

**Fowlerville Community Schools  
Board of Education  
January Organizational Meeting Agenda**

Fowlerville High School, Media Center 7:00 p.m.

January 9, 2024

**District Mission Statement**-Fowlerville Community Schools are committed to providing a quality educational experience for all students in a safe, orderly, healthy, and nurturing environment.

The district's guiding principles are educational excellence, effective leadership, personal integrity, mutual respect and continuous improvement through staff, student, and community involvement.

- I. Call to Order
- II. Pledge of Allegiance
- III. Consent Agenda
  - A. Roll Call
  - B. Approval of Minutes from December 5, 2023
  - C. Approval of Superintendent's Personnel Report
- IV. Call to the Public (See Guidelines Below)
- V. Approval of School District Legal Reference Note
- VI. Election of Officers
- VII. Reports/Recognition
  - A. School Board Appreciation [A short break may take place afterwards.]
  - B. Board Committee Reports
    1. 12/07 Recreation Report
    2. 12/11 Personnel Committee Report
    3. 12/18 Curriculum & Technology Committee Report
    4. 12/20 Policy Committee Report
      - a. Recommendation to Approve First Reading of Proposed Policies
      - b. Recommendation to Approve Second Reading of Proposed Policies
  - C. Student Representative's Report – Miss Aurora Furlong
  - D. Director of Human Resources' Report – Mrs. Trisha Reed
  - E. Assistant Superintendent's Report – Mrs. Adva Ringle
  - F. Superintendent's Report – Mr. Matt Stuard
- VIII. New Business/Presentation
- IX. Old Business
  - A. Grievance #23-24-01, Step 3
- X. Closed Session for the Purpose of Negotiations
- XI. Recommendation to Reconvene Open Session
- XII. Recommendation to Approve the Closed Session Minutes
- XIII. Introduction of Other Matters by Members of the Board
- XIV. Introduction of Other Matters by the Superintendent
- XV. Information
  - A. January 23, 2024 Special Board Meeting-Discipline Appeal, 6:00 p.m. FHS media center
  - B. February 6, 2024 Next Regular School Board Meeting, 7:00 p.m. in the FHS media center
- XVI. Adjournment

**CALL TO THE PUBLIC GUIDELINES:**

- Any audience member may address the Board about topics on the agenda or not on the agenda.
- Each person shall be allowed to speak for a maximum of 3 minutes.
- Individuals addressing the Board should take into consideration the rules of common courtesy.
- Comments cannot be used to make personal attacks against Board members, District employees, or students.
- Call to the Public is not a question and answer period.
- Board members may ask questions of the speaker, but are not obligated to answer questions or make statements or commitments in response to issues raised by the public.
- The Board President may refer questions/issues to the Superintendent for investigation, study, or recommendation. He may ask the Superintendent to address questions directly during the Superintendent's report.

- V. Approval of School District Legal Reference Note  
A. School District Legal Reference Note – The Board needs to adopt the annual School District Legal Reference Note as enclosed.

Recommendation: Administration recommends the enclosed School District Legal Reference Note be adopted as presented in Appendix A.

- VI. Election of Officers – The current President will oversee the election of the President unless there is an objection.

- A. Election of President – The current President declares that nominations for the office of President are in order. Nominations are accepted until a motion is made that the nominations be closed.

\_\_\_\_\_ nominated \_\_\_\_\_ for the office of President of the Fowlerville Board of Education for 2024.

Motion by \_\_\_\_\_, supported by \_\_\_\_\_ recommending that nominations for President of the Fowlerville Board of Education for 2024 be closed and a unanimous ballot be cast for \_\_\_\_\_.

A Roll Call Vote is Needed.

- B. Election of Vice-President – The newly elected President then indicates that nominations for the office of Vice-President are in order. Nominations are accepted until a motion is made that the nominations be closed.

\_\_\_\_\_ nominated \_\_\_\_\_ for the office of Vice-President of the Fowlerville Board of Education for 2024.

Motion by \_\_\_\_\_, supported by \_\_\_\_\_ recommending that nominations for Vice-President of the Fowlerville Board of Education for 2024 be closed and a unanimous ballot be cast for \_\_\_\_\_.

A Roll Call Vote is Needed.

- C. Election of Secretary – The President indicates that nominations for the office of Secretary are in order. Nominations are accepted until a motion is made that the nominations be closed.

\_\_\_\_\_ nominated \_\_\_\_\_ for the office of Secretary of the Fowlerville Board of Education for 2024.

Motion by \_\_\_\_\_, supported by \_\_\_\_\_ recommending that nominations for Secretary of the Fowlerville Board of Education for 2024 be closed and a unanimous ballot be cast for \_\_\_\_\_.

A Roll Call Vote is Needed.

- D. Election of Treasurer – The President indicates that nominations for the office of Treasurer are in order. Nominations are accepted until a motion is made that the nominations be closed.

\_\_\_\_\_ nominated \_\_\_\_\_ for the office of Treasurer of the Fowlerville Board of Education for 2024.

Motion by \_\_\_\_\_, supported by \_\_\_\_\_ recommending that nominations for Treasurer of the Fowlerville Board of Education for 2024 be closed and a unanimous ballot be cast for \_\_\_\_\_.

A Roll Call Vote is Needed.

## VII. Reports/Recognition

A. School Board Appreciation – [A short break may take place afterwards.]

### B. Board Committee Reports

1. 12/07 Recreation Report – Mr. Braska
2. 12/11 Personnel Committee Report – Mrs. Charron
3. 12/18 Curriculum and Technology Committee Report – Mr. Hinton
4. 12/20 Policy Committee Report – Mrs. Sova

a. Recommendation to Approve Second and Final Reading of Proposed Policies: Policy 2260.01 – Section 504/ADA Prohibition Against Discrimination Based on Disability, Policy 8321 – Criminal Justice Information Security (Non-Criminal Justice Agency), Policy 8330 – Student Records, Policy 8400 – School Safety Information, Policy 4362.01 – Threatening Behavior Toward Staff Members, Policy 5610 – Emergency Removal, Suspension, and Expulsion of Students, Policy 5611 – Due Process Rights, Policy 5341 – Emergency Medical Authorization, Policy 7440 – Facility Security – The Policy Committee has reviewed and approved the policies included in the Board packet. This is the second and final reading on these proposed Policies.

Recommendation: Administration, in agreement with the Policy Committee, recommends the following policies be approved for a second and final reading. Policy 2260.01 – Section 504/ADA Prohibition Against Discrimination Based on Disability, Policy 8321 – Criminal Justice Information Security (Non-Criminal Justice Agency), Policy 8330 – Student Records, Policy 8400 – School Safety Information, Policy 4362.01 – Threatening Behavior Toward Staff Members, Policy 5610 – Emergency Removal, Suspension, and Expulsion of Students, Policy 5611 – Due Process Rights, Policy 5341 – Emergency Medical Authorization, Policy 7440 – Facility Security as presented. [Appendix B] Roll Call Vote Needed.

b. Recommendation to Approve First Reading of Proposed Policies: Policy 0100 – Definitions, Policy 0167.3 – Public Participation at Board Meetings, Policy 6114 – Cost Principles–Spending Federal Funds, Policy 6152 – Student Fees, Fines, and Supplies, Policy 7450 – Property Inventory, Policy 8310 – Public Records, Policy 8320 – Personnel Files, Policy 8330 – Student Records, Policy 3220 – Professional Staff Evaluation, Policy 3120 – Employment of Professional Staff, Policy 3131 – Staff Reductions/Recalls, Policy 3139 – Staff Discipline, Policy 3140 – Termination and Resignation as presented. A second and final reading will be presented at the next Board meeting.

Recommendation: Administration, with full support from the Policy Committee, recommends the following policies be approved for a first reading: Policy 0100 – Definitions, Policy 0167.3 – Public Participation at Board Meetings, Policy 6114 – Cost Principles–Spending Federal Funds, Policy 6152 – Student Fees, Fines, and Supplies, Policy 7450 – Property Inventory, Policy 8310 – Public Records, Policy 8320 – Personnel Files, Policy 8330 – Student Records, Policy 3220 – Professional Staff Evaluation, Policy 3120 – Employment of Professional Staff, Policy 3131 – Staff Reductions/Recalls, Policy 3139 – Staff Discipline, Policy 3140 – Termination and Resignation as presented. A second and final reading will be presented at the next Board meeting. [Appendix C] Roll Call Vote Needed.

C. Student Representative's Report – Miss Aurora Furlong will report on K-12 student activities.

D. Director of Human Resources' Report – Mrs. Trisha Reed

E. Assistant Superintendent's Report – Mrs. Adva Ringle

F. Superintendent's Report – Mr. Matt Stuard

## VIII. New Business/Presentation

- IX. Old Business
  - a. Grievance #23-24-01, Step 3
- X. Closed Session for the Purpose of Negotiations -- Roll Call Vote Needed
- XI. Recommendation to Reconvene Open Session
- XII. Recommendation to Approve the Closed Session Minutes
- XIII. Introduction of Other Matters by Members of the Board
- XIV. Introduction of Other Matters by the Superintendent
- XV. Information -- See Agenda
- XVI. Adjournment

**FOWLerville COMMUNITY SCHOOLS**  
**Board of Education Minutes**  
**Regular Meeting**  
**December 5, 2023**

The meeting was called to order by School Board Vice-President, Mr. Robert Hinton at 7:00 p.m. in the media center at Fowlerville High School.

