion, termination, reduction in force, recall, and any other term or condition of employment.

This Policy prohibits discrimination against employees or applicants for employment based on the following protected classes: race, color, national origin, ethnicity, religion, sex (including pregnancy, gender identity, and sexual orientation), height, weight, marital status, age, disability, genetic information, veteran status, military service, or any other legally protected class. This Policy also prohibits unlawful retaliation based on a protected activity.

The District prohibits unlawful employment discrimination as required by applicable civil rights statutes, including:

- Title VI of the Civil Rights Act of 1964, which prohibits discrimination based on race, color, religion, or national origin;
- Title VII of the Civil Rights Act of 1964, which prohibits discrimination based on race, color, religion, sex (including gender identity, and sexual orientation), or national origin;
- Title IX of the Education Amendments of 1972, which prohibits discrimination based on sex (including gender identity and sexual orientation);
- Age Discrimination in Employment Act of 1967 (ADEA), which prohibits discrimination based on age as to persons who are at least 40 years old;
- Equal Pay Act of 1963, which prohibits sex discrimination in payment of wages for persons performing substantially equal work in the same establishment;
- Section 504 of the Rehabilitation Act of 1973 (Section 504), which prohibits discrimination based on disability;

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- Americans with Disabilities Act of 1990 (ADA), which prohibits discrimination against qualified persons with disabilities in employment, public service, public accommodations, and telecommunications;
- Family and Medical Leave Act of 1993 (FMLA), which requires covered employers to provide up to 12 work weeks of unpaid, job-protected leave to eligible employees for certain family, military, and medical reasons, and up to 26 work weeks to care for a covered service member with a serious injury or illness;
- Pregnancy Discrimination Act of 1978, which prohibits discrimination based on pregnancy, childbirth, or related medical conditions;
- Genetic Information Non-Discrimination Act of 2008 (GINA), which prohibits discrimination based on genetic information as to health insurance and employment;
- Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), which provides job protection and reemployment rights to individuals who voluntarily or involuntarily leave employment to undertake military service, including military reservists and National Guard members called to duty;
- Michigan Elliott-Larsen Civil Rights Act of 1976 (ELCRA), which prohibits discrimination based on race, color, national origin, age, sex (including pregnancy and gender identity), religion, height, weight, or marital status;
- Michigan Persons with Disabilities Civil Rights Act of 1976 (MPDCRA), which prohibits discrimination against qualified persons based on disability that is unrelated to that person's ability to perform the duties of a particular position or genetic information;
- Michigan Equal Pay Act, which prohibits discriminatory wage practices based on sex; and
- Public Employment Relations Act of 1947 (PERA), which prohibits a public employer from discriminating against an employee based on membership or non-membership in a labor organization.

B. Reporting Requirements

Any employee who believes he/she has been subjected to behavior that violates this Policy must file a complaint using the Employment Complaint Procedure in Policy 4104. If Title IX sexual harassment is alleged, the procedures set forth in Policy 3118 should be followed.

Employees with questions about compliance with this Policy and applicable laws should contact the Superintendent or the Employment Compliance Officer(s).

Board members, administrators, and supervisors must promptly report incidents of unlawful discrimination and retaliation. This duty to report applies to unlawful discrimination and retaliation that the Board member, administrator, or supervisor observes or about which he/she receives information.

Board members, administrators, or supervisors who receive a complaint alleging a violation of this Policy must promptly report the complaint, in writing, to the Employment Compliance Officer(s).

A failure to comply with reporting requirements may result in discipline, including discharge.

C. Employment Discrimination Compliance Training

The District will train administrators, supervisors, and the Employment Compliance Officer(s) on how to address and investigate discrimination and retaliation complaints.

The District may also provide discrimination and retaliation training to Board members and employees.

Training may be provided by an outside entity or person approved by the District.

Legal authority: 20 USC 1681 et seq.; 29 USC 206 et seq., 701 et seq., 2601 et seq.; 38USC 4301 et seq.; 42 USC 2000d et seq., 2000e et seq., 2000ff et seq., 12101 et seq.; MCL 37.1101 et seq., 37.2101 et seq.; MCL 423.201 et seq.; MCL 750.556

Date adopted:

Date revised:

Series 4000: District Employment

4100 Employee Rights and Responsibilities

4102 *Anti-Harassment, Including Sexual Harassment*

A. Policy Statement

Employees will have the opportunity to work in an atmosphere free from unlawful harassment, including sex-based harassment, as defined by state, federal, and local laws. The District prohibits quid pro quo and hostile work environment harassment.

The District will promptly and thoroughly investigate complaints pursuant to Policy 4104 alleging unlawful harassment and take appropriate action, including discipline, against any person found to have violated this Policy. Investigation determinations will be based on a preponderance of the evidence.

Unlawful harassment is strictly prohibited. This Policy applies to employee conduct perpetrated against other employees, parents/guardians, officers, Board members, agents, contractors, volunteers, and members of the public. Although Title VII sexual harassment falls within this Policy, Title IX sexual harassment does not. For the District's Policy on Title IX sexual harassment, see Policy 3118. **Allegations that an employee engaged in unlawful discrimination, harassment, or retaliation against a student will be investigated under Policy 5202.**

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This Policy applies to unlawful conduct related to work in any way, regardless of location.

B. Unlawful Employment Harassment Definition

Except with regard to Title IX sexual harassment, the following definitions apply:

1. "Quid pro quo" harassment occurs when a supervisor requires sex, sexual favors, or sexual contact from an employee or job candidate as a condition of employment and where:
 - a. submission to that conduct or communication is made a term or condition, either explicitly or implicitly, to obtain or maintain employment; or
 - b. submission to or rejection of that conduct or communication is used as a factor in a decision affecting a person's employment.
2. "Hostile work environment" harassment is unwelcome verbal, visual/written, or physical conduct towards an employee because of the employee's race, color, national origin, ethnicity, religion, sex (including pregnancy), height, weight, marital status, gender identity, age, sexual orientation, disability, genetic information, veteran status, military service, or any other protected class and that has:

- a. the purpose or effect of creating an intimidating, hostile, or offensive work environment;
- b. the purpose or effect of unreasonably interfering with an employee's work; or
- c. an adverse impact on a person's employment opportunities.

Hostile work environment harassment is unlawful where it is based on an employee's protected class and the offensive conduct becomes a condition of continued employment or the conduct is sufficiently severe or pervasive to create a work environment that a reasonable person under the totality of circumstances would consider intimidating, hostile, or offensive.

3. Examples of conduct that may constitute unlawful sexual harassment include:

- a. Verbal: Unwelcome comments, including: the use of derogatory, sexually suggestive, or vulgar language; the use of sexual innuendo; unwelcome advances or repeated requests for dates or sexual favors; threats based on or motivated by a person's sex; demanding or pressuring another person to submit to sexual requests or advances to attain academic or professional achievement; threatening another person's academic or professional reputation if that person does not submit to sexual requests or advances; or any other similar behavior.
- b. Visual/Written: Subjecting another person to sexually suggestive, pornographic, or obscene images, text, or cartoons, including by electronic mail, text message, letter, or any other medium; the use of obscene gestures toward or around another person; leering at another person; or any other similar behavior.
- c. Physical: Unwanted kissing, touching, patting, hugging, pinching, or any other unwanted physical contact; impeding another person's normal movements; stalking, assault, or battery based on the victim's sex; any other physical interference with another person based on that person's sex; or any other similar behavior.

C. Reporting Requirements

Board members, administrators, and supervisors must promptly report incidents of unlawful harassment and retaliation. This duty to report applies to unlawful harassment and retaliation that the Board member, administrator, or supervisor observes or about which he/she receives information.

Board members, administrators, or supervisors who receive a complaint alleging a violation of this Policy must promptly report the complaint, in writing, to the Employment Compliance Officer(s).

A failure to comply with reporting requirements may result in discipline, including discharge.

Legal authority: 20 USC 1681 et seq.; 29 USC 621 et seq.; 42 USC 1983, 2000d et seq., 2000e et seq., 2000ff et seq., 6101 et seq., 12101 et seq.; 29 CFR 1604.1 et seq., 1635; 34 CFR 106.8, 106.9; MCL 37.1101 et seq., 37.2101 et seq.; MCL 380.1300a

Date adopted:

Date revised:

Series 4000: District Employment

4100 Employee Rights and Responsibilities

4106 Family and Medical Leave Act (FMLA)

This Policy will be interpreted and applied consistent with the FMLA, as amended, and its regulations. This Policy should not be interpreted to conflict with an applicable collective bargaining agreement where the collective bargaining agreement provides rights or obligations beyond those conferred by FMLA and that are not prohibited by FMLA.

A. Qualifying for FMLA Leave

1. Employee Eligibility

a. To be eligible for FMLA leave, an employee must:

- i. have worked at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave (full-time instructional employees are presumed to meet the 1,250 hour requirement);
- ii. have completed 12 months (cumulative) of work for the District before the commencement of the leave. This includes non-consecutive intervals of employment with the District occurring up to 7 years before the commencement of the FMLA leave; and
- iii. make the request at a time when the District has 50 or more employees at, or within 75 miles of, the worksite.

b. The applicable 12-month period to determine an employee's entitlement to FMLA leave (i.e., the FMLA leave year) is a "rolling" 12-month period measured backward from when the FMLA leave would commence.

c. An eligible employee taking FMLA leave to care for a covered service member or veteran with a serious injury or illness is allowed to take up to 26 work weeks of leave in a single 12-month period measured forward from the date the employee first takes leave.

2. Qualifying Events

a. An eligible employee may take FMLA leave, up to a total of 12 work weeks, during any 12-month period for any one or more of the following:

- i. the birth or care of the employee's newborn child;
- ii. the employee's care for a newly adopted child or child placed in the employee's home for foster care;
- iii. to care for a spouse, child (who is younger than age 18, or over 18 but incapable of self-care), a parent (but not parent-in-law), or an individual

Deleted: [Optional for Districts with Less Than 50 Employees / Required for Districts with 50 or More Employees] [Note: If the Board elects not to adopt this Policy, delete the body of the policy and replace the title with "Intentionally Left Blank" after the policy number and in the Table of Contents to ensure accurate numbering of subsequent policies in the Policy Manual.]...

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Deleted: / a "rolling" 12-month period measured forward from the date the employee first takes FMLA leave / the period from _____ to _____ / the calendar year, January 1 to December 31]

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for whom the employee stands *in loco parentis* who has a serious health condition;

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- iv. the employee's own serious health condition; or
 - v. a qualifying military exigency about an employee, the employee's spouse, child (regardless of age), or parent.
- b. An eligible employee may take up to 26 work weeks of leave during a single 12-month period to care for a covered service member who is receiving medical treatment, recuperation, or therapy, or is in outpatient status, or is on the temporary disability retired list for a serious injury or illness. The employee must be the spouse, child, parent (regardless of their child's age), or next of kin of the covered service member. This subsection applies to veterans of the Armed Services who suffered an injury or illness, or aggravated an injury or illness, in the line of duty on active duty if the veteran was a member of the Armed Forces at any time during the 5 years before receiving treatment.
3. Limitations on FMLA Leave
- a. The entitlement to leave for the birth of a child or placement of a child with an employee for the purposes of adoption or foster care expires at the end of the 12-month period beginning on the date of the birth or placement, and these circumstances do not qualify for intermittent or reduced schedule leave.
 - b. Concerning spouses who are both employed by the District, and both eligible for FMLA leave, they are limited to a combined total of 12 work weeks of FMLA leave for the birth or placement, or related care, of a child for adoption or foster care with the employees or the care of a parent with a serious health condition. This limitation does not apply to the care of a spouse or child with a serious health condition or to an employee's own serious health condition.
 - c. Concerning the entitlement to 26 work weeks of leave to care for a covered service member with a serious illness or injury, the 26 work week allotment may include other reasons for FMLA leave authorized by the Act. But in that allotment, an employee is not entitled to more than 12 work weeks of leave for reasons unrelated to the care for a covered service member with a serious illness or injury.
 - d. Concerning spouses who are both employed by the District, and both eligible for FMLA leave to care for a covered service member, they are limited to a combined total of 26 work weeks of leave for all leaves authorized by the Act during the 12-month period commencing with FMLA leave to care for a covered service member. The spouses are subject to the 12 work week limitation for leave related to the birth or placement, or related

care, of a child for adoption or foster care with the employees or the care of a parent with a serious health condition.

B. FMLA Notice

1. An employee must give the District notice of FMLA leave as follows:
 - a. When the need for FMLA leave is foreseeable (e.g., for the birth of a child, placement for adoption or foster care, or planned medical treatment), 30 calendar days' notice is required. If the employee fails to give 30 calendar days' notice with no reasonable excuse, the District reserves the right to deny or to delay the employee's FMLA leave. If the FMLA leave is for planned medical treatment, the employee must make reasonable efforts to schedule treatment so as not to unduly disrupt the District's operations.
 - b. When the need for FMLA leave is unexpected, the employee must provide notice to the District as soon as practicable.
2. For both foreseeable and unexpected leave, employees must comply with District Policies, work rules, collective bargaining agreement provisions, and customary absence reporting procedures. Failure to comply with these requirements may be grounds to delay or deny the employee's FMLA leave request and may result in discipline.
3. Absent extenuating circumstances, within 5 work days after an employee requests FMLA leave or the District has reasonable information that an employee may qualify for FMLA leave, the District will provide to the employee a copy of this Policy and the U.S. Department of Labor's (DOL) "Notice of Eligibility and Rights & Responsibilities" DOL Form WH-381 (as updated).
4. Once the District receives sufficient notice, including any requested medical certification (see below), that an employee's leave qualifies as FMLA leave, the District will, absent extenuating circumstances, within 5 work days, notify the employee in writing whether the leave is designated as FMLA leave using DOL Form WH-382 (as updated).

C. Certification

1. If an employee requests FMLA leave due to the employee's serious health condition or to care for a parent, child, or spouse with a serious health condition, the employee must provide medical certification from a health care provider of the serious health condition involved and, if applicable, verification that the employee is needed to care for the family member and the expected duration of the leave. Employees requesting leave for a qualifying exigency or leave to care for a covered service member with a serious injury or illness must provide the appropriate certification. The District will provide the employee with the appropriate DOL form applicable to the employee's requested leave.

2. Employees must return the requested certification within 15 calendar days after the request. The District may delay or deny FMLA leave if submission of the certification is not timely.
3. Failure or refusal to provide requested medical certification within 15 calendar days may result in denial of the leave being designated as FMLA leave.
4. If an employee provides an incomplete or insufficient certification, the District will advise the employee, in writing, of the deficiencies and what additional information is needed. An employee must return the requested additional information within 7 calendar days. The District, but not the employee's direct supervisor, may contact an employee's health care provider for clarification or authentication of a certification. The District may not contact the employee's health care provider if a complete and sufficient certification, signed by the health care provider, is submitted.
5. If the District has reason to doubt the medical certification an employee submits, the District may require, at its expense, that the employee obtain a second opinion from a health care provider of the District's choice. If the second opinion differs, the District may require, at its expense, that a third opinion be obtained from a health care provider who is mutually selected by the employee and the District. The third medical certification will be final and binding on both parties. If the employee refuses to be examined by the third health care provider, the employee will be bound by the second opinion. The District may not request a second opinion for leave to care for a covered service member or veteran with a serious injury or illness.

The District may request recertification consistent with FMLA regulations. Recertification will be at the employee's expense.

The District may request recertification in less than 30 calendar days if: an employee requests an extension of FMLA leave; circumstances stated in the prior certification have changed significantly; or the District receives information that casts doubt upon the employee's stated reason for the absence or the certification's validity.

D. Concurrent Leave and Substitution of Paid Leave

FMLA leave provided to employees is unpaid, unless the employee has applicable paid leave. Applicable paid leave (e.g., sick, personal, business, vacation, paid time off, leave under Michigan Paid Medical Leave Act (MPMLA), or workers' compensation) will run concurrently with FMLA leave at the election of either the District or the employee. The ability to use paid leave concurrently with FMLA leave is subject to compliance with the procedures and conditions normally associated with the paid leave. A medical leave of absence covered by workers' compensation runs concurrently with FMLA leave and consistent with an applicable individual employment contract or collective bargaining agreement. FMLA leave beyond an employee's applicable accrued paid leave is unpaid.

E. Intermittent and Reduced Schedule Leave

1. Eligible employees may take FMLA leave intermittently or on a reduced schedule when leave is taken to care for a family member with a serious health condition, for an employee's own serious health condition, because of a qualifying exigency, or to care for a covered service member or veteran, an eligible employee may take leave intermittently or on a reduced schedule when medically necessary.
2. Intermittent or reduced schedule leave will not result in a reduction in the employee's total amount of leave beyond the amount of leave actually taken. Intermittent and reduced schedule FMLA leave will be accounted for in the shortest increment used to account for leave generally within the employee's classification.

Employees must follow the District's absence reporting procedures when using intermittent leave.

3. When an instructional employee seeks to take intermittent or reduced schedule leave to care for a family member with a serious health condition, to care for a covered service member or veteran, or for the employee's own serious health condition which is foreseeable based on planned medical treatment, and the employee would be on leave for more than 20% of the total number of work days over the leave period, the District may either require the employee to take leave on a full-time basis for the duration of the requested intermittent or reduced schedule leave or temporarily transfer the employee to an alternate position with equivalent pay and benefits.
4. If an eligible employee requests intermittent or reduced schedule leave for a foreseeable medical treatment, including during a period of recovery from a serious health condition, the District may require the employee to transfer temporarily to an available alternate position for which the employee is qualified and which better accommodates recurring periods of leave than the employee's regular position. The alternate position must have equivalent pay and benefits as the employee's regular position.

F. Group Health Plan Benefits

1. Eligible employees are generally entitled to the continuation of District-provided group health plan benefits while on FMLA leave. Group health plan benefits include medical, dental, and optical insurance coverages in which the employee is enrolled at the time that FMLA leave is taken.
2. The District will continue paying its portion, if any, of the employee's group health plan costs and insurance premiums or representative premiums while the employee is on FMLA leave and in accordance with any applicable collective bargaining or individual employment contract. Any share or portion of the group health plan costs, insurance premiums, or representative premiums paid by the employee before FMLA leave must continue to be paid by the

employee during FMLA leave. See DOL Form WH-381. An employee's failure to pay his/her portion of group health plan costs, insurance premiums, or representative premiums during FMLA leave may result in loss of coverage if the employee's contribution is more than 30 calendar days late. The District will provide the employee with written notice at least 15 calendar days before cancelling the employee's coverage because of a failure to make employee contributions.

3. As addressed in subsection I below, an employee who fails to voluntarily return to work after FMLA leave may be required to repay the District for his/her group health plan benefit costs.

G. Return to Work

1. At the expiration date of an employee's FMLA leave, the employee will be returned to that employee's former position or an equivalent position with the same pay, benefits, and working conditions. An employee taking FMLA leave has no greater right to reinstatement than if the employee had been continuously employed during the FMLA leave period.
2. If an employee was unable to renew a license or certification because of FMLA leave and is no longer qualified for the employee's former position, the District will provide the employee reasonable time, on unpaid status, to fulfill the necessary return to work conditions.

3. Instructional Employees

- a. "Instructional" employees are those whose principal function is to teach and instruct students in a class, small group, or individual setting.
- b. If an instructional employee begins FMLA leave more than 5 weeks before the end of a term or semester, the District may require the employee to take FMLA leave until the end of the term or semester if the FMLA leave is to last at least 3 weeks and the employee would return to work during the 3-week period before the end of the term or semester.
- c. If an instructional employee begins FMLA leave during the 5-week period before the end of a term or semester because of the birth or placement for adoption or foster care of a child, to care for a spouse, child, or parent with a serious health condition, or to care for a covered service member or veteran, the District may require that FMLA leave be taken until the end of the term or semester if the instructional employee would return to work during the 2-week period immediately before the end of the term or semester and the leave is to last more than 2 weeks.
- d. If an instructional employee begins FMLA leave during the 3-week period before the end of a term or semester because of the birth or placement for adoption or foster care of a child, to care for a spouse, child, or parent with a serious health condition, or to care for a covered service member or

veteran, the District may require the employee to take FMLA leave until the end of the term or semester, if the leave will last more than five (5) work days.

- e. Any additional FMLA leave required of an instructional employee by the District will not count against the employee's allotment of FMLA leave.

4. Fitness for Duty

The District may require that an employee returning from FMLA leave submit a fitness-for-duty certification from a health care provider which addresses the employee's ability to return to work and perform the essential functions of the employee's position. The District must provide the employee with notice of the requirement to provide a fitness-for-duty certification and the essential functions of the employee's position when the District provides the employee the designation of FMLA leave notice (DOL Form WH-382, as updated). If the employee fails to submit the fitness-for-duty certification in a timely manner, return from FMLA leave may be delayed by the District. The employee may be terminated if he/she fails to submit the fitness-for-duty certification.

- 5. Unless a collective bargaining agreement provides otherwise, an employee on unpaid FMLA leave is not entitled to accrue seniority, employment benefits (other than medical insurance), or any benefit conditioned on length of service or work performed.

H. Denial of Key Employee Restoration

- 1. The District reserves the right to deny restoration to the same or equivalent position to any eligible employee who is a key employee, meaning any employee who is paid a salary and is in the highest paid 10% of employees. The District may deny restoration if necessary to prevent substantial and grievous economic injury to the District's operations. If the District intends to deny restoration to a key employee, it will:
 - a. use DOL Form WH-381, as updated, to notify the employee of his/her status as a key employee in response to the employee's request for FMLA leave and provide the employee with an explanation of the consequences for the employee if the District determines that substantial and grievous injury will result to its operations if the employee is reinstated after FMLA leave;
 - b. notify the employee, in person or by certified mail, as soon as the District decides it will deny restoration and the reasons for the denial;
 - c. offer the employee a reasonable opportunity to return to work from FMLA leave after giving this notice;
 - d. make a final determination as to whether reinstatement will be denied at the end of the leave period if the employee then requests restoration; and

- e. the District must maintain its group health plan cost, contributions, premium, or representative premium contributions for the employee's group health plan benefits for the entire term of the employee's FMLA leave, even after giving the employee notice that restoration will be denied.

I. Failure to Return to Work

1. An employee's unexcused failure to return to work upon expiration of FMLA leave will subject the employee to discharge unless the District grants an extension of leave as required by law or under a collective bargaining agreement, employee handbook, or individual employment contract. An employee who requests an extension of leave due to the continuation, recurrence, or onset of the employee's serious health condition, or the serious health condition of the employee's spouse, child, parent, or covered service member or veteran, must submit to the employee's supervisor a written request for an extension. This written request must be made as soon as possible before the expiration of the employee's FMLA leave. Medical certification or recertification will be required to support any request for leave extension.
2. If an employee is unable to perform the essential functions of the position or an equivalent position at the end of FMLA leave, the District will comply with ADA requirements, as applicable.
3. If an employee fails to return to work after his/her FMLA leave expires, the employee must reimburse the District for any group health plan costs, contributions, premiums, and representative premiums that the District paid for continuation of the employee's group health benefits coverage during FMLA leave, unless the employee does not return due to: (a) the continuation, recurrence, or onset of the serious health condition which entitled the employee to FMLA leave and the employee provides the District with sufficient certification from the proper health care provider of the continuation, recurrence, or onset of the serious health condition; or (b) other circumstances beyond the employee's control. This provision does not apply to any group health plan cost, insurance premium, or representative premium contributions made by the District for periods during which the employee used paid leave concurrently with FMLA leave.

J. Recordkeeping

1. The District will maintain the following records related to FMLA requests and use:
 - a. basic payroll information;
 - b. dates (or hours) during which eligible employees take FMLA leave;
 - c. copies of all notices, requests, and other documents related to FMLA leave;

- d. copies of documents evidencing group health plan cost contributions, insurance premium, and representative premium payments made by the District on behalf of an eligible employee on FMLA leave; and
 - e. documents related to disputes about eligibility or designation of FMLA leave.
2. Medical certifications and other medical documentation related to FMLA leave will be maintained in a separate, confidential file from an employee's personnel file. See Policy 4224.

K. Notice to Employees

The District will post the appropriate notice of rights poster in a location easily seen by employees and include a general notice of employee FMLA rights in applicable employee handbooks or by providing employees notice at their time of hire.

Legal authority: 29 USC 2601 et seq.; 29 CFR 825.100 et seq.

Date adopted:

Date revised:

Series 4000: District Employment

4100 Employee Rights and Responsibilities

4108 Union Activity and Representation

The District will not engage in any of the following:

- interfere with, restrain, or coerce employees in the exercise of their rights under the Public Employment Relations Act (PERA);
- discriminate in regard to hire, terms, or other conditions of employment based on membership or non-membership in a labor organization;
- discriminate against an employee because he/she has given testimony or instituted proceedings under PERA;
- initiate, create, dominate, contribute to, or interfere with the formation or administration of any labor organization; and
- use public school resources to assist a labor organization in collecting dues or service fees from wages of public school employees.

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An employee who reasonably believes an investigatory interview may result in discipline may bring to the investigatory meeting another employee, or a union representative, if the employee is in an exclusively represented bargaining unit. If the employee's union representative of choice is not immediately available, the investigatory meeting need not be delayed and may proceed with another representative present.

The District may permit a union representative to attend other meetings, but is not obligated to do so unless required by law or by an applicable collective bargaining agreement. District administration is not required to inform an employee of the right to union representation.

An employee is not entitled to have legal representation present at an employment-related meeting with District administration, unless the Superintendent or designee gives prior permission.

Legal authority: MCL 423.209, 423.210; *NLRB v J Weingarten, Inc*, 420 US 251 (1975)

Date adopted:

Date revised:

Series 4000: District Employment

4100 Employee Rights and Responsibilities

4112 *Extracurricular Employees or Volunteers*

Persons employed in extracurricular activities, such as athletic coaches, advisors, or activity sponsors, and whose primary duty is instructing students in the rules, fundamentals, or techniques of the related sport or activity, but who are not otherwise employed by the District, are exempt from the Fair Labor Standards Act's minimum wage and overtime requirements.

Persons engaged as volunteers in the District's extracurricular activities may be paid a stipend at the end of the activity. Volunteer stipends must be limited to expenses incurred.

Extracurricular employees and volunteers serve on an at-will basis as determined by the Superintendent or designee.

Extracurricular employees are subject to background checks under Policy 4205. Volunteers may also be subject background checks under Policy 4205 or using another verified background check method.

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Legal authority: DOL Opinion Letter FLSA 2018-6

Date adopted:

Date revised:

Series 4000: District Employment

4200 Employee Conduct and Ethics

4205 Hiring and Background Checks

The District is committed to prohibiting unlawful discrimination in its hiring practices consistent with Policy 4101. Hiring decisions are based on qualifications, skills, knowledge, abilities, education, certifications/licenses, experience, demeanor, and other job-related criteria the Board may deem relevant. In making hiring decisions, the Board or designee will consider enrollment, operational requirements, financial needs, and the District's best interests.

A. Advertising and Posting

Vacancies may be posted on a designated website or other location and distributed to appropriate employee groups or relevant professional associations. The posting may outline general duties, qualifications, pay range, work experience, and hours. Vacancies may be posted for at least ~~five (5)~~ calendar days unless a different time period is specified in a collective bargaining agreement. Applications must be submitted to the central office unless otherwise designated. The District may establish an online application process. Postings will comply with applicable collective bargaining agreements.

B. Hiring

The Board will determine the hiring process for the Superintendent. For all other positions, the Superintendent or designee will determine the process to consider and interview qualified applicants. The Superintendent or designee is authorized to hire non-exempt staff, temporary, and substitute employees. Teachers, Non-Teaching Professionals, Supervisors, and Administrators that the Superintendent or designee recommends for hire are subject to Board approval.

The District will not consider an applicant for employment unless the applicant provides the District with the following:

1. written consent for the criminal records division of the Michigan State Police to conduct the criminal history check required by Revised School Code Section 1230 and the criminal records check required by Revised School Code Section 1230a;
2. a signed statement that complies with Revised School Code Section 1230b(1); and
3. other required application materials.

Falsification or misrepresentation of credentials, qualifications, references, or application materials will be grounds for disqualification or discipline, including discharge.

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C. Background Checks for Employees, Contractors, and Volunteers

1. The District will conduct a background check on a selected applicant upon an offer of employment or before a person is assigned to regularly and continuously work under contract in any of its schools. The Superintendent or designee will receive and review the results of the background check before the District employs or allows the person to regularly and continuously work under contract in any of its schools, unless otherwise permitted by law.
2. "Regularly and continuously work under contract" means any of the following:
 - a. to work at school on a more than intermittent or sporadic basis as an owner or employee of an entity that has a contract with the District to provide food, custodial, transportation, counseling, or administrative services or to provide instructional services to pupils or related and auxiliary services to special education pupils;
 - b. to work at school on a more than intermittent or sporadic basis as a person under a contract with the District to provide food, custodial, transportation, counseling, or administrative services, or to provide instructional services to pupils or related and auxiliary services to special education pupils.
3. "School" means in a classroom, elsewhere on District property, or on a school bus or other school-related vehicle.
4. The background check will include:
 - a. a criminal history check pursuant to Revised School Code Section 1230;
 - b. a criminal records check pursuant to Revised School Code Section 1230a;
 - c. an unprofessional conduct check pursuant to Revised School Code Section 1230b; and
 - d. if a certification is required for the position, such as a teaching certificate or administrator certificate, District verification that the person's certification is valid.

The background check may include any other matters the District deems relevant, such as verifying references, school transcripts, and prior employment, as may be permitted by law.

If the criminal history check report, criminal records check report, or any other report discloses that the person has been convicted of a listed offense as defined in MCL 28.722, and the District verifies the conviction using public records, the District must not employ the person or allow the person to regularly and continuously work under contract in any of its schools. If any of the reports disclose that the person was convicted of a felony as defined in MCL 761.1, and the felony is not a listed offense, and the District verifies the conviction using public records, the District must not employ the person or allow the

person to regularly and continuously work under contract in any of its schools unless the Superintendent and the Board each specifically approve the employment or assignment in writing.

Employment offers are contingent on the Superintendent's or designee's review of the background check results.

All the information the District obtains via the criminal history check report, criminal records check report, or any other report that discloses that the person has been convicted of a listed offense will be maintained pursuant to 4205-AG-1.

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5. Confidentiality

All the information the District obtains via the criminal history check report, criminal records check report, or any other report that discloses that the person has been convicted of a listed offense are to be considered confidential and will not be released except pursuant to 4205-AG-1(C)(5). Violation of confidentiality is a misdemeanor punishable by a fine up to \$10,000.

Notification from the Michigan Department of Education or Michigan State Police about a District employee's criminal conviction is exempt from FOIA for the first fifteen (15) days until the information is verified. Once verified, only information regarding physical or sexual abuse may be released. The employee may release the information with written authorization.

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D. Other Post-Offer Considerations

The District will not make disability-related medical inquiries or inquire about an applicant's disability-related requested accommodation(s) until after a conditional job offer is made, consistent with Policy 4105. Based on the physical and mental demands of a position, an examination and/or drug test may be required following a conditional offer of employment. The examination will be performed by a health care provider identified by the Superintendent or designee at the District's expense.

Legal authority: MCL 28.722; MCL 380.1230, 380.1230a, 380.1230b; MCL 761.1

Date adopted:

Date revised:

Series 4000: District Employment

4200 Employee Conduct and Ethics

4205-AG-1 Criminal Justice Information Security (Non-Criminal Justice Agency) – NEW POLICY

The District will conduct background checks, consistent with Policy 4205(C) and Administrative Guidance 4205-AG, and will have the Michigan State Police (“MSP”) obtain criminal history record information (“CHRI”) from both the state and Federal Bureau of Investigation (“FBI”) for all District employees, contractors, volunteers, and vendors and their employees who regularly and continuously work under contract as provided in Policy 4205(C)(2). Employees who fail to follow these procedures will be subject to discipline subject to the Superintendent’s review and written approval of any corrective action.

A. Local Agency Security Officer (“LASO”)

The District will appoint the Director of Business Services as its LASO who is responsible for the adoption of this guidance along with data/system security.

1. The LASO is responsible for ensuring:
 - a. compliance with these regulations and laws;
 - b. personnel security screening procedures are followed under this administrative guideline;
 - c. approved and appropriate security measures are in place and functioning properly to protect CHRI;
 - d. only approved District employees have access to and are using the information in compliance with the law;
 - e. compliance with this administrative guideline; and
 - f. that the MSP is promptly informed of any security breach(es).
2. The LASO is also responsible for identifying and documenting, to the extent applicable:
 - a. how District equipment is connected to the MSP; and
 - b. who is using the MSP-approved equipment.
3. When a new LASO is established, the District will complete and deliver a LASO appointment form to the MSP and will keep a copy of the appointment form on file indefinitely. The LASO will make all MSP fingerprint account changes.

B. Personnel (Authorized User) Security

Commented [MC1]: NEW Guideline. No changes other than district specific.

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Only authorized users will have access to CHRI. An authorized user must be vetted through the national fingerprint background check and be given CHRI access by the LASO to evaluate potential employees, contractors, or volunteers for employment or assignment. If the District maintains digital CHRI, the LASO will assign authorized users unique passwords compliant to 4205-AG-1 (C)(3) to access it. Those who are not authorized users but who, by the function of their job, will be close to CHRI or computer systems with access to CHRI will be supervised by an authorized user. Employees who do not comply with state or federal laws or District policies or administrative guidelines will be subject to discipline, up to discharge.

1. Security with Separated Authorized Users

After an authorized user is separated from the District, that individual's access to CHRI will be terminated within twenty-four (24) hours. This includes, but is not limited to, returning keys, access cards, and ceasing access to digital CHRI.

2. Security with Transferred Authorized Users

When an authorized user is transferred or reassigned, the LASO will take steps necessary to block that individual's access to CHRI within twenty-four (24) hours, unless the LASO determines that the individual must retain access.

C. Media Protection

Authorized users may only access CHRI on authorized devices, which does not include a personally owned mobile device, cell phone, computer, or other technology, unless the personally owned devices are approved, consistent with specific terms and conditions, for access. All CHRI (including digital media) will be maintained in a physically secure location or controlled area. A physically secure location or controlled area will be (1) locked whenever an authorized user is not present or supervising and (2) limit access to unauthorized users. An authorized user accessing CHRI must position the media to prevent unauthorized users from accessing or viewing CHRI. Physical CHRI will be stored in a locked filing cabinet, safe, or vault. Digital CHRI will be encrypted consistent with FBI CJIS Security Policy. If digital CHRI is stored on a storage device without encryption, it must be stored like physical CHRI.

1. Media Transport

The LASO must approve all CHRI media transportation and will not grant approval unless transportation is reasonably justified. CHRI must be secured during transport. Physical CHRI must be transported in a sealed, locked, or secured medium and digital CHRI must be encrypted, and if not, secured in the same fashion as physical CHRI.