The Pledge of Allegiance was recited.

Members Present: Mr. John Belcher, Mr. Justin Braska, Mrs. Susan Charron, Mrs. Danielle DeVries, Mrs. Diana Dombrowski and Mr. Robert Hinton

Members Absent: Mrs. Amy Sova

Motion by Mr. Belcher, supported by Mrs. DeVries, to approve the consent agenda including Board minutes from November 14, 2023, November Payables and the Superintendent's Personnel Report. The motion was adopted unanimously.

During the Call to the Public audience members addressed the Board.

Ms. Dana Coon, Assistant Principal, gave a Smith Elementary update including the School Engaging Families Workshops that were available earlier this Fall. Smith teachers Julie Daniel, Emily LaPlante and Kara Walter were in attendance to assist with the presentation.

Superintendent Stuard introduced Ms. Danielle Birdyshaw the newly hired, grant funded, District Instructional Support Specialist-Academics.

11/9 Recreation Report – Mr. Braska

11/13 Personnel Committee Report – Mrs. Charron

11/17 Finance Committee Report – Mr. Belcher

11/20 Curriculum & Technology Committee Report – Mr. Hinton

11/27 Policy Committee Report – Mr. Hinton

Motion by Mr. Belcher, supported by Mrs. Dombrowski, recommending the following policies be approved for a first reading. Policy 2260.01 – Section 504/ADA Prohibition Against Discrimination Based on Disability, Policy 8321 – Criminal Justice Information Security (Non-Criminal Justice Agency) with revisions, Policy 8330 – Student Records, Policy 8400 – School Safety Information, Policy 4362.01 – Threatening Behavior Toward Staff Members, Policy 5610 – Emergency Removal, Suspension, and Expulsion of Students, Policy 5611 – Due Process Rights, Policy 5341 – Emergency Medical Authorization, Policy 7440 – Facility Security [Appendix A]

Ayes: Mr. Belcher, Mr. Braska, Mrs. Charron, Mrs. DeVries, Mrs. Dombrowski and Mr. Hinton

Nays: None

The motion carried.

12/4 Asset Management Committee Report – Mr. Justin Braska

Mr. Belcher gave kudos to FCS FHS teacher Mr. Curtis Refior and the FFA program.

Miss Aurora Furlong, Student Representative on the Board, reported on K-12 student activities.

Mrs. Adva Ringle, Assistant Superintendent, updated the Board and gave a presentation on State Assessment Proficiency Data Trends for all students, including Grant Updates and Academic MTSS.

During the Superintendent's Report, Mr. Matt Stuard reported on student count, comparing the Fall 2022 student count to Fall 2023 student count, the 2023 Student Migration Analysis and Superintendent Goals for 2023-2024.

A 10-minute break took place.

Presentation-Fowlerville Education Association Grievance #23-24-01, Step 3

Ms. Carrie DeLuca, FEA President, expressed the FEAs point of view on the grievance. Superintendent Stuard asked the Board to consider different outcomes including taking action on the grievance or remaining silent.

Board discussion took place.

No motion was brought forward by the Board.

Motion by Mr. Belcher, supported by Mr. Braska, recommending adoption of the 2023-2024 General Fund Budget Amendment as presented. [Appendix B]

Ayes: Mr. Belcher, Mr. Braska, Mrs. Charron, Mrs. DeVries, Mrs. Dombrowski and Mr. Hinton

Nays: None

The motion carried.

During the Introduction of Other Matters by Members of the Board Mrs. Charron mentioned the second coffee hour has taken place and the next coffee hour will take place in January at Torch 180. Mr. Hinton mentioned that three FCS students were lost in recent years and offered a short prayer.

Introduction of Other Matters by the Superintendent - None.

The next Regular School Board Meeting will take place January 9, 2024 at 7:00 p.m. in the FHS media center.

Motion by Mrs. Charron, supported by Mr. Braska, recommending adjournment of the meeting at 10:02 p.m. The motion was adopted unanimously.

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Susan Charron, Board Secretary  
Fowlerville Community Schools

**Fowlerville Board of Education**  
**Superintendent's Personnel Report**  
**Regular Meeting – 12/11/2023**

**FOR ACTION**

Subject: **PERSONNEL RECOMMENDATIONS**

It is recommended that the following personnel recommendations be approved:

**A. EMPLOYMENT:**

<b>Name:</b>	<b>Position:</b>	<b>Date:</b>	<b>Current Process:</b>
Stephanie Osburn	F & N Sub	11/9/2023	Working

**B. ADDITIONAL ASSIGNMENTS/TRANSFERS/PROMOTIONS/INACTIVATE:**

<b>Name:</b>	<b>Position:</b>	<b>Date:</b>	<b>Current Process:</b>

**C. RESIGNATIONS/RETIREMENTS/TERMINATIONS:**

<b>Name:</b>	<b>Position:</b>	<b>Length of Service:</b>	<b>Effective Date:</b>
Shana Bantau	Kreeger-Parapro	3 Years, 2 months	11/16/2023
Michelle Whalen	Admin Assist-Smith	5 Years	12/15/2023
Courtney Morales	Smith-Parapro	1 Year, 4 months	12/15/2023
Jerry VanHorn	Teacher-High School	25 years, 5 months	1/19/2023
Carol Huff	Bus Driver	5 years	12/15/2023
Jace Arledge	Bus Driver	2 years, 10 months	12/22/2023
Kristen gettys	F & N Cook	3 mos.-under 60 days	12/08/2023

**D. LEAVE OF ABSENCE**

<b>Name:</b>	<b>Position:</b>	<b>Leave Type:</b>	<b>Effective Date:</b>

**E. EMPLOYMENT – PROFESSIONAL STAFF**

<b>Name:</b>	<b>Position:</b>	<b>Committee Date:</b>	<b>Current Process:</b>

# Appendix A

## FOWLerville COMMUNITY SCHOOLS SCHOOL DISTRICT LEGAL REFERENCE NOTE

This note is added or attached to the minutes of the January, 2024 Organizational Meeting of the Fowlerville Board of Education as a legal reference to the change in status of our school district caused by the Revised School Code (MCL 380.1 et seq) amendments, which became effective July 1, 1997.

1. Legal name of school district: Fowlerville Community Schools
2. Prior to July 1, 1997, this district was classified as a third class school district. On July 1, 1997 the district became a general powers school district by operation of law.
3. The Financial Director is Ms. Lauri Daubenmeyer.
4. The Assistant Superintendent is Mrs. Adva Ringle.
5. The Superintendent is Mr. Matthew Stuard.
6. The Board of Education is comprised of 7 members, who are elected for terms of 4 years.

Members holding office on January 1, 2024 and the expiration of their current terms are listed below:

Mr. John Belcher	term expires December 31, 2026
Mr. Justin Braska	term expires December 31, 2024
Mrs. Susan Charron	term expires December 31, 2024
Mrs. Danielle DeVries	term expires December 31, 2026
Mrs. Diana Dombrowski	term expires December 31, 2026
Mr. Robert Hinton	term expires December 31, 2024
Mrs. Amy Sova	term expires December 31, 2024

7. Members of the Board of Education are elected in even-year, November elections.



## Fowlerville Recreation

7677 W. Sharpe Road  
Fowlerville, MI 48836

DRAFT MINUTES - PENDING APPROVAL AT DECEMBER MEETING

November 9, 2023 6:05 pm Munn Building door #10

### Agenda:

- Members present: Laurie Eisele, Jason Atkinson, Craig Curtis, April Hodge, Brande Nogafsky, Justin Braska, Bonnie Flanery
- Other Township Representatives present: Julie Dailey (Iosco), Carol Hill (Village)
- Members absent: none
- Staff Present: Cheryl Dixon, Jill Curd
- District Staff present: Lauri Daubenmeyer, Matt Stuard, Jeff Finney
- NOTE: April Hodge had to leave early

### Introductions

- Approval of October Minutes-motioned by Craig Curtis to approve, seconded by Laura Eisele. School board member requested meeting minutes be approved prior to the following months meetings. Iosco J. Atkinson would like draft minutes to still be sent out but vote on approval at the following month's meetings. Majority of board requested to leave approval of minutes to be done at the following month's meetings.
- Community Member Input - none
- Current Program(s)
  - Basketball-
    - i. 6-1/2 boys teams, 4 1/2 girls teams
    - ii. (1) 3G, (1) 4G, (2) 5G, (1) 6G, (2) 3B, (4) 4B, (4) 5B, (4) 6B
    - iii. 7<sup>th</sup> grade girls season Oct.-Nov.
    - iv. 7<sup>th</sup>/8<sup>th</sup> grade boys season Jan.-Mar
    - v. Coaches meeting regarding season rules, paperwork and expectations was the week of Oct. 23<sup>rd</sup> following 2 nights of coaching clinics by varsity basketball coaches
  - Pee wee Wrestling registration going on now for K-2 grades.
- Old Business
  - 1) Discussed meeting time being 2nd Thursday of the month. Everyone could attend, but Cohoctah would need to leave by 6:45. Will check to see if the first Thursday would be better for all.
  - 2) Review budget packet - Budget and participation information were reviewed and discussed.