2. Media Disposal/Sanitization

CHRI media will be stored and retained for the duration required by law. Disposal must be made with the written approval of the LASO and the Superintendent. Only authorized users may dispose of CHRI media. Physical media will be cross-cut shredded or incinerated. Digital media must either be overwritten at least three (3) times or degaussed, passing a strong magnet over the media, before disposal or reuse. The LASO will keep written records (date and authorized user's signature) of CHRI media destroyed and the process for destroying or sanitizing CHRI media for ten (10) years.

3. Passwords

When the LASO assigns a unique password to an authorized user, it must have the following attributes:

- a. at least eight (8) characters;
- b. not consisting of only a proper noun or word found in a dictionary;
- c. not similar or identical to the username;
- d. not be displayed while entered or transmitted outside of the physically secure location or controlled area;
- e. expires every ninety (90) days; and
- f. cannot be the same as the previous ten (10) passwords.

4. Security Awareness Training

The District will provide all authorized users with security awareness training, following the template provided on the MSP website, within six (6) months of authorization and every two (2) years thereafter. The LASO will keep a current record of all users who have completed the training.

5. CHRI Dissemination

The District must maintain a record of any CHRI dissemination to another authorized agency, consistent with the Revised School Code, which must include (1) date of release, (2) records released, (3) means of sharing, (4) District personnel who disseminated the CHRI, (5) whether authorization to disseminate was obtained, and (6) the agency to whom the CHRI was disseminated and the recipient's name.

D. Incident Handling

1. In General

The District has established operational incident handling procedures for instances of an information security breach. CHRI security breach incidents will be tracked using the report the MSP provides on its website https://www.michigan.gov/msp/0,4643,7-123-72297_24055-332662--00.html.

The District has provided specific handling capabilities for CHRI, consistent with the following table:

Capabilities shall be handled according to the following description:	Physical – Hard Copy CHRI	Digital – Digitally Accessed/Saved CHRI
Preparation	The CHRI container will be locked at all times in the office in which it is stored. When office staff is not present, the office must be locked	Firewalls, anti-virus protection, and anti-malware/spyware protection will be maintained.
Detection	Physical intrusions to the building will be monitored. A building alarm or video surveillance will monitor for physical or unauthorized intrusions. The building must be locked at night.	Electronic intrusions will be monitored by the virus and malware/spyware detection.
Analysis	The LASO will work with police authorities to determine how the incident occurred and what data was affected.	The IT department will determine what systems or data were affected and compromised.
Containment	The LASO will lock uncompromised CHRI in a secure container or transport CHRI to a secure area.	The IT department will stop the spread of any intrusion and prevent further damage.
Eradication	The LASO will work with local law enforcement to remove any threats that compromise CHRI data.	The IT department will remove the intrusion before restoring the system. All steps necessary to prevent recurrence will be taken before restoring the system
Recovery	Local law enforcement will handle and oversee the recovery of stolen CHRI media. The LASO may contact MSP for assistance in re-fingerprinting, if necessary.	The IT department will restore the agency information system and media to a safe environment.

When a CHRI security breach incident occurs, the following will apply:

- a. the LASO will be notified immediately;

- b. the LASO or appointed authorized user will stop any unauthorized access, secure the media, and shut down the systems necessary to avoid further unauthorized exposure;
- c. the LASO or appointed authorized user will record all necessary information regarding the breach, the District's response to the breach, and who was involved in taking response measures;
- d. the LASO will file the incident report with the MSP; and
- e. when such incident results in legal action (either civil or criminal) against a person or the District, evidence shall be collected, retained, and presented according to the evidentiary rules of the appropriate jurisdiction(s).

2. Mobile Device Incident Handling

The District will, in addition to the handling procedure in the table above, establish and implement additional procedures for mobile devices to reduce the risk of unauthorized access to CHRI.

When a device is lost, the District will document and indicate how long the device has been lost. For a lost device, the District will report if the owner believed the device was locked, unlocked, or could not verify the device's locked state. For a total loss of a device (unrecoverable), the District will report if CHRI was stored on the device, whether it was locked or unlocked, and whether the District can track or wipe the device remotely. The District will report any compromise of a device while still in the owner's possession and any compromise outside of the United States.

Adoption date:

Revised date:

Series 4000: District Employment

4200 Employee Conduct and Ethics

4225 Temporary Remote Work

The Board recognizes that in-person work is an essential function of school employment. The Superintendent or designee may, however, permit certain employee positions to work remotely on a temporary basis during a health or safety risk declared by a local, State, or federal governmental authority or in other extraordinary circumstances.

- A. When determining whether to permit a position to work remotely in an extraordinary circumstance, the Superintendent or designee may consider the following factors:
1. The duties of the position;
 2. The need to protect and access confidential student, personnel, and financial information;
 3. The need to supervise, direct, or evaluate students or personnel;
 4. The need to provide direct, physical services to students such as speech, physical, or occupational therapy;
 5. Working conditions outlined in the applicable collective bargaining agreement; and
 6. Other relevant factors as determined by the Superintendent or designee.
- B. If the District is providing in-person instruction, the following employees may not work remotely, unless required pursuant to Paragraph E below:
1. Professional Staff;
 2. Administrators/Supervisors;
 3. Bus drivers;
 4. Secretaries;
 5. Food service employees;
 6. Custodians;
 7. School nurses;
 8. Daycare workers; and
 9. Paraprofessionals.

Commented [MC1]: Policy is now OPTIONAL. However, the district currently has policy and will keep it.

Deleted: [Optional] [Note: If the Board elects not to adopt this Policy, deleted the body of the policy and replace the title with "Intentionally Left Blank" after the policy number and in the Table of Contents to ensure accurate numbering of subsequent policies in the Policy Manual.]

C. Notwithstanding anything to the contrary in this Policy, an employee with a disability may request remote work as a reasonable accommodation under Policy 4105.

Granting a request to perform work remotely shall be considered temporary and does not obligate the District to grant remote work as a continuing reasonable accommodation.

D. This Policy shall not limit the District's ability to determine the method of instruction to students or to provide instruction in the best interest of its students. The Board has the authority to determine whether students will receive instruction in-person, remotely, or through an alternative method.

Legal authority: MCL 380.11a(3); 42 USC § 12101 et seq.

Date adopted:

Date revised:

Series 4000: District Employment

4200 Employee Conduct and Ethics

4226 Intentionally Left Blank

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Deleted: [Required for Districts with at least 100 employees / Optional for Districts with less than 100 employees] [Note: If the Board elects not to adopt this Policy, delete the body of the policy and replace the title with "Intentionally Left Blank" after the policy number and in the Table of Contents to ensure accurate numbering of subsequent policies in the Policy Manual.]¶
On November 5, 2021, the U.S. Department of Labor's Occupational Safety and Health Administration published Emergency Temporary Standards on employee vaccination, testing, and face coverings ("ETS").¶
Policy Duration¶
This Policy will become effective immediately when the Michigan Occupational Safety and Health Administration ("MIOSHA") issues rules that require compliance with the ETS. This Policy will remain in effect for the duration of those rules. If this Policy becomes effective, Sections C-M will apply beginning on the overall implementation date, unless otherwise specified below.¶
Notwithstanding anything to the contrary in this Policy, the Superintendent may suspend or revise this Policy (in whole or in part) if, following consultation with the District's legal counsel, the Superintendent determines that legal authority requires or permits the suspension or revision. The Superintendent must report such suspension or revision to the Board at the next scheduled Board meeting.¶
Definitions¶
The definitions in this Section apply only to this Policy.¶
"Employee" means a person employed by the Board, except a person:¶
Who does not report to work where other people, such as co-workers, are present,¶
While working from home, or¶
Who works exclusively outdoors.¶
"Employee" does not include self-employed independent contractors or employees of third parties who provide services to the District.¶
"Acceptable Proof of Vaccination Status" means any of the following:¶
The employee's record of COVID-19 immunization from a health care provider or pharmacy.¶
A copy of the employee's:¶
COVID-19 vaccination record card,¶
Medical records documenting COVID-19 vaccination,¶
COVID-19 immunization records from a public health, state, or tribal immunization information system, or¶
Other official documentation that contains the type of COVID-19 vaccine, administration date{ ...

Series 4000: District Employment

4300 Non-Exempt Staff

4302 Employee Pay, Including Minimum Wage and Overtime

Non-exempt staff will receive hourly compensation at a rate not less than the hourly minimum wage required by federal or state law, whichever is greater. Wages will be paid for all hours worked, including for training time required by the District.

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Non-exempt staff will receive overtime compensation at a rate of 1.5 times his/her regular hourly rate for work more than 40 hours in a work week, unless a higher rate is established through a collective bargaining agreement or other written agreement covering the non-exempt staff member. Paid leave time (e.g., vacation, sick, or personal days) will not count as hours worked for overtime compensation, unless otherwise stated in a collective bargaining agreement or individual employment contract.

Overtime work must be pre-approved by a supervisor and properly recorded.

If the non-exempt staff member is compensated at multiple hourly wage rates during a work week, the overtime rate will be based on a weighted blend (by hours worked at each wage rate) of the wage rates earned by the employee in the applicable work week.

Collective bargaining agreements and individual employment contracts may provide for additional overtime compensation.

Legal authority: 29 USC 201 et seq.; MCL 408.931 et seq.

Date adopted:

Date revised:

Series 4000: District Employment

4600 The Superintendent

4601 General

A. Employment

Except in limited circumstances as otherwise allowed by law, the Board will employ a Superintendent as the District's chief administrative officer who will report to the Board. The Superintendent's individual employment contract will not exceed 5 years. The Superintendent will maintain appropriate certification, as well as comply with continuing education requirements, as a condition of continued employment. The Superintendent must immediately notify the Board if his or her certification expires or is nullified or revoked.

B. Duties and Responsibilities

The Superintendent will regularly advise the Board on significant legal, educational, financial, and other school-related developments affecting the District and the Board and will demonstrate exemplary leadership and knowledge of contemporary educational philosophy and effective practices.

The Superintendent will ensure compliance with requirements imposed by federal and state law, Policy, and governmental authorities with jurisdiction over Michigan schools. The Board delegates to the Superintendent the general power and authority to do the following, within Board-approved Policy and budgetary parameters:

1. direct curriculum and take actions to maximize student safety, welfare, and educational opportunities;
2. [Option: Suspend students up to 59 days and expel students consistent with Policy 5206];
3. ensure compliance with student disciplinary standards and procedures;
4. accept all employee resignations on the Board's behalf;
5. make other employment decisions consistent with these Policies, specifically including the right to hire, recall, transfer, assign, direct, discipline, and recommend or impose termination, as applicable;
6. develop and implement recruitment, application, and selection procedures to fill vacancies for Non-Exempt Staff, Teaching Professionals, Non-Teaching Professionals, Administrators, Supervisors, and Directors and to make hiring recommendations to the Board for approval, if applicable;

7. manage District grounds, buildings, property, and equipment and make determinations about their use, maintenance, improvements, purchases, and repairs in accordance with law;
8. temporarily close one or more of the District's schools or programs or alter the school day when the Superintendent determines that the action is necessary for the health and safety of students and staff;
9. maintain adequate supplies and materials for students and staff;
10. consult with outside advisors, attorneys, auditors, and others in the best interests of the District;
11. negotiate collective bargaining agreements and other contracts, subject to Board review and ratification;
12. serve as the Board's spokesperson and community liaison;
13. develop, recommend, and implement cooperative programs and services with other public and private entities that will promote attainment of District goals and objectives;
14. implement Board policies and supervise the District's day-to-day operations;
15. take action in circumstances not authorized by Board action or Policy when required to effectively run the District's day-to-day operations. The Superintendent should (1) inform the Board of the action taken and the need for expedited action; and (2) report the action to the Board during the first meeting proceeding the action; and
16. take action as permitted or required by law or as authorized by Board action or Policy.

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C. Fiscal Management

The Superintendent, in consultation with other District personnel, will prepare and present to the Board a proposed annual District budget for the upcoming fiscal year. Budget adoption and amendments will be subject to Board approval. The Superintendent will furnish the Board with all information requested by the Board for proper consideration of the proposed budget. After the proposed budget is adopted by the Board at a public hearing held in compliance with the Budget Hearings of Local Government Act, the Superintendent, in consultation with the individual acting in the capacity of the District's business official, will oversee and control budget expenditures to ensure compliance with the budget adopted by the Board.

Legal authority: MCL 141.411 et seq.; MCL 380.11a, 380.601a, 380.653, 380.654, 380.1229(1), 380.1229(4), 380.1246, 380.1536

Date adopted:

Date revised:

Series 5000: Students, Curriculum, and Academic Matters

5100 Student Rights

5101 Student Expression

The District will balance student speech and expression rights with its responsibility to provide a safe, orderly learning environment.

Students may not engage in speech or expressive conduct that would materially and substantially interfere with or disrupt school operations, including school activities and educational programming. An actual disruption is not required before school officials may regulate student speech or impose discipline if they can reasonably forecast a substantial and material disruption or interference with school operations.

Students may be disciplined for speech or expressive conduct that: is materially and substantially disruptive or that school officials can reasonably forecast will create a substantial disruption; is obscene, sexually explicit, indecent, or lewd; promotes the use of or advertises illegal substances; incites violence; contains "fighting words" or constitutes a true threat of violence; involves a student walkout; urges a violation of law, Board Policy, or rule; or is not constitutionally protected. Administrators will evaluate student speech on a case-by-case basis before imposing discipline.

Deleted: [Optional: constitutes hate speech or symbols, including, but not limited to, swastikas or Confederate flags]

Student activism is subject to the above standards.

As used in this Policy, "fighting words" are words that tend to provoke a violent response amounting to a breach of the peace.

Legal authority: U.S. CONST. amend. I; Const 1963, art I, § 5; *Tinker v Des Moines Indep Community Sch Dist*, 393 US 503 (1969)

Date adopted:

Date revised:

Series 5000: Students, Curriculum, and Academic Matters

5100 Student Rights

5104 Age of Majority

State law recognizes students are adults at age 18 or when otherwise legally emancipated. Except as noted below, all Board Policies, applicable codes of conduct, and any other applicable rules or behavioral expectations apply to all students regardless of age.

Unless inconsistent with a court order, students who are 18 years or older or legally emancipated may:

- A. have the same rights as their parents/guardians as they relate to access to or control of their student records;
- B. represent themselves during disciplinary conferences;
- C. sign themselves in and out of school;
- D. provide reason(s) for their absences and tardies;

E. request a personal curriculum; and

F. have other rights or privileges as determined by the Superintendent or designee.

Eligible students who wish to assert these rights must notify the building principal in writing. Otherwise, sections B-F above will not apply. The building principal or designee may notify an eligible student's parent/guardian that the eligible student has exercised the rights listed under this Policy.

Legal authority: MCL 380.1278b, 722.4, 722.52

Date adopted:

Date revised:

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Series 5000: Students, Curriculum, and Academic Matters

5200 Student Conduct and Discipline

5201 Investigations, Arrests, and Other Law Enforcement Contact

The Board desires to maintain a positive working relationship with law enforcement agencies while protecting student rights and educational needs.

“Law enforcement officer” means a county sheriff or deputy sheriff; an officer of a city, village, or township police department; a city, village, or township marshal; a constable; a Michigan State Police officer; a federal law enforcement officer; an investigator of the state Department of Attorney General; a U.S. Immigration and Customs Enforcement (ICE) agent; a Federal Bureau of Investigations (FBI) agent; or any other person who has the legal authority to investigate criminal activity or to effectuate an arrest.

A. Student Records

District personnel may only share personally identifiable information from a student’s education record with law enforcement officers pursuant to Policy 5309 and state and federal law.

B. Reporting to Law Enforcement

A District administrator may contact a law enforcement officer any time the administrator suspects criminal activity; activity that threatens the health or safety of a student; or activity that disrupts or potentially disrupts the school environment.

C. School Related Criminal Activity

School related criminal activity is alleged or suspected criminal activity that occurs on school grounds, at a school-sponsored activity or athletic event, or in a vehicle owned or used by the District.

Law enforcement officers may contact and question students at school about school-related criminal activity as provided below.

A law enforcement officer must notify the building principal or designee before questioning a student at school. The building principal or designee must request the law enforcement officer’s identification before allowing the student to be questioned.

The building principal or designee will make reasonable attempts to contact a student’s parent/guardian before the student is questioned by law enforcement. If the student is 18 years or older or is emancipated, the building principal will make reasonable attempts to contact the student’s parent/guardian, if requested by the student. If a parent/guardian cannot be reached after reasonable attempts, the student may be questioned only if the law enforcement officer identifies emergency circumstances requiring immediate questioning. A building principal or designee

will be present for the questioning. The student will be questioned in a private room and out of sight of others as much as practicable.

The law enforcement officer has the responsibility to advise the student of all applicable rights, including the right against self-incrimination.

If at any time the building principal or designee believes that the law enforcement officer's questioning is being conducted in an inappropriate manner, the building principal or designee will request that the questioning cease.

D. Non-School Related Criminal Activity

Unless specifically authorized by law, a law enforcement officer may not question a student at school about non-school related criminal activity without parent/guardian consent or an appropriate warrant or court order.

E. Taking a Student into Custody

A law enforcement officer seeking to take a student into custody must contact the building principal or designee. If practicable, the building principal or designee will request that the law enforcement officer provide a copy of the warrant, written parent/guardian consent, court order, or other document authorizing the officer to take the student into custody. If the law enforcement officer takes a student into custody, the building principal or designee will obtain and record the officer's name, badge number, and law enforcement agency; the date, time, and reason for the arrest; and the location to which the student is reportedly being taken.

Whenever practicable, a student should be taken into custody in a manner that minimizes observation by others and disruption to the educational environment.

When a law enforcement officer removes a student from school, the building principal or designee will take immediate steps to notify the student's parent/guardian about the student's removal and the location to which the student is reportedly being taken, except when a student has been taken into custody as a victim of suspected child abuse or neglect.

F. Notification to Superintendent or Designee

The building principal or designee will promptly notify the Superintendent any time a law enforcement officer seeks or demands to question a student, take a student into custody, or remove a student from school.

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G. Child Abuse and Neglect

This Policy does not govern child abuse and neglect investigations. See Policy 5701.

Nothing in this Policy limits the authority of District personnel to question a student about suspected misconduct or investigate suspected misconduct at school.

Legal authority: MCL 380.11a

Date adopted:

Date revised:

Series 5000: Students, Curriculum, and Academic Matters

5200 Student Conduct and Discipline

5202 Unlawful Discrimination, Harassment, and Retaliation Against Students

The District prohibits unlawful discrimination. **For purposes of this Policy, “unlawful discrimination”** includes unlawful harassment and retaliation, unless specifically stated otherwise. The District will investigate all allegations of unlawful discrimination and will take appropriate action, including discipline, against any person who, following an investigation, is determined to have engaged in unlawful discrimination.

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This Policy applies to student-to-student conduct and staff-to-student conduct. See Policy 4102 for District personnel harassment.

Complaints alleging Title IX sexual harassment (staff-to-staff, staff-to-student, student-to-student, or student-to-staff) are governed by Policy 3118.

This Policy applies to all conduct occurring on school property, including in a classroom, elsewhere on school premises, on a school bus or other school related vehicle, at a school-sponsored activity or event whether or not it is held on school premises, or conduct with a direct nexus to school.

The District will comply with all applicable state and federal laws related to unlawful discrimination.

A. Student Handbooks

The Superintendent or designee will include in student handbooks a statement explaining the District’s policy against unlawful discrimination, including unlawful harassment and retaliation. This statement must include an explanation of types of unlawful discrimination, examples of harassment, reporting requirements, and consequences as described in this Policy.

B. Types of Unlawful Harassment

“Unlawful harassment” is verbal, written, or physical conduct that denigrates or shows hostility or aversion toward a student because of the student’s race, color, religion, sex (including pregnancy, gender identity, or sexual orientation), national origin, disability, or any other legally protected class that has the purpose or effect of:

1. creating an intimidating, hostile, or offensive environment; or
2. unreasonably interfering with the student’s ability to benefit from the District’s educational programs or activities.

Race, color, and national origin harassment is prohibited by Title VI of the Civil Rights Act of 1964 and the Michigan Elliott-Larsen Civil Rights Act. Race, color,

and national origin harassment is unwelcome conduct based on a student's actual or perceived race, color, or national origin. Race, color, and national origin harassment can take many forms, including slurs, taunts, stereotypes, or name-calling, as well as racially motivated physical threats, attacks, or other hateful conduct. Under this Policy, harassment based on ethnicity, ancestry, or perceived ancestral, ethnic, or religious characteristics, will be considered race, color, and national origin harassment.

Disability harassment is prohibited by the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, and the Michigan Persons with Disabilities Civil Rights Act. Disability harassment is unwelcome conduct based on a student's actual or perceived disability. Disability harassment can take many forms, including slurs, taunts, stereotypes, or name-calling, as well as disability motivated physical threats, attacks, or other hateful conduct.

Sex-based harassment is prohibited by Title IX of the Education Amendments of 1972 and the Michigan Elliott-Larsen Civil Rights Act. For the definition of sexual harassment under Title IX, see Policy 3118. Sex-based harassment prohibited by this Policy includes harassment based on gender identity or sexual orientation. This Policy also prohibits harassment of a sexual nature that does not rise to the level of Title IX sexual harassment, as defined in Policy 3118.

C. Reporting Requirements

District personnel must immediately report incidents of alleged unlawful discrimination, including incidents that District personnel witness or about which they receive reports or information, regardless of whether the incidents are verbal, visual, or physical, and whether the incidents also constitute harassment, bullying, or hazing.

District personnel who witness an act of unlawful discrimination must intervene immediately, unless circumstances would make intervention dangerous. A person who is unable to intervene should promptly attempt to find another person who is able to intervene, contact a building administrator, or contact law enforcement, as the situation requires.

Any student who witnesses an act of unlawful discrimination is encouraged to report it to District personnel. No student will be retaliated against based on any report of suspected unlawful discrimination. A student may also anonymously report an incident of unlawful discrimination. The District will investigate anonymous reports pursuant to its investigation procedures described below. Minor students do not need parent/guardian permission to file complaints or participate in the formal complaint resolution process described below.

D. How to Report Unlawful Discrimination

If you or someone you know has been the victim of unlawful sex-based discrimination, you may file a report with any District employee or with the Title IX Coordinator:

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<u>Greg Bodrie</u>	<u>Laura Gavin</u>
<u>Director of Special Education</u>	<u>Special Education Supervisor</u>
<u>231-865-4012</u>	<u>231-865-4011</u>
<u>3255 E. Pontaluna Rd.</u>	<u>3255 E. Pontaluna Rd.</u>
<u>Fruitport, MI 49415</u>	<u>Fruitport, MI 49415</u>
<u>gbodrie@fruitportschools.net</u>	<u>lgavin@fruitportschools.net</u>

Formal Complaints of Title IX Sexual Harassment must be filed with the Title IX Coordinator. For information on the District's Title IX Sexual Harassment Grievance Process, see Policy 3118. If you or someone you know has been the victim of disability-based discrimination, you may file a complaint with:

Deleted: TITLE IX COORDINATOR NAME OR POSITION/TITLE ¶
 TITLE IX COORDINATOR ADDRESS ¶
 TITLE IX COORDINATOR PHONE NUMBER ¶
 TITLE IX COORDINATOR EMAIL ¶

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<u>Greg Bodrie</u>	<u>Laura Gavin</u>
<u>Director of Special Education</u>	<u>Special Education Supervisor</u>
<u>231-865-4012</u>	<u>231-865-4011</u>
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<u>gbodrie@fruitportschools.net</u>	<u>lgavin@fruitportschools.net</u>

If you or someone you know has been the victim of any other type of unlawful discrimination, including unlawful conduct based on race, color, or national origin, you may file a complaint with:

Deleted: SECTION 504 COORDINATOR NAME OR POSITION/TITLE ¶
 SECTION 504 COORDINATOR ADDRESS ¶
 SECTION 504 COORDINATOR PHONE NUMBER ¶
 SECTION 504 COORDINATOR EMAIL ¶

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<u>Greg Bodrie</u>	<u>Laura Gavin</u>
<u>Director of Special Education</u>	<u>Special Education Supervisor</u>
<u>231-865-4012</u>	<u>231-865-4011</u>
<u>3255 E. Pontaluna Rd.</u>	<u>3255 E. Pontaluna Rd.</u>
<u>Fruitport, MI 49415</u>	<u>Fruitport, MI 49415</u>
<u>gbodrie@fruitportschools.net</u>	<u>lgavin@fruitportschools.net</u>

A report of unlawful discrimination may be made verbally or in writing. The coordinators identified above will document all unlawful discrimination reports, as well as any incidents they personally observe. The District will retain this documentation in accordance with applicable record retention requirements.

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 CIVIL RIGHTS COORDINATOR ADDRESS ¶
 CIVIL RIGHTS COORDINATOR PHONE NUMBER ¶
 CIVIL RIGHTS COORDINATOR EMAIL ¶

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E. Complaint Process

Any person who has been the victim of unlawful discrimination or any person who has witnessed an incident of unlawful discrimination may make a complaint at any time. District personnel who receive a complaint of unlawful discrimination must immediately document the reported incident and notify the appropriate coordinator identified above by the end of the next school day.

F. Investigation Timelines

The District will initiate an investigation within 2 school days after receiving a complaint of unlawful discrimination. In most cases, an investigation will be completed within 5 school days.

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The District will attempt to comply with all law enforcement requests for cooperation. In some circumstances, compliance with law enforcement requests may require the District to briefly suspend its investigation. The District will promptly resume its investigation as soon as it is notified by the law enforcement agency that the law enforcement agency has completed its evidence gathering process. This delay should not exceed 10 school days. If the District's investigation is suspended, interim steps will be taken to provide for the safety of the alleged victim or victims and the school community and to avoid potential retaliation. Those steps may include suspending the alleged perpetrator from work or school until the investigation is complete. If the law enforcement agency does not notify the District within 10 school days that the investigation may resume, the District will notify the law enforcement agency that the District intends to promptly resume its investigation.

Within 5 school days after completing the investigation, the District will separately notify, in writing, the alleged victim and the alleged perpetrator of the investigation's outcome. Any disciplinary action against the alleged perpetrator will be implemented in accordance with the due process standards contained within Policy 5206.

An alleged victim of unlawful discrimination may present new evidence at any time.

An alleged perpetrator's status as a student with a disability will not affect the District's obligation to protect the alleged victim during and after an investigation.

G. Investigation Procedures

The District will use the following procedures when initiating and conducting investigations of unlawful discrimination:

1. Any written or verbal report of unlawful discrimination or harassment, including anonymous written or verbal reports, will be promptly addressed and investigated.
2. The District will assure the alleged victim that:
 - a. the complaint will be fully investigated;
 - b. the alleged victim's identity will be kept confidential during the investigation, to the extent possible;
 - c. the alleged victim will not be retaliated against by the District; and
 - d. the District will enforce its non-retaliation policy.
3. The District will take preventative measures to ensure that others, including the alleged perpetrator, do not retaliate against the alleged victim during or after the investigation.

4. The District will notify the alleged victim that the victim will not be required to confront the alleged perpetrator during the investigation, that steps will be taken to immediately ensure that the alleged conduct does not continue, and that retaliation is prohibited.
5. The District will interview any witnesses identified by the alleged victim and the alleged perpetrator. All witnesses will be assured that their identities will be kept confidential during the investigation, to the extent both possible and practical, and that retaliation is prohibited.
6. The District will implement individualized interim measures during the investigation to ensure that any unlawful conduct does not continue. Interim measures may include, but are not limited to, temporary schedule changes, no-contact directives, short-term suspensions, changes to class schedules or lockers, and student escorts.
7. The District will take action to end unlawful discrimination, including monitoring that the conduct does not reoccur and modifying responses if the unlawful discrimination does reoccur.
8. If the alleged victim is a minor student, the District will notify the student's parent/guardian of the complaint. The parent/guardian will be informed of the investigation's status, as appropriate.
9. Unless otherwise required by law, if an alleged victim has been discriminated against or harassed based on sexual orientation, gender identity, or non-compliance with gender stereotypes, the District will first consult with the student to determine an appropriate method of notifying the student's parent/guardian of the complaint.
10. All documentation, including witness statements, must be kept with the complaint and reports.
11. The District will use the preponderance of the evidence standard as the appropriate standard to substantiate allegations of unlawful discrimination.
12. If the District determines that a school official's impartiality has been compromised during the investigation process, that school official will be removed from the investigation and have no further involvement.
13. If an alleged victim requests complete confidentiality or asks that the complaint not be pursued, the District will take all reasonable steps to investigate and respond to the complaint consistent with the alleged victim's request. If an alleged victim insists that the victim's name or other identifying information not be disclosed to the alleged perpetrator, the appropriate coordinator or designee will notify the alleged victim that the District's ability to investigate and respond to the complaint may be limited.

H. Remedies

The District will take appropriate and effective measures to promptly remedy effects of unlawful discrimination. Appropriate remedies will be based on the circumstances and may include, but are not limited to:

1. providing an escort to ensure that the victim can safely attend classes and school activities;
2. providing the victim with school-based counseling services;
3. providing the victim with academic support services, such as tutoring;
4. rearranging course schedules, to the extent practicable, to minimize contact between the victim and perpetrator;
5. moving the victim's or the perpetrator's locker;
6. issuing a "no contact" directive to the perpetrator; or
7. imposing discipline, up to and including suspension or expulsion, consistent with Policy 5206 and the student code of conduct.

Whenever possible, the District will strive to ensure that the victim's academic and other school-related schedules remain intact.

These remedies may also be available to any other student who is or was affected by unlawful discrimination.

The applicable coordinator should also consider whether broader remedies are required, which may include, but are not limited to:

1. assemblies reminding students and staff of their obligations under this Policy and applicable handbooks;
2. additional staff training;
3. a climate survey; or
4. letters to students, staff, and parents/guardians reminding them of their obligations under this Policy and applicable handbooks.

If the alleged victim is a student with a disability, the Superintendent or designee will convene an IEP or Section 504 Team meeting to determine if additional or different programs, services, accommodations, or supports are required to ensure that the alleged victim continues to receive a free appropriate public education.

I. Investigation Report

After the investigation concludes, the appropriate coordinator or designee will create an investigation report. The report must include the following information:

1. the alleged victim's name, a description, or identifying information;

2. the alleged victim's relevant protected class(es);
3. the name, a description, or identifying information about the person making the report, if not the alleged victim;
4. the protected class(es) of the person making the report, if not the alleged victim;
5. the nature of the allegation, a description of the alleged incident(s), and the date and time (if known) of the alleged incident(s);
6. the name(s) and protected classes of all persons alleged to have committed the unlawful discrimination, if known, or a description/identifying information available if the name is not known;
7. the name(s) or description/identifying information and protected classes of all known witnesses to the alleged incident;
8. any written statement of the person making the report, the alleged victim (if different than the reporter), the alleged perpetrator(s), and any known witnesses;
9. the applicable standard of evidence, conclusion, and recommendations; and
10. the response by District personnel, including the date any incident was reported to law enforcement.

J. Filing a False Report

Any person who knowingly or maliciously files a false report of unlawful discrimination will be subject to discipline, up to and including expulsion.

K. Retaliation

Retaliation against a person who reports unlawful discrimination is prohibited. Any person who retaliates against a person who reports suspected unlawful discrimination will be disciplined in accordance with Policy 5206. This prohibition against retaliation also applies to retaliation against people who participate in or cooperate with an investigation related to a complaint.

L. Office for Civil Rights

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

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

Series 5000: Students, Curriculum, and Academic Matters

5200 Student Conduct and Discipline

5206 Student Discipline

[Note: This Policy complies with all relevant laws and rules and reflects the most common practices to address student discipline. If this Policy does not reflect your District's practices, Thrun Law Firm will work with you to modify the Policy to incorporate your District's practices consistent with applicable law.]

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A. Student Discipline - Generally

The Board is committed to providing students and staff with a safe learning environment free from substantial disruption. Consistent with this commitment, the District may discipline students who engage in misconduct, up to and including suspension or expulsion from school.

The District will take steps to effectively discipline students in a manner that minimizes out-of-school suspensions and expulsions. The District will comply with applicable laws related to student discipline, including the consideration of specific factors and possible use of restorative practices.

B. Applicability

This Policy applies to student conduct that occurs:

1. on District property;
2. at a school-sponsored or school-related event;
3. on a school bus or vehicle;
4. while traveling to or from school, including at a bus stop; and
5. at any other time or place if the conduct has a nexus to the school, substantially disrupts the school environment, or as permitted by law.

C. Student Code of Conduct

The Superintendent or designee will develop, regularly update, and annually publish a student code of conduct in all student handbooks. The student code of conduct must:

1. identify offenses that may result in discipline;
2. identify possible disciplinary consequences for each offense, which may, if appropriate, include suspension or expulsion;
3. be consistent with applicable state and federal laws and Board Policies; and

4. include a copy of Policy 5206E entitled "Suspension from Class, Subject, or Activity by Teacher."

D. Definitions

For purposes of this Policy:

1. "suspend" or "suspension" means a disciplinary removal from school for less than 60 school days;
2. "expel" or "expulsion" means a disciplinary removal from school for 60 or more school days;
3. "restorative practices" means practices that emphasize repairing the harm to the victim and the school community caused by a student's misconduct; and
4. "Mandatory 7 Factors" means the following:
 - a. the student's age;
 - b. the student's disciplinary history;
 - c. whether the student has a disability;
 - d. the seriousness of the behavior;
 - e. whether the behavior posed a safety risk;
 - f. whether restorative practices are a better option; and
 - g. whether lesser interventions would address the behavior.

E. Restorative Practices

Before suspending or expelling a student (except a student who possesses a firearm in a weapon-free school zone), teachers, administrators, and the Board must first determine whether restorative practices would better address the student's misconduct, recognizing the Board's objective of minimizing out-of-school suspensions and expulsions. Likewise, teachers, administrators, and the Board must consider whether restorative practices should be used in addition to the suspension or expulsion. Restorative practices, which may include a victim-offender conference, should be the first consideration to remediate offenses such as interpersonal conflicts, bullying, verbal and physical conflicts, theft, damage to property, class disruption, harassment, and cyberbullying.

All victim-offender conferences must be conducted consistent with state and federal law and Policies. No student who claims to be the victim of unlawful harassment may be compelled to meet with the alleged perpetrator of the harassment as part of a restorative practice.

F. Discretionary Suspension or Expulsion

Under Michigan law, a suspension of 10 or fewer school days is presumed to be reasonable. A suspension of more than 10 school days or an expulsion is, in most circumstances, presumed not to be justified. Before imposing a suspension or an expulsion, administrators or the Board must consider the Mandatory 7 Factors.

1. Building Administrators - 10 or fewer days

The Board delegates to all building administrators the authority to suspend a student for up to 10 school days consistent with the student code of conduct.

A building administrator may also suspend a student for up to 10 school days pending further investigation and possible further disciplinary consequences, including a longer-term suspension or expulsion.

Before exercising this authority, the building administrator must consider the Mandatory 7 Factors.

Additionally, before suspending a student for any length of time, the building administrator must provide the student due process as described in Policy 5206A. If the student is a student with a disability, the student's discipline is also subject to Policy 5206B.