- 3) Continued review of the current Recreation agreement and mission statement -The Rec. Agreement was last updated in 2018. Board members were asked to review agreement over the month and bring back suggestions. No resolution was found to move forward to a vote to amend the agreement prior to December meeting. Call to public still being considered. Board was split.
- 4) Mission statement - Discussion was had. This item will be revisited at the December meeting with the notes made from October's meeting.
- 5) Fee scheduled for 23/24 and 24/25 seasons were presented with suggested cost increases. Will be further discussed at December meeting.

- New Business

- 1.) Brande Nogafsky discussed Antrim township seeking more information on becoming a possible participating township. Cheryl will reach out to them.
- 2.) Village has received a bond to do improvements at the Community Park. It would not include dugouts. Would Recreation department be interested in fundraising for some to be put there?
- 3.) Discussion had amongst board members on how to get back to a more cohesive environment.
- 4.) Laura Eisele resigned from the Board as a full time representative. She will be the alternate for the newly appointed Handy township representative, Bonnie Flannery.

- Meeting adjourned: 7:40pm

Next Meetings:

TBD. A poll will be sent to all attendees to find the best meeting time in the future.

# **Personnel Committee Minutes Fowlerville Community Schools December 11, 2023**

Central Office Conference Room, 6:00 p.m.

The meeting was called to order at 6:00 p.m. by Mrs. Charron in the C.O. conference room.

Members Present: Mrs. Sue Charron, Mrs. Amy Sova and Mrs. Danielle DeVries [alternate]  
Staff Present: Mr. Matthew Stuard and Ms. Trisha Reed  
Others Present: None

Motion by Mrs. Sova, supported by Mrs. DeVries, to approve minutes from the November 13, 2023 meeting. The motion passed unanimously.

Call to the Public – None

Staffing Update –

- Superintendent's Personnel Report – Mrs. Reed reviewed this month's Personnel Report. She noted that high school science position is being filled with a long-term substitute for the remainder of the school year and studied to determine if it will be filled permanently for the 24-25 school year.
- Open Positions – Mrs. Reed reviewed the current open positions.

Central Office Responsibilities and Communication – Mr. Stuard and Mrs. Reed reviewed the updated Central Office Roles and Responsibilities list that now includes the Executive Assistant to HR and Academic position. Additionally, Mr. Stuard and Mrs. Reed discussed communication best practices with the committee regarding phone, voicemail, and email.

Winter Break – Mr. Stuard reviewed the proposed days off and the hours for Central Office for the 2023-2024 Winter Break.

Operations Director Interviews – Mr. Stuard and Mrs. Reed reviewed the resumes and tentative schedule for interviews.

Labor Relations – Mr. Stuard updated the committee on legislative changes that go into effect on February 13, 2024, and the changes to administrator and teacher evaluation that become effective July 1, 2024. Mr. Stuard and Mrs. Reed also discussed the possible use of Thrun law during the upcoming FEA negotiations due to the large number of legal changes this year.

Other – None

Motion by Mrs. Sova, supported by Mrs. DeVries, recommending adjournment of the meeting at 7:46 p.m. The motion passed unanimously.

# Curriculum & Technology Committee Minutes

## Fowlerville Community Schools

### December 18, 2023

Central Office conference room 6:00 p.m.

The meeting was called to order at 6:00 p.m. by Mr. Bob Hinton in the C.O. conference room.

Members Present: Mr. Bob Hinton, Mrs. Sue Charron & Mrs. Diana Dombrowski  
Staff Present: Mr. Matt Stuard, Mrs. Adva Ringle, Ms. Danielle Birdyshaw, Mr. James Stauble, Ms. Alyce Simonson, Mrs. Amy Pashak and Mr. Jamey Hardenbrook  
Others Present: None

Motion by Mrs. Sue Charron, supported by Mrs. Diana Dombrowski, recommending approval of the minutes from the November 20, 2023 meeting. The motion passed unanimously.

Call to the Public – None

Technology Updates – Technology Updates – Mr. Stauble discussed implementing 24/7 cybersecurity monitoring for server environments and workstations. This measure aims to enhance protection and provide immediate responses to potential threats. He and Ms. Simonson also reviewed their ongoing efforts in completing the required Civil Rights Data Collection (CRDC).

Literacy Leadership Team & Pilot Update – Mrs. Ringle updated the committee on the Literacy Leadership Team's preparations for piloting Magnetic Reading. Additionally, she and Mrs. Birdyshaw discussed the replacement of Reading Recovery with Heggerty, Phonics for Reading and Magnetic Foundations. Mrs. Ringle also informed the committee about upcoming parent communications regarding both the pilot program and the termination of Reading Recovery.

2024-2025 FHS New Course Provisional Approval – Mrs. Ringle reviewed a draft version of the district's New Course Approval Process. The objective is to provide committee members, the Board, and the public with sufficient time to review and discuss new courses before their adoption and implementation.

2024-2025 FHS Curriculum Proposals – Mrs. Pashak and Mr. Hardenbrook proposed adding a course named Chemistry Essentials to the high school's science offerings. This course aims to increase chemistry enrollment, especially among students not intending to attend college or pursue careers in science or healthcare. They also reviewed various proposed course name changes and explained the reasons for these changes. The committee unanimously agreed to forward these proposals to the full board for approval.

9th Grade Honors Discussion – The committee members revisited the decision to eliminate 9th grade honors last year and discussed the differences between honors courses and Advanced Placement (AP) courses. They also discussed whether the high school offers enough challenging options for advanced students and strategies for correctly placing 8th grade students in honors courses. These discussions will continue.

Other – None

Motion by Mrs. Charron, supported by Mrs. Dombrowski, recommending adjournment of the meeting at 7:11 p.m. The motion passed unanimously.

# **Policy Committee Minutes**

## **Fowlerville Community Schools**

### **December 20, 2023**

Central Office conference room 6:00 p.m.

The meeting was called to order at 6:00 p.m. by Mrs. Amy Sova in the C.O. conference room.

Members Present: Mrs. Amy Sova, Mr. John Belcher and Mr. Justin Braska  
Staff Present: Mr. Matt Stuard  
Others Present: Mr. Dave Pruneau

Motion by Mr. Belcher, supported by Mr. Braska recommending approval of the minutes from the November 27, 2023 meeting. The motion passed unanimously.

Call to the Public – One Member of the public addressed the Committee.

Policy Updates – Mr. Pruneau reviewed the proposed changes to policies 0100 to 8330 and Mr. Stuard reviewed the proposed changes to policies 3220 to 3140. Mr. Stuard informed the committee that additional policy changes will be brought in January to reflect recent legal changes. The committee unanimously approved sending the policies, with the recommended changes, to the full Board for first reading.

- Policy 0100 – Definitions
- Policy 0167.3 – Public Participation at Board Meetings
- Policy 6114 – Cost Principles–Spending Federal Funds
- Policy 6152 – Student Fees, Fines, and Supplies
- Policy 7450 – Property Inventory
- Policy 8310 – Public Records
- Policy 8320 – Personnel Files
- Policy 8330 – Student Records
- Policy 3220 – Professional Staff Evaluation
- Policy 3120 – Employment of Professional Staff
- Policy 3131 – Staff Reductions/Recalls
- Policy 3139 – Staff Discipline
- Policy 3140 – Termination and Resignation

Other: None

Motion by Mr. Belcher, supported by Mr. Braska, recommending adjournment of the meeting at 6:56 p.m. The motion passed unanimously.

**Appendix B**

Book	Policy Manual
Section	Vol. 35, No. 2 - February 2021
Title	Vol. 35, No. 2 - February 2021 Revised SECTION 504/ADA PROHIBITION AGAINST DISCRIMINATION BASED ON DISABILITY
Code	po2260.01
Status	
Adopted	August 8, 2017

**2260.01 - SECTION 504/ADA PROHIBITION AGAINST DISCRIMINATION BASED ON DISABILITY**

Pursuant to Section 504 of the Rehabilitation Act of 1973 ("Section 504"), the Americans with Disabilities Act of 1990, as amended ("ADA") and the implementing regulations (collectively "Section 504/ADA"), no otherwise qualified individual with a disability shall, solely by reason of his/her disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. The Board of Education does not discriminate in admission or access to, or participation or treatment in its programs or activities. As such, the Board's policies and practices will not discriminate against students with disabilities and the **Board will make its facilities, programs, and activities accessible to qualified individuals with disabilities.** ~~will make accessible to qualified individuals with disabilities its facilities, programs, and activities.~~ No discrimination will be knowingly permitted against any individual with a disability on the sole basis of that disability in any of the programs, activities, policies, and/or practices in the District.

"An individual with a disability" means a person who has, had a record of, or is regarded as having, a physical or mental impairment that substantially limits one or more major life activities. Major life activities are functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, eating, sleeping, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

Major life activities also include the operation of a major bodily function, including, but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

An impairment that is episodic in nature or in remission is considered a disability if it would substantially limit a major life activity when active.

The determination of whether an impairment substantially limits a major life activity must be made without regard to the ameliorative effects of mitigating measures such as medication, medical supplies, equipment or appliances, low-vision devices (not including ordinary eyeglasses or contact lenses), prosthetics (including limbs and devices), hearing aids and cochlear implants or other implantable hearing devices, mobility devices, oxygen therapy equipment or supplies, assistive technology, reasonable accommodations or auxiliary aids or services, or learned behavioral or adaptive neurological modifications.