2. Superintendent - Less than 60 school days

The Board delegates to the Superintendent the authority to suspend a student for less than 60 school days consistent with the student code of conduct. Before exercising this authority, the Superintendent must consider the Mandatory 7 Factors.

Any time the Superintendent finds that a suspension of more than 10 school days is warranted, the Superintendent must base the rationale on the Mandatory 7 Factors and explain the rationale in writing.

Additionally, before suspending a student for any length of time, the Superintendent must provide the student due process as described in Policy 5206A. If the student is a student with a disability, the student's discipline is also subject to Policy 5206B.

3. Board - Suspension or Expulsion

The Board may suspend or expel a student for an offense consistent with the student code of conduct.

Before exercising this authority, the Board must consider the Mandatory 7 Factors.

Any time the Board finds that a suspension of more than 10 school days or expulsion is warranted, the Board must base the rationale on the Mandatory 7 Factors and explain the rationale in writing.

Before exercising this authority, the Board must provide the student due process as described in Policy 5206A. If the student is a student with a disability, the student's discipline is also subject to Policy 5206B.

G. Criminal Sexual Conduct – Discretionary Suspension or Expulsion

If a student commits criminal sexual conduct, as defined in Revised School Code Section 1311, against another student enrolled in the District and expulsion is not mandatory under Policy 5206 H.3, the District may suspend or expel the student even if the student has not been criminally charged, subject to consideration of the Mandatory 7 Factors.

Before exercising this authority, the District must provide the student due process as described in Policy 5206A. If the student is a student with a disability, the student's discipline is also subject to Policy 5206B.

H. Mandatory Suspension or Expulsion

Building principals and other administrators must refer all incidents that may result in a mandatory suspension or expulsion to the Superintendent or designee for transmission to the Board. As explained below, the Board recognizes that in some circumstances it may choose not to suspend or expel a student. Nothing in this section may be construed as limiting the Board's discretion to suspend or expel a student for any offense that the student code of conduct identifies as possibly resulting in suspension or expulsion.

1. Possession of a Dangerous Weapon

a. Possession of a Firearm

If a student possesses a firearm in a weapon-free school zone, the Board will permanently expel the student unless the student demonstrates, in a clear and convincing manner, at least one of the following:

- the student was not possessing the firearm to use as a weapon or to deliver, either directly or indirectly, to another person to use as a weapon;
- the student did not knowingly possess the firearm;
- the student did not know or have reason to know that the firearm constituted a "dangerous weapon"; or
- the student possessed the firearm at the suggestion, request, or direction of, or with the express permission of, school or police authorities.

If a student demonstrates one of the above circumstances in a clear and convincing manner and the student has not been previously suspended or expelled from school, the Board will not expel the student unless the Board finds that, based on the circumstances, expulsion is warranted.

b. Possession of a Dangerous Weapon (Other than a Firearm)

If a student possesses a dangerous weapon (other than a firearm) in a weapon-free school zone, the Board will consider whether to permanently expel the student or to impose a less severe penalty after first considering the Mandatory 7 Factors.

The Board is not required to expel a student for possession of a dangerous weapon (other than a firearm) if the student demonstrates, in a clear and convincing manner, at least one of the following:

- the student was not possessing the instrument or object to use as a weapon or to deliver, either directly or indirectly, to another person to use as a weapon;
- the student did not knowingly possess the weapon;
- the student did not know or have reason to know that the instrument or object constituted a “dangerous weapon”; or
- the student possessed the weapon at the suggestion, request, or direction of, or with the express permission of, school or police authorities.

If a student demonstrates one of the above circumstances in a clear and convincing manner and the student has not been previously suspended or expelled from school, the Board will not expel the student unless the Board finds that, based on the circumstances, expulsion is warranted.

c. Applicable Definitions for Dangerous Weapon Offense

“Weapon-free school zone” means school property and a vehicle used by a school to transport students to or from school property.

“School property” means a building, playing field, or property used for school purposes to impart instruction to children or used for functions and events sponsored by a school, except a building used primarily for adult education or college extension courses.

“Dangerous weapon” means a firearm, dagger, dirk, stiletto, knife with a blade over 3 inches in length, pocket knife opened by a mechanical device, iron bar, or brass knuckles.

“Firearm” means (i) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (ii) the frame or receiver of any such weapon; (iii) any firearm muffler or firearm silencer; or (iv) any destructive device. “Firearm” does not include an antique firearm, as defined by 18 USC § 921.

“Destructive device” means (i) any explosive, incendiary, or poison gas (including a bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or similar device); (ii) any type of weapon (other than a shotgun or a shotgun shell that the Attorney General finds is generally recognized as particularly suitable for sporting purposes) by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter; and (iii) any combination of parts either designed or intended for use in converting any device into a destructive device and from which a destructive device may be readily assembled.

d. Additional Procedures for Dangerous Weapon Expulsion

The Superintendent or designee must ensure that if a student is expelled for possession of a dangerous weapon, the student’s permanent record reflects the expulsion. The Superintendent or designee must refer a student who is expelled for possession of a dangerous weapon to the county department of social services or the county community mental health agency and notify the student’s parent/guardian (or the student, if the student is at least age 18 or is an emancipated minor) of the referral within 3 calendar days of the expulsion. The Superintendent or designee must also make a referral to local law enforcement and contact the student’s parent/guardian immediately any time a student is found to have brought a dangerous weapon to school or possessed a dangerous weapon at school, at a school related activity, or in a school vehicle. If a District official confiscates a dangerous weapon, the District official will give the dangerous weapon to law enforcement and will not release the dangerous weapon to any other person, including the legal owner.

Unless reinstated pursuant to Revised School Code Section 1311(6), a student expelled by another district or public school academy for possession of a dangerous weapon may not enroll in the District.

2. Arson

If a student commits arson as defined in Revised School Code Section 1311, in a school building or on school grounds, the Board will consider whether to permanently expel the student or to impose a less severe penalty after first considering the Mandatory 7 Factors.

The Superintendent or designee must ensure that if a student is expelled for committing arson, the student’s permanent record reflects the expulsion. The Superintendent or designee must refer a student who is expelled for committing arson to the county department of social services or the county community mental health agency and notify the student’s parent/guardian (or the student,

if the student is at least age 18 or is an emancipated minor) of the referral within 3 calendar days of the expulsion.

Unless reinstated pursuant to Revised School Code Section 1311(6), a student expelled by another district or public school academy for committing arson may not enroll in the District.

3. Criminal Sexual Conduct

If a student commits criminal sexual conduct as defined in Revised School Code Section 1311, in a school building or on school grounds, or pleads to, is convicted of, or is adjudicated for criminal sexual conduct against another student enrolled in the District, the Board will consider whether to permanently expel the student or to impose a less severe penalty after first considering the Mandatory 7 Factors.

The Superintendent or designee must ensure that if a student is expelled for committing criminal sexual conduct, the student's permanent record reflects the expulsion. The Superintendent or designee must refer a student who is expelled for committing criminal sexual conduct to the county department of social services or the county community mental health agency and notify the student's parent/guardian (or the student, if the student is at least age 18 or is an emancipated minor) of the referral within 3 calendar days of the expulsion.

Unless reinstated pursuant to Revised School Code Section 1311(6), a student expelled by another district or public school academy for committing criminal sexual conduct may not enroll in the District.

4. Physical Assault

a. Physical Assault Against Employee, Volunteer, or Contractor

If a student in grade 6 or above commits a physical assault at school against an employee, volunteer, or contractor and the victim reports the physical assault to the Board or to a school administrator or, if the victim is unable to report the assault, another person makes the report on the victim's behalf, the Board will consider whether to permanently expel the student or to impose a less severe penalty after first considering the Mandatory 7 Factors.

The Superintendent or designee must ensure that if a student is expelled for physically assaulting an employee, volunteer, or contractor, the student's permanent record reflects the expulsion. The Superintendent or designee must refer a student who is expelled for physically assaulting an employee, volunteer, or contractor to the county department of social services or the county community mental health agency and notify the student's parent/guardian (or the student, if the student is at least age 18 or is an emancipated minor) of the referral within 3 calendar days of the expulsion.

Unless reinstated pursuant to Revised School Code Section 1311a(5), a student expelled by another district or public school academy for physically assaulting an employee, volunteer, or contractor may not enroll in the District.

b. Physical Assault Against Another Student

If a student in grade 6 or above commits a physical assault at school against another student and the physical assault is reported to the Board or to an administrator, the District will consider whether to suspend or expel the student or to impose a less severe penalty after first considering the Mandatory 7 Factors.

A resident student in grade 6 or above who is currently expelled by another district or public school academy for committing a physical assault against another student may request to enroll in the District. The Superintendent or designee will consider the request along with any information the Superintendent or designee determines relevant. The Superintendent or designee may either grant or deny the request. The Superintendent's decision is final.

c. Applicable Definitions for Physical Assault Against Student

- i. "Physical assault" means intentionally causing or attempting to cause physical harm to another through force or violence.
- ii. "At school" means in a classroom, elsewhere on school premises, on a school bus or other school-related vehicle, or at a school-sponsored activity or event whether or not it is held on school premises.

5. Bomb Threat or Similar Threat

If a student in grade 6 or above makes a bomb threat or similar threat directed at a school building, other District property, or at a school-related event, the District will consider whether to suspend or expel the student or to impose a less severe penalty after first considering the Mandatory 7 Factors.

A resident student in grade 6 or above who is currently expelled by another district or public school academy for making a bomb threat or similar threat may request to enroll in the District. The Superintendent or designee will consider the request along with any information the Superintendent or designee determines relevant. The Superintendent or designee may either grant or deny the request. The Superintendent's decision is final.

I. Statewide School Safety Information Policy (SSSIP) & Law Enforcement Reporting

The Superintendent or designee must notify law enforcement when required by the SSSIP and make all other reports and provide all other notifications required

by the SSSIP or any state or federal law. Nothing in this Policy limits the ability of a school administrator to contact law enforcement at any other time.

J. Educational Programming During Suspension or Expulsion

Except as otherwise required by law or as provided in this Policy, a student who has been suspended or expelled may not be on school property, attend classes or other school functions, or participate in extracurricular activities during the student's suspension or expulsion without written permission from the Superintendent or designee. District personnel may assist students who have been suspended or expelled to explore alternative means, as allowed by law, to earn credit and to complete coursework during the period of the student's suspension or expulsion.

Legal authority: 18 USC 921; 20 USC 1401 et seq., 7151; 29 USC 705, 794-794b; MCL 380.1308-1310, 380.1310a, 380.1310c, 380.1310d, 380.1311, 380.1311a, 380.1312, 380.1313

Date adopted:

Date revised:

Series 5000: Students, Curriculum, and Academic Matters

5200 Student Conduct and Discipline

5206B Student Discipline - Students with Disabilities

Commented [MC1]: Per Thrun: "Updated to correct legal authority; no substantive changes."

The District will follow all applicable state and federal laws related to disciplining students with disabilities. Students with disabilities are entitled to all due process protections afforded to other students pursuant to Policy 5206A. For students with disabilities, the additional procedures and protections in this Policy also apply.

A. Change of Placement

On the date on which the District decides to: (1) expel a student with a disability; (2) suspend a student with a disability for more than 10 consecutive school days; (3) suspend a student with a disability for more than 10 cumulative school days in the same school year if a pattern of removals exists; or (4) place a student with a disability in an interim alternative educational setting (explained below), the District will notify the student's parent/guardian of that decision, will provide the parent/guardian a copy of applicable procedural safeguards, and will conduct a manifestation determination review (MDR) within 10 school days.

B. Manifestation Determination Review

The MDR team, which includes the parent/guardian and relevant members of the student's IEP or Section 504 Team, will determine whether the student's conduct was a manifestation of the student's disability.

1. Conduct Was a Manifestation

If the conduct was a manifestation of the student's disability, the District must immediately return the student to the placement from which the student was removed unless the parent/guardian and the District agree to change the placement or the student is placed in an interim alternative educational setting for up to 45 school days (see section C).

For a student with an IEP, if the conduct was a manifestation of the student's disability, the District must either: (1) conduct a functional behavioral assessment (unless one was previously conducted) and implement a behavior intervention plan for the student; or (2) if a behavior intervention plan was already developed, review and modify the behavior intervention plan to address the conduct at issue.

2. Conduct Was Not a Manifestation

If the conduct was not a manifestation of the student's disability, the District may proceed with the suspension or expulsion by adhering to the due process requirements in Policy 5206A.

If the student has an IEP, the District must, as appropriate, conduct a functional behavioral assessment and develop a behavior intervention plan or other behavioral modifications for the student to prevent the behavior from recurring.

C. Interim Alternative Educational Setting (“IAES”)

The District may remove a student with a disability who engages in any of the following conduct to an IAES for not more than 45 school days, even if the conduct is a manifestation of the student’s disability:

1. carrying a weapon to or possessing a weapon at school, on school premises, or to or at a school function;
2. knowingly possessing or using illegal drugs, or selling or soliciting the sale of a controlled substance, while at school, on school premises, or at a school function; or
3. inflicting serious bodily injury upon another person while at school, on school premises, or at a school function.

For purposes of this section only, a “weapon” means a device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury. A “weapon” does not include a pocket knife with a blade of less than 2½ inches in length.

No student with a disability may be removed to an IAES without first receiving the due process rights afforded under Policy 5206A.

If the student has an IEP, the District must, as appropriate, conduct a functional behavioral assessment and develop a behavior intervention plan or other behavioral modifications for the student to prevent the behavior from continuing.

D. Dangerous Students

The District may remove a dangerous student from school as permitted by law. District administrators must follow all state and federal laws governing the removal of dangerous students with disabilities.

E. Services During Disciplinary Removal or IAES

A student who is eligible for services under the Individuals with Disabilities Education Act (IDEA) who is expelled or suspended for more than 10 school days during a school year or placed in a 45-school day IAES is entitled to receive programs and services, although in a setting other than the regular school setting, that are sufficient to enable the student to participate in the general education curriculum and to progress toward meeting the goals contained in the student’s IEP.

F. Students Not Yet IDEA Eligible

A student who is not currently identified as a student with a disability under the IDEA is entitled to the rights and procedures provided to students with disabilities if the District had knowledge that the student was a student with a disability before the misconduct occurred. The District is deemed to have knowledge that a student was a student with a disability only if: (1) the student's parent/guardian expressed concern in writing to a school administrator that the student needed special education or related services; (2) the student's parent/guardian requested a special education evaluation; or (3) the student's teacher or other District personnel expressed specific concerns about a pattern of behavior demonstrated by the student to the District's special education director or to other supervisory personnel. The District will not be deemed to have knowledge that the student was a student with a disability if: (1) the student's parent/guardian refused to allow the District to evaluate the student; (2) the student's parent/guardian refused special education for the student; or (3) the student was previously evaluated and determined to not be a student with a disability.

This Policy does not provide a comprehensive description of the disciplinary rights and procedures due to students with disabilities. District administrators must ensure that the rights of students with disabilities are protected and all procedures applicable to students with disabilities are followed as required by the IDEA, Section 504 of the Rehabilitation Act, state law, and Board Policy.

Legal authority: 20 USC 1401 et seq., 7151; 29 USC 705, 794-794b; MCL 380.1308-1310, 380.1310a, 380.1310c, 380.1310d, 380.1311, 380.1311a, 380.1312, 380.1313

Date adopted:

Date revised:

Series 5000: Students, Curriculum, and Academic Matters

5200 Student Conduct and Discipline

5206D Student Discipline - Enrollment Following Misconduct at Another Public or Nonpublic School

To the extent permitted by law, the District may deny enrollment to a student who engaged in misconduct in another public or nonpublic school and who seeks to enroll in the District either: (1) before the previous school imposes disciplinary consequences for the misconduct; or (2) while the student is suspended or expelled from the previous public or nonpublic school. The Superintendent or designee must refer the student to the Board if, under the student code of conduct, the student's misconduct in the previous public or nonpublic school would result in a long-term suspension or expulsion from that institution and, in the Superintendent's or designee's opinion, the student's enrollment in the District would jeopardize the safety or welfare of the District or substantially disrupt District operations. The Board will hold a pre-enrollment hearing following the Superintendent's or designee's referral to consider whether the student may enroll and, if so, any conditions on enrollment. The Board will consider any information submitted by the parent/guardian or student and the Superintendent in either support of or opposition to the student's enrollment.

This Policy does not apply to students seeking to enroll who have been expelled for any of the following offenses:

- A. possession of a firearm or other dangerous weapon;
- B. arson;
- C. criminal sexual conduct pursuant to Policy 5206 H.3;
- D. physical assault on an employee, contractor, or volunteer if student is in grade 6 or above;
- E. physical assault of another student if student is in grade 6 or above; and
- F. a bomb threat or similar threat if student is in grade 6 or above.

Legal authority: MCL 380.11a, 380.1308-1310, 380.1310a, 380.1310c, 380.1310d, 380.1311, 380.1311a, 380.1312, 380.1313

Date adopted:

Date revised:

Deleted: [Optional] [Note: If the Board elects not to adopt this Policy, delete the body of the policy and replace the title with "Intentionally Left Blank" after the policy number *and* in the Table of Contents to ensure accurate numbering of subsequent policies in the Policy Manual.]¶

Series 5000: Students, Curriculum, and Academic Matters

5300 Student Enrollment, Attendance, and Records

5309 Student Records and Directory Information

The District may collect, retain, use, and disclose student education records consistent with state and federal law.