With respect to public preschool, elementary and secondary educational services, a qualified person with a disability means a disabled person:

- A. who is of an age during which nondisabled persons are provided educational services;
- B. who is of any age during which it is mandatory under Michigan law to provide educational services to disabled persons; or
- C. to whom the State is required to provide a free appropriate public education pursuant to the Individuals with Disabilities Education Improvement Act (IDEIA).

With respect to vocational education services, a qualified person with a disability means a **person with a disability** ~~disabled person~~ who meets the academic and technical standards requisite to admission or participation in the vocational program or activity. **The Board will not deny a student with disabilities access to its vocational education programs or courses due to architectural and/or equipment barriers, or because the student needs related aids or services to receive an appropriate education.**

**Compliance Officer(s)**

The Board designates the following individual(s) to serve as the District's 504 Compliance Officer(s)/ADA Coordinator(s) (hereinafter referred to as the "District Compliance Officer(s)").

**[DRAFTING NOTE: Neola suggests the Board appoint School Districts may want to consider appointing both a male and a female District Compliance Officer in order to provide complainants with the option to report their concerns to an individual of the gender with which they feel most comfortable. Additionally, by appointing two (2) District Compliance Officers, there should always be a Compliance Officer available to investigate a claim that pertains to the other Compliance Officer.]**

Jeff Finney \_\_\_\_\_  
(Name)

Athletic Director \_\_\_\_\_  
(School District Title)

\_\_\_\_\_  
(Telephone Number)

\_\_\_\_\_  
(Office Address)

\_\_\_\_\_  
(E-mail Address)

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(School District Title)

\_\_\_\_\_  
(Telephone Number)

\_\_\_\_\_  
(Office Address)

\_\_\_\_\_  
(E-mail Address)

The name(s), title(s), and contact information of this/these individual(s) will be published annually on the School District's web site ~~( )~~ and:

- in the parent/student and staff handbooks.
- in the School District Annual Report to the public.
- ~~on the School District's web site.~~
- on each individual school's web site.
- in the School District's calendar.
- \_\_\_\_\_.

Building Principals shall serve as Building Section 504/ADA Compliance Officer(s) ("Building Compliance Officers").

The District Compliance Officer(s) ~~is~~ [are] responsible for coordinating the District's efforts to comply with and fulfill its responsibilities under Section 504 and Title II of the ADA. A copy of Section 504 and the ADA, including copies of the implementing regulations, may be obtained from the District Compliance Officer(s).

The District Compliance Officer(s) will oversee the investigation of any complaints of discrimination based on disability, which may be filed pursuant to the Board's adopted internal complaint procedure, and will attempt to resolve such complaints.

The Board will provide for the prompt and equitable resolution of complaints alleging violations of Section 504/ADA. See below. The Board will further establish and implement a system of procedural safeguards in accordance with Section 504, including the right to an impartial due process hearing. See AG 2260.01B.

### **Training**

The District Compliance Officer(s) will also oversee the training of employees in the District so that all employees understand their rights and responsibilities under Section 504 and the ADA, and are informed of the Board's policies, administrative guidelines and practices with respect to fully implementing and complying with the requirements of Section 504/ADA.

The Board will provide in-service training and consultation to staff responsible for the education of persons with disabilities, as necessary and appropriate.

### **Facilities**

No qualified person with a disability will, because the District's facilities are inaccessible to or unusable by persons with disabilities, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity to which Section 504/ADA applies.

For facilities constructed or altered after June 3, 1977, the District will comply with applicable accessibility standards. For those existing facilities constructed prior to June 3, 1977, the District is committed to operating its programs and activities so that they are readily accessible to persons with disabilities. This includes, but is not limited to, providing accommodations to parents with disabilities who desire access to their child's educational program or meetings pertinent thereto. Programs and activities will be designed and scheduled so that the location and nature of the facility or area will not deny a student with a disability the opportunity to participate on the same basis as students without disabilities.

### **Education**

The Board is committed to identifying, evaluating, and providing a free appropriate public education (FAPE) to students within its jurisdiction who have a physical or mental impairment that substantially limits one or more major life activities, regardless of the nature or severity of their disabilities.

An appropriate education may include regular or special education and related aids and services to accommodate the unique needs of students with disabilities. For ~~students with disabilities~~ disabled students who are not eligible for specially designed instruction under the IDEIA, the special education and related aids and services (including accommodations/modifications/interventions) they need in order to have their needs met as adequately as the needs of nondisabled students are met, shall be delineated, along with their placement, in a Section 504 Plan (Form 2260.01A F13). Parents/guardians/custodians ("parents") are invited and encouraged to participate fully in the evaluation process and development of a Section 504 Plan. The quality of education services provided to students with disabilities will be equal to the quality of services provided to students without disabilities.

The Board is committed to educating (or providing for the education of) each qualified person with a disability who resides within the District with persons who are not disabled to the maximum extent appropriate. Generally, the District will place a person with a disability in the regular educational environment unless it is demonstrated that the education of the person in the regular environment, even with the use of supplementary aids and services cannot be achieved satisfactorily. If the District places a person in a setting other than the regular educational environment, it shall take into account the proximity of the alternate setting to the person's home. If the Board operates a separate class or facility that is identifiable as being for persons with disabilities, the facility, program, and activities and services must be comparable to the facilities, programs, and activities and services offered to students without a disability.

The District will provide non-academic extracurricular services and activities in such a manner as is necessary to afford qualified persons with disabilities an equal opportunity for participation in such services and activities. Non-academic and extracurricular services and activities may include counseling services, physical recreational athletics, transportation, health services, recreational activities, special interests groups or clubs sponsored by the District, referrals to agencies that provide assistance to persons with disabilities, and employment of students. In providing or arranging for the provision of meals and recess periods, and non-academic and extracurricular services and activities, including those listed above, the District will verify that persons with disabilities participate with persons without disabilities in such services and activities to the maximum extent appropriate.

### **Notice**



Notice of the Board's policy on nondiscrimination in education practices and the identity of the District's Compliance Officer(s) will be published on the District's website and posted throughout the District, and included published in the District's recruitment statements or general information publications.

## Complaint Procedures

If a person believes that s/he has been discriminated against on the basis of his/her disability, the person may utilize the following complaint procedures as a means of reaching, at the lowest possible administrative level, a prompt and equitable resolution of the matter.

In accordance with Section 504 of the Rehabilitation Act of 1973 and its implementing regulations ("Section 504"), parents and students will be notified of their right to file an internal complaint regarding an alleged violation, misinterpretation or misapplication of Section 504. In addition, students and their parents will be notified of their right to file a complaint with the U.S. Department of Education's Office for Civil Rights. Finally, students and parents will be advised of their right to request a due process hearing before an Impartial Hearing Officer (IHO) regarding the identification, evaluation or educational placement of persons with disabilities, including the right to participation by the student's parents or guardian and representation of counsel, and their right to examine relevant education records.

Internal complaints and requests for due process hearings must be put in writing and must identify the specific circumstances or areas of dispute that have given rise to the complaint or the request for a hearing, and offer possible solutions to the dispute. The complaint or request for due process hearing must be filed with a District Compliance Officer within specified time limits. The District's Compliance Officer is available to assist individuals in filing a complaint or request.

Unless expressly stated otherwise, the term "day" or "days" as used in this policy means business day(s) (i.e., a day(s) that the Board office is open for normal operating hours, Monday – Friday, excluding State-recognized holidays).

## Internal Complaint Procedures

An internal complaint may be filed by a student and/or parent. A student and/or parent may initiate the internal complaint procedure when s/he/they believe that a violation, misapplication or misinterpretation of Section 504 has occurred. Additionally, the following procedure may be used for any disagreement with respect to actions regarding the identification, evaluation, or educational program or placement of students who are identified as disabled or believed to be disabled pursuant to Section 504, and are not eligible under the IDEIA, except in the case of disciplinary actions where the provisions of the Student Code of Conduct apply. Use of the internal complaint procedure is not a prerequisite to the pursuit of other remedies, including the filing of a complaint with the U.S. Department of Education's Office for Civil Rights or requesting a due process hearing.

### Step 1

Investigation by the Building Compliance Officer: A student or parent may initiate an investigation by filing a written internal complaint with the Building Compliance Officer. The complaint should fully describe the circumstances giving rise to the dispute and how the child is adversely affected. The complaint must be filed as soon as possible, but not longer than thirty (30) ~~calendar~~ days after disclosure of the facts giving rise to the complaint. The Building Compliance Officer shall conduct an impartial investigation of the complaint. As part of the investigation, the Building Compliance Officer shall permit the complainant to present witnesses and other evidence in support of the complaint. The investigation shall be completed within fifteen (15) ~~school~~ days of the written complaint being filed. The Building Compliance Officer will notify the complainant in writing of his/her decision.

### Step 2

Appeal to the District Compliance Officer: If the complaint is not resolved satisfactorily at Step 1, the student or parent may appeal the Building Compliance Officer's decision in writing to the District Compliance Officer. The appeal must be made within five (5) ~~school~~ days following receipt of the Building Compliance Officer's decision. The District Compliance Officer will review the case, may conduct an informal hearing, and will notify all parties in writing of his/her decision within ten (10) ~~school~~ days of receiving the appeal.