A. Definitions

1. An “education record” is a record directly related to a student that the District or its agents maintain, except that an education record does not include:
 - a. records kept in the maker’s sole possession that are used as a personal memory aid and that are not accessible or revealed to any person except a temporary substitute for the maker;
 - b. records maintained by a law enforcement unit of the District, as defined by the Family Educational Rights and Privacy Act (FERPA), if the record was created for a law enforcement purpose;
 - c. records relating to a student who is at least 18 years old that are created or maintained by a psychiatrist, psychologist, or other recognized professional or paraprofessional acting or assisting in that capacity that are created or maintained only for the student’s treatment (exclusive of remedial educational activities or educational activities that are part of the District’s instructional program) and that are disclosed only to persons providing treatment (except that the records may be personally reviewed by a physician or other appropriate professional of the student’s choice);
 - d. records created or received by the District after a person is no longer a student in the District and that are not directly related to the person’s attendance as a student in the District;
 - e. grades on peer-graded papers or assignments before they are collected or recorded by a teacher; or
 - f. records relating to a person employed by the District that are maintained in the normal course of business, relate only to the person’s employment, and are not available for any other purpose. Records relating to a person employed as a result of that person’s status as a student are, however, “education records.”
2. “Personally identifiable information” means a student’s name; the name of a student’s parent/guardian or family member; the student’s address or the address of a family member; a personal identifier, such as the student’s social security number, student number, or biometric record; other indirect identifiers, such as the student’s date of birth, place of birth, and mother’s maiden name;

other information that alone or in combination is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or information requested by a person who the District reasonably believes knows the identity of the student to whom the education record relates.

3. "Directory information" is the information contained in a student's education record that would not generally be considered harmful or an invasion of privacy if disclosed. The Board designates the following as directory information:

a. student names, addresses, and telephone numbers;

b. photographs, including photographs and videos depicting a student's participation in school-related activities and classes;

c. date and place of birth;

d. major field of study;

e. grade level;

f. enrollment status (e.g., full-time or part-time);

g. dates of attendance (e.g., 2013-2017);

h. participation in officially recognized activities and sports;

i. weight and height of athletic team members;

j. degrees, honors, and awards received; and

k. the most recent educational agency or institution attended.

The Board further designates District-assigned student email addresses as directory information for the limited purposes of: (1) facilitating the student's participation in and access to online learning platforms and applications; and (2) inclusion in internal school and District email address books.

B. Collection and Retention of Records

School officials may collect and retain information about the District's students that is reasonably necessary for the District to perform its role as a public school district, including, without limitation, student work samples, assessments, evaluations, surveys, health and medical information, immunization records, birth certificates, proof of residence, proof of achievements and awards, behavior records, investigation reports, incident reports, attendance records, all records necessary for the District to satisfy state or federal legal obligations, and any record necessary for the District to prove that a student was accurately counted in membership for state aid and grant purposes.

Deleted: [Note: The Board may add or remove items from this list, consistent with state and federal law.];

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The Superintendent or designee will ensure that all student records are retained consistent with the Records Retention and Disposal Schedule for Michigan Public Schools and Policy 3502 and that reasonable steps (including, without limitation, physical or technological controls) are taken to protect education records, including those stored electronically, from inadvertent or unauthorized disclosure.

C. Right to Inspect and Review Education Records

Parents/guardians may inspect and review their minor child's education records, regardless of custody status, unless a court order specifically provides otherwise.

Parents/guardians may also inspect and review the education records of an "eligible student" if the student is considered a dependent under Internal Revenue Code Section 152. An "eligible student" means a student who is at least 18 years old, an emancipated minor, or a student enrolled in a postsecondary institution. Eligible students have the right to inspect and review their own education records.

The District will not disclose a student's or parent's/guardian's phone number or address or the parent's/guardian's employment address to another person who is the subject of a court order that prohibits disclosure of the information if the District has received a copy of the order. The District will not disclose a confidential address, phone number, or email address in violation of the Address Confidentiality Program Act if the student or the student's parent/guardian notifies the District that the student or the student's parent/guardian has obtained a participation card issued by the department of attorney general.

The District will make arrangements for a parent/guardian or eligible student to inspect and review the student's education records within a reasonable time from receiving a request and not more than 30 calendar days from the date of the request or, if the student whose records are requested is a child with a disability as defined by the Individuals with Disabilities Education Act, before any Individualized Education Program Team meeting, resolution meeting, or due process hearing.

D. Right to Request Explanation or Interpretation of Student Education Records

A parent/guardian or eligible student may request, in writing, an explanation or interpretation of a student's education records. School officials will respond to any reasonable request.

E. Right to Request Amendment of Education Records

A parent/guardian or eligible student may request that a student's education record be amended if the parent/guardian or eligible student believes the record is inaccurate, misleading, or otherwise in violation of the student's privacy rights. The Superintendent will develop administrative guidelines explaining the process by which a parent/guardian or eligible student may request an amendment to the student's records and that the parent/guardian or eligible student has the right to a hearing if the District refuses the request.

F. Disclosure of Education Records to School Officials

Except as noted in “Disclosure to a For-Profit Business Entity” (section J), a school official may receive and review personally identifiable information from a student’s education record only if the school official has a legitimate educational interest in the information. A school official has a “legitimate educational interest” if the record review is necessary for the school official to perform an administrative, supervisory, or instructional task as assigned by the District or to perform a service or benefit for the student or the student’s family. For purposes of this Policy, a “school official” is any person employed by the District. The Board further designates the following persons and entities as “school officials”:

1. a person or company with whom the Board has contracted to perform a specific task (such as an attorney, auditor, insurance representative, medical consultant, or online educational service provider or vendor);
2. a contractor, consultant, volunteer, or other party to whom the Board has outsourced a service or function otherwise performed by District employees (e.g., a therapist, a school resource officer, or an authorized information technology specialist);
3. a parent/guardian or student serving on an official committee, such as a disciplinary, reinstatement, or grievance committee; and
4. a person, including a volunteer, who is assisting another school official in performing the official’s duties.

The above-identified persons and entities must: (a) perform institutional services or functions for which the District would otherwise use its own employees, (b) be under the direct control of the District as to the use and maintenance of education records, and (c) be subject to the requirements of FERPA regulations governing the use and re-disclosure of personally identifiable information from education records.

The Superintendent or designee will adopt procedures, including physical and technological controls, to ensure that only those school officials with a legitimate educational interest may access personally identifiable information from a student’s education records.

G. Disclosure of “Directory Information”

Except as otherwise stated in this Policy, school officials may disclose “directory information” without the prior written consent of a parent/guardian or eligible student unless the parent/guardian or eligible student specifically notifies the District that the parent/guardian or eligible student does not consent to the disclosure of the student’s directory information for 1 or more of the uses for which the District would commonly disclose the information.

The District will provide parents/guardians and eligible students with a Directory Information Opt Out Form, listing all uses for which it commonly discloses student directory information. The form will allow the parent/guardian or eligible student to elect not to have the student's directory information disclosed for 1 or more of the listed uses. Upon receipt of a completed Directory Information Opt Out Form, school officials may not release the student's directory information for any of the uses selected on the form.

The Superintendent or designee will provide the Directory Information Opt Out form to all parents/guardians or eligible students within the first 30 days of the school year. The form will also be made available at a parent's/guardian's or eligible student's request at any time during the school year. If the parent/guardian or eligible student does not return the form, the District may release directory information as permitted by law. The Directory Information Opt Out form will be kept on file for 1 year.

To ensure that directory information is not improperly used, the Superintendent or designee may require that a person requesting directory information execute an affidavit stating that, if disclosed, the directory information will not be used, rented, or sold for the purpose of surveys, marketing, or solicitation.

H. Disclosure of Education Records to Another School

School officials may release or disclose personally identifiable information contained in a student's education record without the consent of the parent/guardian or eligible student to another school or post-secondary institution in which the student seeks or intends to enroll, is enrolled, or from which the student receives services, if the disclosure is related to the student's enrollment or transfer.

I. Tagged Records and Record Transfers

Upon notification by a law enforcement agency that a student under age 17 is missing, the building principal or designee will tag the student's record in a manner that will alert both District and ISD personnel that the student is considered missing. Within 7 calendar days after receiving notice from a law enforcement agency that a student is no longer considered missing, the building principal or designee will remove the tag from the student's record.

Within 30 calendar days after receiving a request from a school in which a student has enrolled, the building principal or designee will forward the student's education records to the requesting school unless the student's record has been tagged as described in this Policy. If the record has been tagged, the building principal or designee will not forward the student's education records to the requesting school and will notify law enforcement.

J. Disclosure to a For-Profit Business Entity

School officials will not sell or otherwise provide any personally identifiable information that is part of a student's education records to a for-profit business entity, except as follows:

1. an employee or agent of a business entity acting as a "school official" as defined in this Policy;
2. pursuant to a management agreement between a public school academy and an educational management organization;
3. as necessary for standardized testing; or
4. as necessary to a person who is providing educational or educational support services to the student pursuant to a contract with the school.

K. Disclosure of Education Records in Response to Subpoena/Court Order

To the extent consistent with state law, including the nondisclosure requirements of Revised Judicature Act Section 2165, school officials may release or disclose personally identifiable information contained in a student's education records without the consent of the parent/guardian or eligible student upon receipt of a court order or lawfully issued subpoena requiring disclosure of the information. To the extent permitted or required by law, before complying with a court order or subpoena, school officials must notify the parent/guardian or eligible student, in writing, that the District intends to comply with the court order or subpoena.

L. Disclosure of Education Records in Other Circumstances

Except as provided in this Policy, the District and its employees and agents are prohibited from disclosing personally identifiable information from a student's education records without the written consent of a parent/guardian or eligible student unless the disclosure is otherwise permitted or required by law, including, without limitation, if the disclosure is:

- necessary because of a health or safety emergency;
- to authorized state or federal officials;
- in connection with a student's application for or receipt of financial aid;
- made for purposes of conducting a study for or on behalf of an educational agency or institution;
- to an accrediting organization;
- concerning a registered sex offender; or
- to a representative of a child welfare agency for a foster child.

A school official may not disclose personally identifiable information from a student's education records unless disclosure is consistent with the requirements of state and federal law, including FERPA.

M. Disclosure Logs

The Superintendent or designee will maintain, to the extent required by law, a log of those persons to whom personally identifiable information from a student's education records has been disclosed. The record will identify the student whose information was disclosed, the person or entity who requested or received the information, the information that was disclosed, the date the parent/guardian or eligible student provided written consent (if necessary for the disclosure), a legitimate reason for the disclosure, and any other information required by law.

Subject to the limitations below, a parent/guardian or eligible student may request, in writing, information related to disclosure of personally identifiable information by the District. This information includes:

- the specific personally identifiable information that was disclosed by the District;
- the name and contact information of each person, agency, or organization to which the District disclosed the student's personally identifiable information; and
- the legitimate reason that the person, agency, or organization had in obtaining the personally identifiable information.

The District is not required to provide information about the disclosure of personally identifiable information if the personally identifiable information is:

1. provided to MDE or CEPI;
2. provided to the eligible student or the student's parent/guardian;
3. provided to an intermediate school district providing services pursuant to a written agreement;
4. provided by an intermediate school district to a school district or to a public school academy in which the pupil is enrolled or to a school district or public school academy providing services to the pupil pursuant to a written agreement;
5. provided to a person, agency, or organization with the written consent of the eligible student or the student's parent/guardian;
6. provided to a person, agency, or organization in accordance with an order, subpoena, or ex parte order issued by a court of competent jurisdiction;

7. provided as necessary for standardized assessments that measure the student's academic progress and achievement;
8. covered by the District's Directory Information Opt Out Form, unless the parent/guardian or eligible student has signed and submitted the Opt Out Form.

N. Video Recordings

A video recording that is directly related to a student may be an "education record" (e.g., when it is maintained to document student conduct or misconduct, unless it is maintained by a law enforcement unit and used solely for a law enforcement purpose). The Superintendent or designee will determine, on a case-by-case basis, upon receipt of a request for the video's disclosure, whether a particular video is an "education record" and whether it contains "personally identifiable information" about a student. If the Superintendent or designee determines that a video recording is an "education record," its release and disclosure and the rights of parents/guardians and eligible students to inspect and review the video recording are governed by this Policy, applicable laws, and relevant state and federal guidance.

O. Disclosure of Records to Law Enforcement

Nothing in this Policy limits a school official's right or duty under state law or pursuant to the Statewide School Safety Information Policy to contact law enforcement to report possible criminal activity. A school official may not, however, disclose personally identifiable information from a student's education records to law enforcement without the prior written consent of a parent/guardian or eligible student unless disclosure is otherwise permitted or required by state or federal law (e.g., in response to a health or safety emergency or a court order or subpoena).

If a school official reports possible criminal activity of a student with a disability as defined by the Individuals with Disabilities Education Act, the school official must transmit a copy of the student's special education records and disciplinary records to the authorities to whom the crime is reported in a manner consistent with FERPA (i.e., with prior written consent or a lawful exception to consent). Except for disclosures in response to a health or safety emergency, school officials must seek written consent to transmit the records of a student with a disability immediately after reporting the student's potential criminal activity to authorities.

P. Disclosure of Information to Military Recruiter

The District will provide recruiters of the Armed Forces of the United States with at least the same access to the high school campus and to directory information as is provided to other entities offering educational or employment opportunities to those students, as required by state and federal law. "Armed Forces of the United States" means the armed forces of the United States and their reserve components and the United States Coast Guard.

The Directory Information Opt Out Form must include the option to opt out of the disclosure of the student's directory information to recruiters of the Armed Forces of the United States. Upon receipt of a written "opt out," school officials may not release the student's directory information to recruiters of the Armed Forces of the United States. The District may charge a fee, not to exceed the actual costs of copying and mailing the requested directory information, to recruiters of the Armed Forces of the United States, to the same extent it charges other organizations.

Q. Annual Notice Requirements

The Superintendent or designee will send an annual notice to parents/guardians and eligible students notifying them of the following:

1. the right to inspect and review their student's education records;
2. the right to seek amendment of their student's education records, the process for requesting amendment, and applicable hearing procedures;
3. the identity of designated "school officials" and the definition of "legitimate educational interest";
4. the definition of "directory information" and notice that their student's directory information may be disclosed without consent unless the parent/guardian or eligible student opts out of allowing disclosure;
5. the District's practice to disclose a student's education records, including disciplinary records, to another school or post-secondary institution in which the student seeks or intends to enroll or is enrolled;
6. the right to consent to the disclosure of personally identifiable information from a student's education record before its disclosure, unless a nonconsensual disclosure is otherwise authorized by law;
7. the right to opt out of disclosure of directory information to recruiters for Armed Forces of the United States and their service academies;
8. the right to file a complaint with the U.S. Department of Education alleging that the District violated FERPA; and
9. the right to obtain a copy of the Board's policies and administrative regulations about student records.

Legal authority: 20 USC 1401 et seq., 1232g, 7165, 7908; 26 USC 152; 34 CFR Part 99, 300; MCL 15.243(2); MCL 380.1134-1136, 380.1137a, 380.1279g; MCL 600.2165; MCL 722.30; MCL 780.855, 780.871; *Records Retention and Disposal Schedule for Michigan Public Schools*

Date adopted:

Date revised:

Series 5000: Students, Curriculum, and Academic Matters

5400 Curriculum, Instruction, and Parent/Guardian Involvement

5402 Communication with Parents/Guardians

The District will inform parents/guardians of student progress, grades, and attendance through report cards, progress reports, parent/guardian teacher conferences and parent/guardian access to the District's student information system. The District will notify a parent/guardian if a student is failing or close to failing a course, either through direct communication or through parent/guardian access to the District's student information system.

Other pertinent information will be communicated to parents/guardians by mail, electronic communication, telephone calls, personal contact, or other method deemed appropriate by the school staff member.

By providing the District with their telephone number(s), parents/guardians agree to receive notifications from the District's automated notification system.

Date adopted:

Date revised:

Commented [MC1]: Removed a typo -

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Series 5000: Students, Curriculum, and Academic Matters

5400 Curriculum, Instruction, and Parent/Guardian Involvement

5403 *Rights of Non-Custodial Parents/Guardians*

Absent production of a court order that provides otherwise, District personnel will treat each parent/guardian, regardless of custody or visitation rights, the same as to accessing student records, meeting and conferring with District personnel, visiting a child at school, and transporting a child to or from school. District personnel are not responsible for enforcing visitation or parenting time orders to which the District is not a party.

Legal authority: 34 CFR 99.3; MCL 722.30; OAG, No. 5027 (June 30, 1976)

Date adopted:

Date revised:

Commented [MC1]: The word "specific" was removed proceeding court.

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Series 5000: Students, Curriculum, and Academic Matters

5400 Curriculum, Instruction, and Parent/Guardian Involvement

5405 Title I Parent and Family Engagement Policy

Commented [MC1]: The district receives Title I Part A funding. Policy must be adopted.

[Optional if the District does *not* receive Title I Part A funding / Required for Districts that receive Title I Part A funding] [Note: If the Board elects not to adopt this Policy, delete the policy language and replace title with "Intentionally Left Blank" after the policy number and in the Table of Contents to ensure accurate numbering of subsequent policies in the Policy Manual.]

The District will jointly develop with parents/guardians a School-Parent-Student Compact that outlines how the Title I school, parents, and students will share the responsibility for improved student academic achievement and the means by which the school and parents will build and develop a partnership to help students achieve state education standards.

The Engagement Policy will be jointly developed and distributed to parents and family members of participating students and the local community in an understandable format and, to the extent practicable, in a language the parents can understand. An annual evaluation of the Engagement Policy's content and effectiveness will be used to design evidence-based strategies for more effective parental involvement, to revise the Parent and Family Engagement Policy, and to remove barriers to participation. The Engagement Policy will be reviewed annually at a meeting where concerned parties can discuss possible changes to the Engagement Policy.