### Step 3

If the complaint is not resolved satisfactorily at Step 2, the student or parent may request a due process hearing, provided the complaint involves an issue related to the identification, evaluation, or placement of the student.

If it is determined that the Complainant was subjected to unlawful discrimination, the Building and District Compliance Officers must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, age-appropriate and effective, and tailored to the specific situation.

## OCR Complaint

At any time, if a student or parent believes that s/he has been subjected to discrimination based upon his/her disability in violation of Section 504 or the ADA, the individual may file a complaint with the U.S. Department of Education's Office for Civil Rights ("OCR"). The OCR can be reached at:

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

Except in extraordinary circumstances, the OCR does not review the result of individual placement and other educational decisions, so long as the District complies with the "process" requirements of Subpart D of Section 504.

## Retaliation

~~Retaliation against a person who makes a report or files a complaint alleging unlawful discrimination/retaliation, or participates as a witness in an investigation, is prohibited. Specifically, Neither the Board nor any other person may will not retaliate against, coerce, intimidate, threaten, coerce or interfere with any individual because the person opposed any act or practice made unlawful by Section 504 or the ADA, or because that individual made a report, formal complaint, charge, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding, or hearing under those laws and/or this policy, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws and/or this policy.~~

Retaliation against a person who makes a report or files a complaint alleging unlawful discrimination/retaliation or participates as a witness in an investigation is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce or interfere with any individual because the person opposed any act or practice made unlawful by Section 504 or the ADA, or because that individual made a report, formal complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding, or hearing under those laws and/or this policy, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws and/or this policy.

Retaliation against a person for making a report of discrimination, filing a formal complaint, or participating in an investigation or meeting is a serious violation of this policy that can result in imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Formal complaints alleging retaliation may be filed according to the internal complaint process set forth above.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

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Legal	29 U.S.C. 794, Section 504 Rehabilitation Act of 1973, as amended
	34 C.F.R. Part 104
	42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended

Book	Policy Manual
Section	Vol. 35, No. 2 - February 2021
Title	Vol. 35, No. 2 - February 2021 Revised CRIMINAL JUSTICE INFORMATION SECURITY (NON-CRIMINAL JUSTICE AGENCY)
Code	po8321
Status	
Adopted	June 13, 2017
Last Revised	January 9, 2018

#### 8321 - CRIMINAL JUSTICE INFORMATION SECURITY (NON-CRIMINAL JUSTICE AGENCY)

The District is required by State law to have the Michigan State Police (MSP) obtain both a State and a Federal Bureau of Investigation (FBI) criminal history record information (CHRI) background check report for all employees of the District and contractors, vendors and their employees who work on a regular and continuous basis in the District. To assure the security, confidentiality, and integrity of the CHRI background check information received from the MSP/FBI, the following standards are established:

##### A. Sanctions for Non-Compliance

Employees who fail to comply with this policy and any guidelines issued to implement this policy will be subject to discipline for such violations. Discipline will range from counseling and retraining to discharge, based on the nature and severity of the violation. All violations will be recorded in writing, with the corrective action taken. The Superintendent shall review, approve, sign and date all such corrective actions.

##### B. Local Agency Security Officer (LASO)

The ~~Director of Safety School Safety and Security and Security and Director of Human Resources~~ ~~\_\_\_\_\_~~ ~~designated administrator~~ shall be designated as the District's Security Officer ("LASO") and shall be responsible for overall implementation of this policy and for data and system security. This shall include:

1. ensuring that personnel security screening procedures are being followed as set forth in this policy;
2. ensuring that approved and appropriate security measures are in place and working as expected;
3. supporting policy compliance and instituting the incident response reporting procedures;
4. ensuring that the Michigan State Police are promptly informed of any security incidents involving the abuse or breach of the system and/or access to criminal justice information;
5. to the extent applicable, identifying and documenting how District equipment is connected to the Michigan State Police system;
6. to the extent applicable, identifying who is using the Michigan State Police approved hardware, software and firmware, and ensuring that no unauthorized individuals have access to these items.

The District's LASO shall be the point of contact for the Michigan State Police and should be the person most knowledgeable about this policy. The District's LASO shall be designated on the appropriate form as prescribed and maintained by the Michigan State Police. A new form shall be submitted every time a new LASO is designated.

##### C. Agency User Agreements

The District shall enter into any required User Agreement for Release of CHRI ("User Agreement"), and future amendments, by the Michigan State Police necessary to access the required CHRI on applicants, volunteers, and all other statutorily required individuals, such as contractors and vendors and their employees assigned to the District. The LASO shall be responsible for the District's compliance with the terms of any such User Agreement.

##### D. Personnel Security

~~Authorized users/personnel shall be individuals who have been appropriately vetted through a national fingerprint-based background check, as required by school safety legislation, and have been granted access to CHRI data, wherein access is only for the purpose of evaluating an individual's qualifications for employment or assignment.~~

~~All individuals that require access to any criminal justice information shall be subject to the following standards prior to granting of access:~~

1. ~~**Background Checks**—A Michigan (or state of residency if other than Michigan) and a national fingerprint based criminal history record check shall be conducted within thirty (30) days of assignment to a position with direct access to criminal justice information or with direct responsibility to configure and maintain computer systems and networks with direct access to criminal justice information. Background re-checks should be conducted every five (5) years.~~
  - a. ~~A felony conviction of any kind will disqualify an individual for access to criminal justice information.~~
  - b. ~~If any other results/records are returned, the individual shall not be granted access until the LASO reviews and determines access is appropriate. This includes, but is not limited to, any record which indicates the individual may be a fugitive or shows arrests without convictions. Such approval shall be recorded in writing, signed, dated and maintained with the individual's file.~~
  - c. ~~If support personnel, contractors or custodial workers need to be in an area where CHRI is maintained or processed, they shall be escorted by or under the supervision of authorized personnel at all times while in those areas. Information Technology contractors or vendors will be physically or virtually escorted by authorized personnel anytime said individual have access to facilities, areas, rooms, or an agency's CHRI information system.~~
2. **Subsequent Arrest/Conviction** - If an individual granted access to criminal justice information is subsequently arrested and/or convicted, access shall be suspended immediately until the matter is reviewed by the LASO to determine if continued access is appropriate. Such determination shall be recorded in writing, signed, dated and maintained with the individual's file. In the event that the LASO has the arrest/conviction, the Superintendent (if not the designated LASO) shall make the determination. If the Superintendent is also the designated LASO, the determination shall be made by the **Director of School Security** [Insert Designated Administrator]; except that, as noted in D(1)(a), individuals with a felony conviction of any kind will have their access indefinitely suspended.
3. **Public Interest Denial** - If the LASO determines that access to criminal justice information by any individual would not be in the public interest, access shall be denied whether that person is seeking access or has previously been granted access. Such decision and reasons shall be in writing, signed, dated and maintained in the individual's file.
4. **Approval for Access** - All requests for access to criminal justice information shall be as specified and approved by the LASO. Any such designee must be a direct employee of the District. The District must maintain a readily accessible list that includes the names of all LASO approved personnel with access to criminal justice information, as well as the reason for providing each individual access. This list shall be made available to Michigan State Police upon request.
5. **Termination of Employment/Access** - Within twenty-four (24) hours of the termination of employment, all access to criminal justice information shall be terminated immediately for that individual, such as requiring the individual to return any keys or access cards to buildings, offices, and/or files, or closing the individual's account and/or blocking access to any systems containing such information at the District.
6. **Transfer/Re-assignment** - When an individual who has been granted access to criminal justice information has been transferred or re-assigned to other duties, the LASO shall determine whether continued access is necessary and appropriate. If not, s/he shall take such steps as necessary to block further access to such information within the twenty-four (24) hour period immediately following the transfer or reassignment.
7. ~~**Information Technology Contractors and Vendors**<sup>1</sup>—Prior to granting access to criminal justice information to an IT contractor or vendor, identification must be verified via a Michigan (or state of residency if other than Michigan) and national fingerprint based criminal history record check. A felony conviction of any kind, as well as any outstanding arrest warrant, will disqualify an IT contractor or vendor for access to criminal justice information. A contractor or vendor with a criminal record of any other kind may be granted access if the LASO determines the nature or severity of the misdemeanor offense(s) does not warrant disqualification. If any other results/records are returned, the individual shall not be granted access until the LASO reviews and determines access is appropriate.~~

#### E. Media Protection

Access to digital and physical media in all forms, which contains criminal history background information provided by the Michigan State Police through the statutory record check process, is restricted to authorized individuals only. Only individuals involved in the hiring determination of both District employees and volunteers shall be authorized to access digital and physical media containing CHRI.