The District recognizes the unique needs of students who are being served in its Title I program, and the importance of parent and family engagement in the Title I program. Parent and family engagement in the Title I Program must include, but is not limited to:

- A. an annual meeting to which all parents of participating students will be invited to inform parents of their school's participation under this part, to explain the requirements of this part, and to explain the parents' right to be involved. Invitations may take the form of notes sent with students or announcements in the school newsletter. Additional meetings may be scheduled based on need and interest;
- B. an explanation of the details for student and parent participation, including but not limited to: curriculum objectives, the forms of academic assessment used to measure student progress and achievement of the state academic standards, type and extent of participation, parental input in educational decisions, coordination and integration with other federal, state, and District programs, and evaluations of progress;
- C. opportunities to participate in parent involvement activities, such as training parents to work with their students to improve achievement. A goal of parent activities is to provide parents with opportunities to participate in education-related decisions for their students, as appropriate;

- D. to the extent practicable, opportunities for involvement in the Title I Program for parents of limited English proficiency, parents with disabilities, parents with limited literacy, parents who are economically disadvantaged, parents of a minority background, or parents of migratory children. Communication to parents about student progress and other Title I matters will be provided in a language the parent can understand, to the extent practicable. Responses to parent concerns will be provided in a timely manner;
- E. opportunities for parent-teacher conferences, in addition to those regularly scheduled by the District, if requested by the parents or as deemed necessary by District staff;
- F. coordination and integration of parental involvement programs and activities with other community programs. These may include cooperation with other community programs such as Head Start, preschools, and other community services; and
- G. educating teachers, specialized instructional support personnel, principals, and other school leaders, with the assistance of parents in the value and utility of parental contributions, how to reach out to, communicate with and work with, parents as equal partners.

Legal Authority: 20 USC 6318

Date adopted:

Date revised:

Series 5000: Students, Curriculum, and Academic Matters

5400 Curriculum, Instruction, and Parent/Guardian Involvement

5406 Title I Funds

The District will use Title I funds to supplement, not supplant, state and local funds that would, in the absence of Title I funds, be spent on Title I programs. The District will ensure that Title I funds will not be used to provide services that otherwise take the place of public education services that are to be provided to all students. **A student's eligibility for Title I services may not disqualify the student from any service for which the student is otherwise eligible.**

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The District will maintain records of Title I-funded professional development. The Superintendent or designee will ensure that professional development is aligned with the needs of the District's Title I programs. Title I-funded professional development will not duplicate that which is funded from other sources and which, in the absence of Title I funds, would be provided to all staff.

Legal Authority: 20 USC 6301 et seq.

Date adopted:

Date revised:

Series 5000: Students, Curriculum, and Academic Matters

5400 Curriculum, Instruction, and Parent/Guardian Involvement

5409 Academic Credits and Graduation

A. Graduation Requirements

A student must successfully complete all graduation requirements to earn a high school diploma. The Superintendent will ensure that the District's required credits and graduation criteria are consistent with state law and annually published in applicable student handbooks.

To graduate from high school with a high school diploma, each student must:

Complete all District graduation requirements. Successfully complete all of the following credit requirements of the Michigan Merit Standard, which includes:

(a) At least 4 credits in English language arts that are aligned with state subject area content expectations.

(b) At least 3 credits in science that are aligned with state subject area content expectations, including completion of at least biology and one of the following: chemistry, physics, anatomy, agricultural science, or a program or curriculum that are aligned with state subject area content expectations for chemistry and physics.

(c) At least 4 credits in mathematics that are aligned with state subject area content expectations, including completion of at least algebra I, geometry, and algebra II, or an integrated sequence of this course content that consists of 3 credits, and an additional mathematics credit, such as trigonometry, statistics, precalculus, calculus, applied math, accounting, business math, a retake of algebra II, a course in financial literacy.

(i) A student may complete algebra II over 2 years with 2 credits awarded or over 1.5 years with 1.5 credits awarded

(ii) A student also may partially or fully fulfill the algebra II requirement by completing an approved formal career and technical education program or curriculum that has appropriate embedded mathematics content, such as a program or curriculum in electronics, machining, construction, welding, engineering, or renewable energy.

(iii) Each student must successfully complete at least 1 mathematics course during his or her final year of high school enrollment.

(d) At least 3 credits in social science that are aligned with state subject area content expectations, including completion of at least 1 credit in United States history and geography, 1 credit in world history and geography, 1/2 credit in economics or 1/2 credit in personal economics, and a civics course.

(e) At least 1 credit in subject matter that includes both health and physical education aligned with state guidelines. Students may substitute a 1/2 credit of district-approved participation in either extra-curricular athletics or other extra-curricular physical activities.

(f) At least 1 credit in visual arts, performing arts, or applied arts aligned with state guidelines.

(g) At least 2 credits in a language other than English, based on state guidelines. Students may fully or partially fulfill up to 1 credit of this requirement by completing an approved formal career and technical education program or an additional visual or performing arts course.

3. Students and/or a student's parent/legal guardian(s) are entitled to request a personal curriculum that modifies certain parts of the Michigan Merit Standard 27 requirements. Personal curricula are subject to school approval, as provided in state law. If all of the requirements for a personal curriculum are met, then a high school diploma may be awarded to a student who successfully completes his/her personal curriculum even if it does not meet the requirements of the Michigan Merit Standard. All of the following apply to a personal curriculum:

(a) The personal curriculum shall be developed by a group that includes at least the student, at least 1 of the student's parents/legal guardian, a teacher or the student's high school counselor or another designee qualified to act in a counseling role and selected by the high school principal. In addition, for a student who receives special education services, a school psychologist will be included in this group. The teacher included in the group developing the personal curriculum will be a teacher who is currently teaching the student, who currently teaches in or whose expertise is in the subject area being modified by the personal curriculum, or who is determined by the principal to have qualifications otherwise relevant to the group. This group does not have to meet in person.

(b) The personal curriculum shall incorporate as much of the subject area content expectations of the Michigan Merit Standard as is practicable for the student; shall establish measurable goals that the student must achieve while enrolled in high school; shall provide a method to evaluate whether the student achieved these goals; and shall be aligned with the student's educational development plan.

(c) Before it takes effect, the personal curriculum must be agreed to by the student's parent/legal guardian and by the superintendent or his/her designee.

(d) The student's parent/legal guardian shall be in communication with each of the student's teachers to monitor the student's progress toward the goals contained in the student's personal curriculum.

(e) Revisions may be made in the personal curriculum if the revisions are developed and agreed to in the same manner as the original personal curriculum.

(f) The English language arts credit requirements and the science credit requirements are not subject to modification as part of a personal curriculum.

(g) The mathematics credit requirements may be modified as part of a personal curriculum if the student successfully completes at least 3-1/2 total credits of the mathematics credits before completing high school, including algebra I and geometry. The student must successfully complete at least 1 math credit during his/her final two years of high school enrollment. The algebra II credit requirement may be modified as part of a personal curriculum only if the student meets 1 or more of the following:

(i) Has successfully completed the same content as 1 semester of algebra II.

(ii) Elects to complete the same content as algebra II over 2 years, with a credit awarded for each of those 2 years, and successfully completes that content.

(iii) Enrolls in a formal career and technical education program or curriculum and in that program or curriculum successfully completes the same content as the algebra II benchmarks assessed on the state 11th grade assessment.

(iv) Successfully completes 1 semester of statistics, functions and data analysis, or technical mathematics.

(h) The social science credit requirements may be modified as part of a personal curriculum only if all of the following are met:

(i) The student has successfully completed 2 credits of the social science credits, including the civics course.

(ii) The modification requires the student to complete 1 additional credit in English language arts, mathematics, or science or 1 additional credit in a language other than English or to complete a formal career and technical education program.

(i) The health and physical education credit requirement may be modified as part of a personal curriculum only if the modification requires the student to complete 1 additional credit in English language arts, mathematics, or science or 1 additional credit in a language other than English or to complete a formal career and technical education program.

(j) The visual arts, performing arts, or applied arts credit requirement may be modified as part of a personal curriculum only if the modification requires the student to complete 1 additional credit in English language arts, mathematics, or science or 1 additional credit in a language other than English or to complete a formal career and technical education program.

(k) If the parent/legal guardian requests as part of the student's personal curriculum a modification of the Michigan Merit Standard requirements that would not otherwise be allowed under this section and demonstrates that the modification is necessary because the student is a child with a disability, the school district may

allow that additional modification to the extent necessary because of the student's disability if the group determines that the modification is consistent with both the student's educational development plan and the student's individualized education program.

B. Personal Curriculum

In some cases, it may be appropriate to modify the Michigan Merit Curriculum for a student. Modifications may only be made in accordance with state law. The parent/guardian of a student who has completed grade 9 or a student who has reached age 18 may request a personal curriculum.

A teacher or school counselor may request that the District consider providing a student with a personal curriculum. If requested by a teacher, the teacher must currently teach or have expertise in a subject area proposed to be modified by the personal curriculum or the building principal must determine that the teacher has qualifications relevant to developing a personal curriculum.

In all cases, a student's personal curriculum must be developed in accordance with state law.

The District will annually notify parents/guardians of their ability to request a personal curriculum.

C. Earning Credit

The District will grant credit to a student who successfully completes a course ~~commensurate with the amount of time the course meets.~~ Successful completion means that the student has demonstrated mastery of the state- or District-approved subject area content standards for the course by obtaining a D- or higher grade in the course based, in part, on at least 1 state or District-approved assessment.

Alternatively, the District will grant equivalent credit for a required Michigan Merit Curriculum course if the student earns a qualifying score, as determined by MDE or by the District, on a state- or District-approved assessment (i.e., "testing out").

The District will grant equivalent credit for a course if the student demonstrates a reasonable level of mastery by achieving a C+ or better on the final examination for the course or, if there is no final examination, by demonstrating subject area content knowledge by obtaining a C+ or better on an alternative assessment, such as a portfolio, performance, paper, project, presentation, or other established means. A student who earns credit in a course by "testing out" will not earn a grade in the course, and the credit will not be considered for determining grade point average or any honors earned based on grade point average.

The District will grant a student credit toward a diploma or alternative certificate if the student successfully completes, before entering high school, a state-mandated curriculum requirement by demonstrating proficiency on the content expectations

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for that curriculum requirement, either through successfully completing the course or by testing out.

Once a student earns credit in a course, either by successfully completing the course or by testing out, the student may not earn additional credit for the course or for a lower level course in the same subject.

The Board will recognize credits earned at other public schools and at accredited nonpublic schools. For students transferring from a home school program, the Superintendent or designee will assess whether the home school credit reflects proficiency in state and District content expectations for each course for which the student seeks to transfer credit. If the Superintendent or designee determines that the student is proficient in the subject area content, the District will award transfer credit.

Legal authority: MCL 380.1278a, 380.1278b, 380.1279b

Date adopted:

Date revised:

Series 5000: Students, Curriculum, and Academic Matters

5400 Curriculum, Instruction, and Parent/Guardian Involvement

5411 *Student Promotion, Retention, and Placement*

The District has the sole discretion to make promotion, retention, and placement decisions for its students, consistent with state and federal law. The District may consider parent/guardian requests that a student be placed in a particular classroom, building, educational program, or grade.

A. Student Promotion and Retention

The building principal will attempt to consult with a student's parent/guardian before deciding to retain a student, advance a student to the next grade mid-year, or allow a student to skip a grade level. If the parent/guardian disagrees with the building principal's decision about promotion or retention, the Superintendent or designee will make the final decision.

B. Student Placement

The Superintendent or designee will determine a student's classroom and building placement based on District needs, available space, and educational expertise, consistent with state and federal law. The District's placement decision is final. Nothing in this section may be construed to limit or modify rights under state or federal laws applicable to students with disabilities, including the right to have placement decisions made by an IEP or Section 504 Team.

C. Intradistrict Choice

A student who is the victim of a violent criminal offense at school may transfer to another public school in the District, if available. A student who attends a Title I school in the District that has not made adequate yearly progress as defined by state and federal law for 2 or more consecutive years or who is attending a persistently dangerous school may transfer to another public school in the District, if available. The Superintendent or designee will notify parents/guardians if their student is eligible to transfer under this Policy.

This Policy incorporates the definitions for "violent criminal offense" and "persistently dangerous school" contained in the Michigan State Board of Education's Statewide Safe School Choice Policy.

D. Nontraditional Programs

The District may operate nontraditional programs to meet the needs of all students. Nontraditional programs may include alternative education or virtual settings. The building principal or designee will attempt to consult with a student's parent/guardian before finalizing a decision to move a student to a nontraditional program. If the parent/guardian disagrees with the building principal's or

designee's decision, the Superintendent or designee will make the final decision. Nothing in this section may be construed to limit or modify rights under state or federal laws applicable to students with disabilities, including the right to have placement decisions made by an IEP or Section 504 Team.

E. Read by Grade Three Law Retention

Students must demonstrate a third grade reading level before being promoted to fourth grade. Pursuant to Michigan law, a third grade student may not enroll in fourth grade unless the student: (1) scores less than 1 grade level behind on the third grade state English Language Arts (ELA) assessment; (2) demonstrates a third grade reading level through performance on an alternative standardized reading assessment approved by the State Superintendent; or (3) demonstrates a third grade reading level through a "pupil portfolio," containing multiple work samples, that evidences competency in all third grade state ELA standards.

If a third grade student scores 1 grade level or more below current grade level on the state ELA assessment, the Center for Educational Performance and Information (CEPI) will notify the student's parent/guardian and the District that the student may be retained. The student's parent/guardian may request a good cause exemption to the retention requirement. The exemption must be requested within 30 calendar days after the date of the CEPI notification and must be directed to the Superintendent. The Superintendent or designee will determine whether good cause exists to grant the exemption request in accordance with state law.

Upon parent/guardian request, a District official will meet with the parent/guardian to discuss the retention requirement and the standards and processes for a good cause exemption.

The District will adhere to all procedures and requirements for retention and for granting any exemptions under state law.

Legal authority: 20 USC 7912; MCL 380.1278a, 380.1278b, 380.1280f

Date adopted:

Date revised:

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Series 5000: Students, Curriculum, and Academic Matters

5400 Curriculum, Instruction, and Parent/Guardian Involvement

5416 Homebound and Hospitalized Instruction

The District will provide an enrolled student with instruction in the student's home, hospital, or licensed treatment facility if both of the following requirements are met:

- A. the student's parent/guardian submits a homebound/hospitalized instruction form which includes verification by a **legally authorized healthcare provider** of a medical condition that requires the student to be hospitalized or confined to the home during regular school hours for a period longer than 5 consecutive school days. A student who is able to attend school for part of the day is not eligible for homebound instruction; and
- B. the student is physically able to participate in instruction while hospitalized or confined to the home.

Homebound instruction is not intended to replicate the classroom experience. For most students, the District will provide a minimum of 2 45-minute sessions per week with a certificated teacher. For students with disabilities under the Individuals with Disabilities Education Act (IDEA), the District will provide a minimum of 2 nonconsecutive hours per week with a certificated teacher. Homebound instruction may be supplemented with a variety of in-person and distance learning services, as determined appropriate by the Superintendent or relevant educational team.

For students with disabilities under IDEA, the District will consider whether the student's homebound instruction constitutes a change in placement and whether an IEP Team meeting should be convened.

The District will provide homebound and hospitalized instruction consistent with state law and MDE guidance.

Legal authority: MCL 388.1709; Mich Admin Code R 340.2(11), 340.2(12), 340.1746; *Providing Homebound and Hospitalized Educational Services for Michigan Public School Pupils*, as amended; Michigan Pupil Accounting Manual

Date Adopted:

Date Revised:

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Series 5000: Students, Curriculum, and Academic Matters

5700 Student Health and Safety

5703 Medications

A. General Standards

Whenever possible, parents/guardians should arrange student medication schedules to eliminate the need for administration of medication at school. When a student requires prescription or over-the-counter medication at school, the following procedures apply:

1. The student's parent/guardian must annually submit a written request and consent form as required by the District.
2. A building principal or designee must request that the parent/guardian supply medications in the exact dosage required whenever feasible.
3. The building principal or designee will notify the student's parent/guardian of any observed adverse reaction to medication.
4. All medications must be in the original container.

B. District-Administered Medication

1. If the student requires District-administered medication, the student's parent/guardian must annually submit a healthcare professional's written instructions that include student name, medication name, medication dosage, and specific information about method and time of administration. A parent/guardian must promptly communicate any changes to the healthcare professional's written instructions to the building principal or designee. A "healthcare professional" means a licensed physician, certified nurse practitioner, or physician assistant.

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2. Medication must be administered by a school administrator, teacher, or other appropriately designated school employee in the presence of a second adult, unless the medication is administered by a licensed registered professional nurse employed by the District or there is an emergency that threatens the student's life or health.

3. District employees may only administer medication to a student according to the written instructions from a healthcare professional. If the written instructions are unclear, the District may require written clarification from the healthcare professional before administering the medication.

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4. Medication must be stored in a container that identifies the student's name, medication name, dosage, and frequency of administration. The District will take reasonable steps to ensure all medication is properly secured.

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5. Incorrectly administered medication must be reported to the building principal and the student's parent/guardian. A written report identifying the error must be documented in the student's file.
6. The District will administer medication to students as necessary on school-sponsored field trips or school-related activities consistent with this Policy. The building administrator will designate the person responsible for administering the medication. The designee will transport the medication in its original container and record its administration on the medication administration log pursuant to this Policy.
7. Each school must maintain a medication administration log. The log must include the student's name, the name and dosage of each medication, and the date and time each dose is administered. The person administering the medication and the witness (if required) will complete and sign the log. The medication administration log must be placed in the student's file and kept until at least 1 year after the student's expected graduation date.
8. A parent/guardian will retrieve unused medication after its expiration date, after the District is notified that the medication has been discontinued, or at the end of the school year, whichever is earliest. The District will provide the parent/guardian notice to retrieve the medication. If the parent/guardian does not promptly retrieve the medication, the District will appropriately dispose of the medication. The building principal or designee must check the expiration dates on prescription medications, epinephrine auto-injectors, and inhalers at least twice each school year.
9. The Superintendent or designee will ensure that all staff responsible for administering medication are appropriately trained.