1. **Media Storage and Access** - All digital and physical media shall be stored in a physically secure location or controlled area, such as locked office, locked cabinet, or other similarly secure area(s) which can only be accessed by authorized individuals. If such security cannot be reasonably provided, then all digital CHRI background data shall be encrypted. Digital media shall be stored on a District or School server. Storage on a third party server, such as cloud service, is not permitted. Storage of digital media must conform to the requirements in AG 8321.
2. **Media Transport** - Digital and physical media shall only be transported upon sufficient justification approved by the LASO. Digital and physical media shall be protected when being transported outside of a controlled area. Only authorized individuals shall transport the media. Physical media (e.g. printed documents, printed imagery, etc.) shall be transported using a locked container, sealed envelope, or other similarly secure measure. To the extent possible, digital media (e.g., hard drives and removable storage devices such as disks, tapes, flash drives and memory cards) shall be either encrypted and/or be password protected during the transport process. The media shall be directly delivered to the intended person or destination and shall remain in the physical control and custody of the authorized individual at all times during transport. Access shall only be allowed to an authorized individual.

3. **Media Disposal/Sanitization** – When the CHRI background check is no longer needed, the media upon which it is stored shall either be destroyed or sanitized. The LASO and the Superintendent shall approve in writing the media to be affected. This record shall be maintained by the LASO during the individual's active employment plus an additional six (6) years. **[Note: the regulations do not specify a specific period for maintaining this information. This time period is suggested based on the State of Michigan's background information retention schedule and will likely cover most statutes of limitation and can be retained in digital format.]**

- a. **Digital Media** - Sanitization of the media and deletion of the data shall be accomplished by either overwriting at least three (3) times or by degaussing, prior to disposal or reuse of the media. If the media is inoperable or will not be reused, it shall be destroyed by shredding, cutting, or other suitable method to assure that any data will not be retrievable.
- b. **Physical Media** – Disposal of documents, images or other type of physical record of the criminal history information shall be cross-cut shredded or incinerated. Physical security of the documents and their information shall be maintained during the process by authorized individuals. Documents may not be placed in a waste basket or burn bag for unauthorized individuals to later collect and dispose of.

All disposal/sanitization shall be either conducted or witnessed by authorized personnel to assure that there is no misappropriation of, or unauthorized access to, the data to be deleted. Written documentation of the steps taken to sanitize or destroy the media shall be maintained for ten (10) years, and must include the date as well as the signatures of the person(s) performing and/or witnessing the process. (See also, AG 8321.)

4. **Personal Mobile Devices** – A personally owned mobile device (mobile phone, tablet, laptop, etc.) shall not be authorized to access, process, store or transmit criminal justice information unless the District has established and documented the specific terms and conditions for personally owned mobile devices through a Mobile Device Management (MDM) system. An MDM is not required when receiving CHRI from an indirect access information system (i.e., the system provides no capability to conduct transactional activities on State and national repositories, applications, or services).

#### 5. **CHRI Background Check Consent and Documentation**

All individuals requested to complete a fingerprint-based CHRI background check must execute Michigan State Police Form RI-088A at time of application and be notified fingerprints will be used to check the criminal history records of the FBI, prior to completing a fingerprint-based CHRI background check. The most current and unaltered Livescan form (RI-030) will satisfy this requirement and must be retained. Individuals subject to a fingerprint-based CHRI background check shall be provided the opportunity to complete or challenge the accuracy of the individual's criminal history record.

Some type of documentation identifying the position for which a fingerprint-based CHRI background check has been obtained must be retained for every CHRI background check conducted, such as the "Agency User Agreement" (RI-087), an offer letter, employment agreement, new hire checklist, employment contract, volunteer background check form, etc.

#### 6. **Controlled Area/Physical Protections**

All CHRI obtained from the Michigan State Police pursuant to the statutorily required background checks shall be maintained in the [insert designated location, such as the Principal's, Human Resources, or other such office], which is a physically secure and controlled area. The following security precautions will apply to the controlled area:

- a. Limited unauthorized personnel access to the area during times that criminal justice information is being processed or viewed.
- b. The controlled area shall be locked at all times when not in use or attended by an authorized individual.
- c. Information systems devices (e.g., computer screens) and physical documents, when in use, shall be positioned to prevent unauthorized individuals from being able to access or view them.
- d. Encryption shall be used for digital storage of criminal justice information. (See AG 8321)

#### 7. **Passwords (Standard Authentication)<sup>1</sup>**

All authorized individuals with access to computer or systems where processing is conducted or containing criminal justice information must have a unique password to gain access. This password shall not be used for any other account to which the individual has access and shall comply with the following attributes and standards:

- a. at least eight (8) characters long on all systems
- b. not be a proper name or a word found in the dictionary
- c. not be the same as the user identification
- d. not be displayed when entered into the system (must use feature to hide password as typed)
- e. not be transmitted in the clear outside of the secure location used for criminal justice information storage and retrieval
- f. must expire and be changed every ninety (90) days
- g. renewed password cannot be the same as any prior ten (10) passwords used (See also, AG 8321)

**8. Security Awareness Training**

All individuals who are authorized by the District to have access to criminal justice information or to systems which store criminal justice information shall have basic security awareness training within six (6) months of initial assignment/authorization and every two (2) years thereafter. The training shall, to the extent possible, be received through a program approved by the Michigan State Police. A template of the training is provided on the Michigan State Police's website. At a minimum, the training shall comply with the standards established by the U.S. Department of Justice and Federal Bureau of Investigation for Criminal Justice Information Services. (See AG 8321.) A record shall be kept current of all individuals who have completed the security awareness training.

**9. Secondary Dissemination of Information**

If criminal history background information received from the Michigan State Police is released to another authorized agency under the sharing provision designated by the revised school code, a log of such releases shall be maintained and kept current indicating:

- a. the date of release;
- b. record disseminated;
- c. method of sharing;
- d. agency personnel that shared the CHRI;
- e. the agency to which the information was released;
- f. the name of the individual recipient at the agency; and
- g. whether authorization was obtained.

A log entry need not be kept if the receiving agency/entity is part of the primary information exchange agreements between the District and the Michigan State Police. A release form consenting to the sharing of CHRI shall be maintained at all relevant times.

If CHRI is received from another District or outside agency, an Internet Criminal History Access Tool (ICHAT) background check shall be performed to ensure the CHRI is based on personal identifying information, including the individual's name, sex, and date of birth, at a minimum.

**Incident Handling and Responses**

Information system security incidents shall be tracked using Form CJIS-016 and documented on an ongoing basis. Incident-related information may be obtained from audit monitoring, network monitoring, physical access monitoring, and user/administrator reports. The LASO shall maintain completed security incident reporting forms for three (3) years or until legal action (if warranted) is complete, whichever timeframe is greater. The District shall implement steps for incident handling capabilities, for both digital and physical CHRI media. At a minimum, the following will be implemented:

	Physical - Hard Copy CHRI	Digital - Digitally Saved CHRI
1. Preparation	The CHRI container will be locked at all times in the business office where it is stored. The office must be locked when the office staff is not present.	Firewalls, virus protection, and/or malware/spyware protection shall be implemented and maintained to prevent unauthorized access or intrusion of the information systems.
2. Detection	Unauthorized activities or physical intrusions to the building shall be monitored by building alarm or video surveillance. Doors must be locked and checked at night.	Electronic intrusions shall be monitored and detected by the firewalls, virus protection, and/or malware/spyware protection software.
3. Analysis	The LASO will work with police authorities to determine how the incident occurred and what data was affected.	The LASO shall work with the IT department to determine what systems or data were compromised and affected.
4. Containment	The LASO shall lock uncompromised CHRI information in a secure container, or transport CHRI to a secure area.	The IT department shall stop the spread of any intrusion of the information systems and prevent further damage.

5. Eradication	The LASO shall work with law enforcement to remove any threats and compromised CHRI data.	The IT department shall remove the intrusion of the information systems before restoring the system. All steps necessary to prevent recurrence shall be taken before restoring the system.
6. Recovery	The Police shall handle and/or oversee the recovery of stolen CHRI media. The LASO may contact MSP for assistance in re-fingerprinting if necessary.	The IT department shall restore the agency information system and media to a safe environment.

When an incident involving the security of CHRI or systems with access to CHRI is discovered, the following procedures shall be followed:

- A. The LASO shall be notified immediately.
- B. The breach shall be assessed and steps taken to correct the situation:
  - 1. access shall be stopped for any unauthorized user;
  - 2. media shall be secured;
  - 3. systems shall be shut down as necessary to avoid further exposure to unauthorized access or dissemination of CHRI;
  - 4. such other steps are deemed necessary by the LASO or authorized personnel involved in assessing the incident.
- C. All necessary information regarding the security breach and District responses shall be recorded, analyzed, and preserved, including who was involved in taking incident response measures.
- D. The LASO shall be responsible for filing the incident report with the MSP.

The LASO shall monitor MSP information/guidance on incident reports and train authorized users with access to CHRI on detection and response to security incidents.

- E. Mobile Device - Incident Handling and Response
  - 1. The LASO shall be notified immediately.
  - 2. The breach shall be assessed and steps taken to correct the situations:
    - a. access shall be stopped immediately, and remotely if necessary, for any authorized user;
    - b. media shall be secured and steps taken to identify how the incident occurred and what systems or data were compromised or affected;
    - c. systems shall be shut down as necessary to avoid further exposure to unauthorized access or dissemination of CJI;
    - d. such other steps as are deemed necessary by the LASO or authorized personnel involved in assessing the incident.
  - 3. All necessary information regarding the security breach and District responses shall be recorded, analyzed, and preserved, including who was involved in taking incident response measures.
  - 4. Steps shall be taken to restore the device and media to a safe environment.
  - 5. The LASO shall be responsible for filing the incident report with the MSP using form CJIS-016. A copy of the completed form shall be retained and produced to MSP upon request.

When a device is lost the District shall document and indicate how long the device has been lost. Special reporting procedures for mobile devices shall apply in any of the following situations:

- a. for a lost device, report if the owner:
  - 1. believed the device was locked;
  - 2. believed the device was unlocked;
  - 3. could not validate the device's locked state.
- b. for a total loss of a device, report if:
  - 1. CHRI was stored on the device;
  - 2. the device was locked or unlocked;

3. capable of remote tracking or wiping of device.
- c. report any compromise of a device when the intrusion occurs while still in the owner's possession
- d. report any compromise outside of the United States

#### F. Collection of Evidence

Where an information security incident involves legal action against the District or an individual (either civil or criminal), evidence shall be collected, retained, and presented in accordance with the rules of evidence of the relevant jurisdiction(s).

- G. **CHRI Background Check Consent and Documentation** All individuals requested to complete a fingerprint-based CHRI background check must have given written consent properly signed and dated at time of application and be notified fingerprints will be used to check the criminal history records of the FBI, prior to completing a fingerprint-based CHRI background check. The most current and unaltered Livescan form (RI-030) will satisfy this requirement and must be retained. Individuals subject to a fingerprint-based CHRI background check shall be provided the opportunity to complete or challenge the accuracy of the individual's criminal history record. Some type of documentation identifying the position for which a fingerprint-based CHRI background check has been obtained must be retained for every CHRI background check conducted, such as the "Agency User Agreement" (RI-087), an offer letter, employment agreement, new hire checklist, employment contract, volunteer background check form, etc.

#### H. Controlled Area/Physical Protection

All CHRI obtained from the Michigan State Police pursuant to the statutorily required background checks shall be maintained in a physically secure and controlled area, which shall be a designated office, room, or area. The following security precautions will apply to the controlled area:

1. Limited unauthorized personnel access to the area during times that criminal justice information is being processed or viewed.
2. The controlled area shall be locked at all times when not in use or attended by an authorized individual.
3. Information systems devices (e.g., computer screens) and physical documents, when in use, shall be positioned to prevent unauthorized individuals from being able to access or view them.
4. Encryption shall be used for digital storage of criminal justice information. (See AG 8321)

#### I. Passwords (Standard Authentication)<sup>2</sup>

All authorized individuals with access to computer or systems where processing is conducted or containing criminal justice information must have a unique password to gain access. This password shall not be used for any other account to which the individual has access and shall comply with the following attributes and standards:

1. at least eight (8) characters long on all systems
2. not be a proper name or a word found in the dictionary
3. not be the same as the user identification
4. not be displayed when entered into the system (must use feature to hide password as typed)
5. not be transmitted in the clear outside of the secure location used for criminal justice information storage and retrieval
6. must expire and be changed every ninety (90) days
7. renewed password cannot be the same as any prior ten (10) passwords used (See also, AG 8321)

- J. **Security Awareness Training** All individuals who are authorized by the District to have access to criminal justice information or to systems which store criminal justice information shall have basic security awareness training within six (6) months of initial assignment/authorization and every two (2) years thereafter. The training shall, to the extent possible, be received through a program approved by the Michigan State Police. A template of the training is provided on the Michigan State Police's website. At a minimum, the training shall comply with the standards established by the U.S. Department of Justice and Federal Bureau of Investigation for Criminal Justice Information Services. (See AG 8321.) A record shall be kept current of all individuals who have completed the security awareness training.

- K. **Secondary Dissemination of Information** If criminal history background information received from the Michigan State Police is released to another authorized agency under the sharing provision designated by The Revised School Code, a log of such releases shall be maintained and kept current indicating:

1. the date of release;
2. record disseminated;
3. method of sharing;



4. ~~agency personnel that shared the CHRI;~~

5. ~~the agency, and name of the individual at the agency, to which the information was released;~~

6. ~~whether an authorization was obtained;~~

~~A log entry need not be kept if the receiving agency/entity is part of the primary information exchange agreements between the District and the Michigan State Police. A release form consenting to the sharing of CHRI shall be maintained at all relevant times.~~

~~If CHRI is received from another District or outside agency, an Internet Criminal History Access Tool (ICHAT) background check shall be performed to ensure the CHRI is based on personal identifying information, including the individual's name, sex, and date of birth, at a minimum.~~

~~4 Non-Information Technology contractors or vendors shall not have access to criminal justice information.~~

~~2 1] Applicable to districts that maintain CHRI within a digital system of records, such as a digital database, filing system, record keeping software, spreadsheets, etc. Not applicable if CHRI kept solely via e-mail and/or paper copies.~~

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Ref: Criminal Justice Information Services - Security Policy (Version 5.6, 2017),

U.S. Dept. of Justice and Federal Bureau of Investigation

Noncriminal Justice Agency Compliance Audit Review, Michigan State Police, Criminal Justice Information Center, Audit and Training Section

Conducting Criminal Background Checks, Michigan State Police, Criminal Justice Information Center

Book	Policy Manual
Section	Vol. 35, No. 2 - February 2021
Title	Vol. 35, No. 2 - February 2021 Revised STUDENT RECORDS
Code	po8330
Status	
Adopted	June 13, 2017

### 8330 - **STUDENT RECORDS**

In order to provide appropriate educational services and programming, the Board of Education must collect, retain, and use information about individual students. Simultaneously, the Board recognizes the need to safeguard student's privacy and restrict access to student's personally identifiable information.

After June 26, 2021, if the parent or legal guardian of a student provides the District with notice that ~~she~~they have received a participation card issued by the attorney general under the address confidentiality program act, the District shall not disclose the confidential address of the student, regardless of any other provision of this policy. The Superintendent, or his or her designee, shall develop a process to ensure that a student's participation in the address confidentiality program act is appropriately noted to avoid disclosure of this information to any person or entity.

Student "personally identifiable information" ("PII") includes, but is not limited to: the student's name; the name of the student's parent or other family members; the address of the student or student's family; 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.

The Board of Education is responsible for maintaining records of all students attending schools in this District. Only records mandated by the State or Federal government and/or necessary and relevant to the function of the School District or specifically permitted by this Board will be compiled by Board employees. The Board hereby authorizes collection of the following student records, in addition to the membership record required by law:

- A.  observations and ratings of individual students by professional staff members acting within their sphere of competency
- B.  samples of student work
- C.  information obtained from professionally acceptable standard instruments of measurement such as:
  1.  interest inventories and aptitude tests,
  2.  vocational preference inventories,
  3.  achievement tests,
  4.  standardized intelligence tests,
  5.  \_\_\_\_\_
- D.  authenticated information provided by a parent or eligible student concerning achievements and other school activities which the parent or student wants to make a part of the record
- E.  verified reports of serious or recurrent behavior patterns

- F.  rank in class and academic honors earned
- G.  psychological tests
- H.  attendance records
- I.  health records
- J.  custodial arrangements

In all cases, permitted, narrative information in student records shall be objectively-based on the personal observation or knowledge of the originator.

Student records shall be available only to students and their parents, eligible students, and designated school officials who have a legitimate educational interest in the information, or to other individuals or organizations as permitted by law. The term "parents" includes legal guardians or other persons standing in loco parentis (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the welfare of the child). The term "eligible student" refers to a student who is eighteen (18) years of age or older or a student of any age who is enrolled in a postsecondary institution.

In situations in which a student has both a custodial and a noncustodial parent, both shall have access to the student's educational records unless stipulated otherwise by court order. In the case of eligible students, parents will be allowed access to the records without the student's consent, provided the student is considered a dependent under section 152 of the Internal Revenue Code.

A school official is a person employed by the Board as an administrator, supervisor, teacher/instructor (including substitutes), or support staff member (including health or medical staff and law enforcement unit personnel); and a person serving on the Board. The Board further designates the following individuals and entities as "school officials" for the purpose of FERPA:

- A. persons or companies with whom the Board has contracted to perform a specific task (such as an attorney, auditor, insurance representative, or medical consultant);
- B. contractors, consultants, volunteers or other parties to whom the Board has outsourced a service or function otherwise performed by the Board employees (e.g. a therapist, authorized information technology (IT) staff, and approved online educational service providers).

The above-identified outside parties must (a) perform institutional services or functions for which the Board would otherwise use its employees, (b) be under the direct control of the Board with respect to the use and maintenance of education records, and (c) be subject to the requirements of 34 C.F.R. 99.33(a) governing the use and re-disclosure of PII from education records.

Finally, a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his/her tasks (including volunteers) is also considered a "school official" for purposes of FERPA provided s/he meets the above-referenced criteria applicable to other outside parties.

"Legitimate educational interest" shall be defined as a "direct or delegated responsibility for helping the student achieve one (1) or more of the educational goals of the District" or if the record is necessary in order for the school official to perform an administrative, supervisory or instructional task or to perform a service or benefit for the student or the student's family. The Board directs that reasonable and appropriate methods (including but not limited to physical and/or technological access controls) are utilized to control access to student records and to make certain that school officials obtain access to only those education records in which they have legitimate educational interest.