C. Student-Administered Medication

1. General Standards

Subject to this Policy's provisions specifically applicable to self-management of asthma inhalers and epinephrine auto-injectors/inhalers, a student may be permitted to self-possess and self-administer medication if the building principal has received written parent/guardian consent to do so and the practice is authorized in writing by a healthcare professional or is otherwise permitted by this Policy.

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A building administrator may deny a request for a student to self-possess or self-administer medication at school to the extent consistent with law.

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A building administrator may discontinue a student's right to self-administer and self-possess following consultation with the parent/guardian if the student misuses the medication.

A student may possess and use an FDA-approved topical substance at school or any school-related activity, provided that the parent/guardian first provides the building principal with written approval.

2. Asthma Inhalers and Epinephrine Auto-Injectors/Inhalers

A student may possess and use an asthma inhaler or epinephrine auto-injector or inhaler with written approval from the student's healthcare provider. A minor student must also have written permission from the student's parent/guardian. The required documentation must be submitted to the building principal.

If a student is authorized to self-possess or self-administer an asthma inhaler or epinephrine auto-injector or inhaler, the building principal or designee will notify the student's teachers and other staff as appropriate.

Additionally, the school must maintain a written emergency care plan drafted by a physician in collaboration with the student's parent/guardian. The emergency care plan will contain specific instructions related to the student's needs. The physician and parent/guardian should update the emergency care plan as necessary to meet the student's changing medical circumstances.

Legal authority: MCL 380.1178, 380.1178a, 380.1179, 380.1179a

Date adopted:

Date revised:

Series 5000: Students, Curriculum, and Academic Matters

5700 Student Health and Safety

5708 Do Not Resuscitate Orders

School personnel will honor a Do-Not-Resuscitate Order or POST (physician orders for scope of treatment) form executed pursuant to the Michigan Do-Not-Resuscitate Procedure Act or Public Health Code if they have actual notice of the Do-Not-Resuscitate Order or POST form.

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Within five school days of receiving a request that life-sustaining care be withheld from a student, the Superintendent, applicable building administrator, or Superintendent's designee will convene a group of people knowledgeable about the student's medical and health needs to develop an emergency response plan, including an individualized resuscitation plan, for the student. The Superintendent, building administrator, or Superintendent's designee will ensure that all personnel responsible for delivering instructional or noninstructional services to a student with an individualized resuscitation plan receive, if applicable, actual notice of the Do-Not-Resuscitate Order or POST form and timely and appropriate training.

Upon actual notice that a Do-Not-Resuscitate Order or POST form has been revoked, the Superintendent, building administrator, or Superintendent's designee will provide actual notice to school personnel responsible for providing instructional or noninstructional services to the student of the revocation, at which time personnel will no longer honor the Do-Not-Resuscitate Order or POST form.

The Superintendent or designee is authorized to consult legal counsel any time the District receives a request that life-sustaining care be withheld from a student.

For purposes of this Policy, "actual notice" includes the physical presentation of an order, revocation of an order, or another written document authorized under the Michigan Do-Not-Resuscitate Procedure Act.

The Superintendent or designee will develop administrative guidelines for responding to Do-Not-Resuscitate Orders and POST forms that comply with the Michigan Do-Not-Resuscitate Procedure Act and the Revised School Code.

Legal Authority: MCL 333.1051 et seq.; MCL 380.1180, 380.1181

Date adopted:

Date revised:

Series 5000: Students, Curriculum, and Academic Matters

5700 Student Health and Safety

5708-AG Do-Not-Resuscitate (DNR) Orders

A. Upon receipt of a Do-Not-Resuscitate (DNR) order or POST (physician orders for scope of treatment) form for a student, the Superintendent, building administrator, or Superintendent's designee will:

1. Within five school days coordinate a meeting with the student (if appropriate), the student's parent/guardian and physician(s) (if available), and appropriate school personnel to develop an emergency response plan that includes an individual resuscitation plan and comfort-care measures for the student. If a physician is not available, the District will request and review written input from a physician. If any such plan is not consistent with the student's Section 504 plan or Individualized Education Program (IEP), the Superintendent, building administrator, or Superintendent's designee will ensure that a Section 504 or IEP Team meeting for the student is promptly convened. If the student does not currently have a Section 504 plan or IEP, the Superintendent, building administrator, or Superintendent's designee will consider whether to refer the student for an appropriate evaluation.
2. Consult with District legal counsel if there are concerns that the DNR order or POST form was not obtained in a manner that complies with Michigan law or if there are concerns that the DNR order or POST form are not in the student's best interests.
3. Maintain the DNR order, POST form, or individual emergency response plan in a separate, designated file.
4. Provide actual notice of the DNR order, POST form, or individual emergency response plan to all personnel responsible for providing instructional and noninstructional services for the student.
5. Ensure that all personnel, including volunteers and contractors, responsible for providing instructional and noninstructional services for the student receive training on the student's emergency response plan, including the individual resuscitation plan and comfort-care measures. The training must include notice to appropriate personnel that the Heimlich maneuver or other similar procedures used to expel an obstruction from an individual's throat does not constitute a resuscitative measure and may be performed even for a student with a DNR order or POST form.
6. Convene a meeting of the student (if appropriate), the student's parents/guardians and physician(s), and appropriate school personnel at the beginning of each school year to determine if the DNR order or POST form has been modified or revoked and to review and revise the student's emergency response plan as needed.

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7. Contact emergency medical personnel any time a student's medical condition appears to be life threatening, even if the student has an emergency response plan that includes an individual resuscitation plan. If a health professional arrives during the emergency situation, the health professional will determine if the student has one or more vital signs.

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8. Provide emergency medical personnel a copy of any DNR order or POST form of which the Superintendent, building administrator, or Superintendent's designee has actual notice.

9. Follow any emergency described above by debriefing with the student (if appropriate), the student's parents/guardians and physician(s), and appropriate school personnel to review the emergency response plan and to discuss how the plan may be improved.

10. Follow any emergency by addressing the emotional needs of other students and personnel who witnessed the emergency.

11. Summarize all understandings in a letter to the student (if appropriate) and the student's parents/guardians and physician(s).

B. Pursuant to the Michigan Do-Not-Resuscitate Procedure Act, a parent/guardian or student may revoke a DNR order or POST form at any time by providing actual notice to the Superintendent, building administrator, or Superintendent's designee. Upon receipt of such notice, the Superintendent, building administrator, or Superintendent's designee will:

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1. Provide actual notice to all personnel responsible for providing instructional and noninstructional services to the student that the DNR order or POST form is no longer applicable and that personnel should follow standard emergency response policies and practices for the student.

2. Maintain a copy of the written notice in the file created for the student's DNR orders, POST forms, or emergency response plans.

3. Convene a meeting with the student (if appropriate), the student's parents/guardians and physician(s), and appropriate school personnel to modify the emergency response plan, including the individual resuscitation plan and comfort-care measures. If any such plan is not consistent with the student's Section 504 plan or IEP, the Superintendent, building administrator, or Superintendent's designee will ensure that a Section 504 or IEP Team meeting for the student is promptly convened.

4. Ensure that emergency medical personnel are made aware that the student's DNR order or POST form has been revoked and that all appropriate life-saving measures should be used if an emergency arises.

If school staff become aware that a student has expressed an intent to revoke a DNR order or POST form, the staff member must immediately report that

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information to the building administrator, Superintendent, or Superintendent's designee.

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C. As used in this Administrative Guideline, actual notice includes the physical presentation of an order, a revocation of an order, or another written document authorized under the Michigan Do-Not-Resuscitate Procedure Act.

D. The building administrator or Superintendent's designee is responsible for supervising the steps outlined above.

Adoption date:

Revised date:

Series 5000: Students, Curriculum, and Academic Matters

5700 Student Health and Safety

5710 Student Suicide Prevention

Employees, volunteers, and contractors must immediately notify the building principal or designee if a student is exhibiting signs of unusual depression, expressing suicidal thoughts, or threatening or attempting suicide or self-harm.

The District will convene a crisis response team to investigate and develop an intervention plan for the student, if necessary.

A member of the crisis response team will immediately notify the student's parent/guardian if the student threatens or attempts suicide.

District personnel who suspect that a student may have a disability under Section 504 of the Rehabilitation Act or the Individuals with Disabilities Education Act must immediately refer the student for an evaluation.

Beginning with the 2021-2022 school year, the District will print the number of a national, state, or local suicide prevention hotline that can be accessed at any time on student identification cards for students in grades 6-12.

Legal authority: MCL 380.1171; 380.1893

Date adopted:

Date revised:

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Deleted: [Optional, but encouraged by state law: The District will post on its website homepage and in a conspicuous location in the school counselor's office MDHHS model information materials about suicide prevention services, suicide, depression, and anxiety.]
[Optional: The District will provide age-appropriate instruction and professional development about suicide prevention, consistent with Policy 2203 and state law.]

Business and Finance Committee

Monday, January 10, 2022

11:30 a.m., Superintendent's Office

Meeting Minutes

Attendance: Dave Hazekamp, Elroy Buckner, Kris Cole, Jason Kennedy, Jessica Wiseman, and Mark Mesbergen

1. Update on Contract Negotiations - Administrators

Mark gave the committee an update on contract negotiations with the affiliated administrators.

2. Business and Finance Board Policy Updates

Maribeth gave an update on the policy updates.

3. Non Affiliated Raises

Mark presented a recommendation for the non-affiliated group for fiscal year 2022. The non-affiliated members will receive a 3% increase with a few adjustments that were explained in the committee.

Meeting adjourned at 12:00 p.m.

Respectfully submitted by Mark Mesbergen



Personnel Committee
Monday, January 10, 2022
4:30 p.m.

MEETING MINUTES

Meeting Location:

Fruitport Community Schools Central Office
3255 E. Pontaluna Rd.
Fruitport, MI 49415

Attendance:

Maribeth Clarke, Dave Hazekamp, Steve Kelly, JB Meeuwenberg, and Jason Kennedy

1. An update was provided to the Committee pertaining to the resignation / termination proceedings of a transportation employee.
2. An update was provided to the Committee pertaining to the Emergency Temporary Standard (ETS) issued by OSHA.
3. An update was provided to the Committee regarding progress on collective bargaining and contract negotiations with the Fruitport Administrator's Association.
4. Maribeth provided a review and reading of the Thrun Law Board Policy updates that pertained to the Personnel Committee. A summary of all policy updates will be shared with the Board of Education.
5. Jason shared that he would be attending the National Conference on Education, sponsored by the American Association of School Administrators (AASA), in Nashville, TN. The dates of the conference are February 17-19, 2022, with travel dates being February 16-19, 2022. As an Executive Board member for the Michigan Association of Superintendents and Administrators (MASA), MASA has paid for all expenses related to the conference attendance.
6. Other: Updates from each of the other committee agendas were discussed with the Personnel Committee.

7. Public Comment: None

8. Adjournment: The meeting was adjourned at 4:55 p.m.

Respectfully submitted by Jason Kennedy, Superintendent

BOARD ACTION REQUEST FORM

Meeting Date: January 17, 2022

To: Board of Education

Attachment # XI-2

From: Mark Mesbergen

Subject to be Discussed and Policy Reference:

Non-affiliated increase for fiscal year 2022

Background Information:

After settling most of the contracts for Fruitport, the average increase for the current fiscal year is 3%. The recommendation is to increase the non-affiliated staff wages by 3%. The breakdown of the staff with their increase is included. There were a couple of exemptions that were explained in the committees.

Financial Impact:

\$60,000 for the 2022 fiscal year.

Recommended Action:

To approve the non-affiliated increases as presented.

Action Taken:

Vote: ___ Buckner ___ Burgess ___ Cole ___ Franklin
 ___ Hazekamp ___ Kelly ___ Meeuwenberg

Employee	Current	Proposed	Difference
Randall, Kathy	\$56,227	\$64,959	\$8,732
Winkas, John	\$85,721	\$88,293	\$2,572
Mesbergen, Mark	\$120,930	\$122,130	\$1,200
Bergey, Pam	\$55,381	\$57,042	\$1,661
Baker, Brenda	\$46,374	\$47,765	\$1,391
Allison Camp	\$93,911	\$95,111	\$1,200
Clarke, Maribeth	\$40,124	\$41,328	\$1,204
Wiseman, Jessica	\$55,469	\$57,133	\$1,664
Ferels, Jenny	\$38,500	\$40,000	\$1,500
Laus, James	\$48,377	\$49,828	\$1,451
McMullin, Michael	\$42,896	\$48,000	\$5,104
Schurman, Jeff	\$49,424	\$50,907	\$1,483
Hazekamp, Dan	\$49,424	\$50,907	\$1,483
Shawl, Katie	\$43,869	\$45,185	\$1,316
Faulkner, Brad	\$24.12	\$24.84	\$0.72
Gardner, Glenn	\$21.80	\$22.45	\$0.65
Jacobs, Diane	\$23.67	\$24.38	\$0.71
Wypa, Jane	\$22.95	\$23.64	\$0.69
Johnston, Kendra	\$16.00	\$18.00	\$2.00
Cammenga, Robert	\$23.67	\$24.38	\$0.71
Plawski, Jared	\$24.24	\$24.97	\$0.73
Erny, Steve	\$24.24	\$24.97	\$0.73
Noon Aides	\$11.00	\$11.50	\$0.50

BOARD ACTION REQUEST FORM

Meeting Date: January 17, 2022

To: Board of Education

Attachment # XI-3

From: Jason Kennedy

Subject to be Discussed and Policy Reference:

The Fruitport Education Association's Letter of Agreement for additional instructional days which may be added to the end of the school year.

Background Information:

The FEA has signed a Letter of Agreement that would allow for us to add additional instructional days on to the end of the calendar, if needed. This Letter of Agreement strikes a couple of pieces of current language with how we will address adding days this year. The 60% attendance requirement for days added at the end of the year is new to the Pupil Accounting Manual this year, which is the logic for wanting to add days to the end of the year to give us the best chance of adding a day without worry of state aid penalty.

Financial Impact:

No financial impact.

Recommended Action:

That the Board approves the Fruitport Education Association's Letter of Agreement for additional instructional days, if needed, as presented.

Action Taken:

Vote: ___ Buckner ___ Burgess ___ Cole ___ Franklin ___ Hazekamp
 ___ Kelly ___ Meeuwenberg

LETTER OF AGREEMENT
FRUITPORT EDUCATION ASSOCIATION,
and the
FRUITPORT COMMUNITY SCHOOLS

RE: Article 7 Section O

The above-named parties hereby agree to the following:

1. Act of God Days

1. In the event that a scheduled student attendance day is canceled due to inclement weather, problems with the physical plant, or any other condition, including health and safety concerns, bargaining unit members shall not be required to report to work and shall suffer no loss of pay. Likewise, later reporting times and earlier leaving times shall not cause any loss of pay.

Should conditions cause a closing of the schools during a school day, bargaining unit member shall remain in school until the students under the direction of the bargaining unit member have left school and no further safety factor can be rendered by the bargaining unit member.

In the event that scheduled student attendance days are canceled to the extent and result that said cancellation causes a reduction in the amount of "State Aid"; then the minimum number of days shall be rescheduled in the following order:

- ~~1. February mid-winter break day(s), if any~~
- ~~1. Good Friday (if not scheduled)~~
1. Day(s) at the end of the school year.

Bargaining unit member shall not be paid extra for the make up days unless the bargaining unit member was not paid for the corresponding day that was canceled.

2. All other sections of the Fruitport Education Association's contract are unchanged.

For the District



For the Association

Dated: _____

Dated: 1-10-22



Student Affairs Committee
Wednesday, January 12, 2022
12:00 p.m.

MEETING MINUTES

Meeting Location:

Fruitport Community Schools Central Office
3255 E. Pontaluna Rd.
Fruitport, MI 49415

Attendance:

Tim Burgess, Maribeth Clarke, Susan Franklin, Dave Hazekamp, and Jason Kennedy

1. An update was provided to the Committee on student discipline incidents resulting from threats made against the school.
2. An update was provided to the Committee that discussed the days and hours of instruction for the 2021-2022 school year, as well as the canceled days of instruction that have occurred thus far this school year. A Letter of Agreement (LOA) between the Board and the Fruitport Education Association (FEA) was discussed, and will be recommended for approval at the Board meeting on January 17, 2022. The Agreement allows days of instruction to be added to the end of the 2021-2022 school year, in the event that scheduled days of student instruction are canceled resulting in a state aid reduction.
3. A review of the strategic planning process was discussed. Three initial proposals were shared with the Committee. The Committee reviewed the strategic planning processes developed by the Michigan Association of School Boards (MASB) and the Michigan Association of Superintendents and Administrators (MASA). The Committee also discussed a District led initiative using Thought Exchange that would be facilitated by the Superintendent and administrative team. Further discussion on the process will continue at future meetings before any decisions are made.
4. An update was provided to the Committee pertaining to the resignation / termination proceedings of a transportation employee.

5. Maribeth provided a review and reading of the Thrun Law Board Policy updates that pertained to the Student Affairs Committee. A summary of all policy updates will be shared with the Board of Education.
6. A review of discussion items from the Business and Finance Committee meeting and Personnel Committee meeting was discussed.
7. Public Comment: None
8. Adjournment: The meeting was adjourned at 12:50 p.m.

Respectfully submitted by Jason Kennedy, Superintendent