The Board authorizes the administration to:

- A. forward student records, including any suspension and expulsion action against the student, on request to a school or school district in which a student of this District seeks or intends to enroll upon condition that the student's parents be notified of the transfer, receive a copy of the record if desired, and have an opportunity for a hearing to challenge the content of the record;
- B. forward student records, including disciplinary records with respect to suspensions and expulsions, upon request to a public school or school district in which a student in foster care is enrolled. Such records shall be transferred within one (1) school day of the enrolling school's request;
- C. provide "personally-identifiable" information to appropriate parties, including parents of an eligible student, whose knowledge of the information is necessary to protect the health or safety of the student or other individuals, if there is an articulable and significant threat to the health or safety of a student or other individuals, considering the

totality of the circumstances;

- D. report a crime committed by a child with or without a disability to appropriate authorities and, with respect to reporting a crime committed by a student with a disability, to transmit copies of the student's special education records and disciplinary records including any suspension and expulsion action against the student to the authorities and school officials for their consideration;
- E. release de-identified records and information in accordance with Federal regulations;
- F. disclose personally identifiable information from education records, without consent, to organizations conducting studies "for, or on behalf of" the District for purposes of developing, validating or administering predictive tests, administering student aid programs, or improving instruction;

Information disclosed under this exception must be protected so that students and parents cannot be personally identified by anyone other than representative of the organization conducting the study, and must be destroyed when no longer needed for the study. In order to release information under this provision, the District will enter into a written agreement with the recipient organization that specifies the purpose of the study. (See Form 8330 F14.) Further, the following personally identifiable information will not be disclosed to any entity: a student or his/her family member's social security number(s); religion; political party affiliation; voting history; or biometric information.

**[NOTE: Districts without AGs should include the following paragraph]** This written agreement must include: 1) specification of the purpose, scope, duration of the study, and the information to be disclosed; 2) a statement requiring the organization to use the personally identifiable information only to meet the purpose of the study; 3) a statement requiring the organization to prohibit personal identification of parents and students by anyone other than a representative of the organization with legitimate interests; and 4) a requirement that the organization destroy all personally identifiable information when it is no longer needed for the study, along with a specific time period in which the information must be destroyed. **[END OF OPTION]**

While the disclosure of personally identifiable information (other than social security numbers, religion, political party affiliation, voting record, or biometric information) is allowed under this exception, it is recommended that de-identified information be used whenever possible. This reduces the risk of unauthorized disclosure.

- G. disclose personally identifiable information from education records without consent, to authorized representatives of the Comptroller General, the Attorney General, and the Secretary of Education, as well as State and local educational authorities;

The disclosed records must be used to audit or evaluate a Federal or State supported education program, or to enforce or comply with Federal requirements related to those education programs. A written agreement between the parties is required under this exception. (See Form 8330 F16)

**[NOTE: the following sentence should be selected by districts with AGs]** The District will verify that the authorized representative complies with FERPA regulations.

- H. request each person or party requesting access to a student's record to abide by the Federal regulations concerning the disclosure of information.

The Board will comply with a legitimate request for access to a student's records within a reasonable period of time but not more than forty-five (45) days after receiving the request or within such shorter period as may be applicable to students with disabilities. Upon the request of the viewer, a record shall be reproduced, unless said record is copyrighted, and the viewer may be charged a fee equivalent to the cost of handling and reproduction. Based upon reasonable requests, viewers of education records will receive explanation and interpretation of the records.

The Board shall maintain a record of those persons to whom information about a student has been disclosed. Such disclosure records will indicate the student, person viewing the record, information disclosed, date of disclosure, and date parental/eligible student consent was obtained (if required).

Upon written request by a student's parent or legal guardian, the District shall disclose to the parent or legal guardian any personally identifiable information concerning the student that is collected or created by the District as part of the student's education records.

If the District provides any personally identifiable information concerning the student that is collected or created by the District as part of the student's education records to any person, agency, or organization, then the District shall disclose to the student's parent or legal guardian upon his/her written request:

- A. the specific information that was disclosed;

- B. the name and contact information of each person, agency, or organization to which the information has been disclosed;
- C. the legitimate reason that the person, agency, or organization had in obtaining the information.

This information shall be provided without charge within thirty (30) days after the District receives the written request and without charge to the parent or legal guardian.

The District is not required to disclose to the parent or legal guardian, even upon written request, any personally identifiable information concerning the student that is collected or created by the District as part of the student's education records and is provided to any person, agency, or organization in any of the following situations:

- A. provision of such information to the Michigan Department of Education or CEPI
- B. provision of such information to the student's parent or legal guardian
- C. provision of such information to its authorizing body or to an educational management organization with which it has a management agreement
- D. provision of such information to or from its intermediate school district or to another intermediate school district providing services to the District or its students pursuant to a written agreement
- E. provision of such information to a person, agency, or organization with written consent from the student's parent or legal guardian or, if the student is at least age eighteen (18), the student
- F. provision of such information to a person, agency, or organization seeking or receiving records in accordance with an order, subpoena, or ex parte order issued by a court of competent jurisdiction
- G. provision of such information as necessary for standardized testing that measures the student's academic progress and achievement
- H. provision of such information that is covered by the opt-out form described above, unless the student's parent or legal guardian or, if the student is at least age eighteen (18) or is an emancipated minor, the student has signed and submitted the opt-out form referenced below

Only "directory information" regarding a student shall be released to any person or party, other than the student or his/her parent, without the written consent of the parent; or, if the student is an eligible student, the written consent of the student, except those persons or parties stipulated by the Board policy and administrative guidelines and/or those specified in the law.

The Board shall exempt from disclosure directory information, as requested for the purpose of surveys, marketing, or solicitation, unless the Board determines that the use is consistent with the educational mission of the Board and beneficial to the affected students. The Board may take steps to ensure that directory information disclosed shall not be used, rented, or sold for the purpose of surveys, marketing, or solicitations. Before disclosing the directory information, the Board may require the requester to execute an affidavit stating that directory information provided shall not be used, rented, or sold for the purpose of surveys, marketing, or solicitation.

#### **DIRECTORY INFORMATION**

Each year the Superintendent shall provide public notice to students and their parents of the District's intent to make available, upon request, certain information known as "directory information." The Board designates as student "directory information":

- A.  a student's name;
- B.  address (except for students participating in the address confidentiality program act);
- C.  telephone number;
- D.  date and place of birth;
- E.  major field of study;
- F.  participation in officially recognized activities and sports;

- G.  height and weight, if member of an athletic team;
- H.  height if member of an athletic team;
- I.  weight, if member of an athletic team which requires disclosure to participate;
- J.  dates of attendance;
- K.  date of graduation;
- L.  awards received;
- M.  honor rolls;
- N.  scholarships;
- O.  telephone numbers for inclusion in school or PTO directories;
- P.  school photographs or videos of students participating in school activities, events or programs;
- Q.  \_\_\_\_\_.

**[The following option should be selected if the Board assigns school email accounts to students per Policy 7540.03. \*This option is provided to address potential confidentiality issues presented by Policy 7540.03 and is supported by Federal FERPA regulation 34 C.F.R. 99.37(d).]**

] The Board designates school-assigned e-mail accounts as "directory information" for the limited purpose of facilitating students' registration for access to various online educational services, including mobile applications/apps that will be utilized by the student for educational purposes  and for inclusion in internal e-mail address books. School-assigned e-mail accounts shall not be released as directory information beyond this/these limited purpose(s) and to any person or entity but the specific online educational service provider and internal users of the District's Education Technology.

The Superintendent \_\_\_\_\_ will also develop a list of uses for which the District commonly would disclose a student's directory information and develop an opt-out form that lists all of the uses or instances and allows a parent or legal guardian to elect not to have his/her child's directory information disclosed for one (1) or more of these uses.

Each student's parent or legal guardian will be provided with the opt-out form within the first thirty (30) days of the school year. The form shall also be provided to a parent or legal guardian at other times upon request.

If an opt-out form is signed and submitted to the District by a student's parent or legal guardian, the District shall not include the student's directory information in any of the uses that have been opted out of in the opt-out form. A student who is at least age eighteen (18) or is an emancipated minor may act on his/her own behalf with respect to the opt-out form.

Parents and eligible students may also refuse to allow the District to disclose any or all of such "directory information" upon written notification to the District within \_\_\_\_ days after receipt of the District's public notice.

### **Armed Forces Recruiting**

The Board shall provide United States Armed Forces recruiters with at least the same access to the high school campus and to student directory information (names, addresses (except for students participating in the address confidentiality program act), and telephone listings of secondary students) as is provided to other entities offering educational or employment opportunities to those students. "Armed forces of the United States" means the armed forces of the United States and their reserve components and the United States Coast Guard.

If a student or the parent or legal guardian of a student submits a signed, written request to the Board that indicates that the student or the parent or legal guardian does not want the student's directory information to be accessible to official recruiting representatives, then the officials of the school shall not allow that access to the student's directory information. The Board shall ensure that students and parents and guardians are notified of the provisions of the opportunity to deny release of directory information.

Public notice shall be given regarding the right to refuse disclosure of any or all "directory information" including to the armed forces of the United States and the service academies of the armed forces of the United States.

A fee, not to exceed the actual costs incurred by the high school, for copying and mailing student directory information under this section, may be charged an official recruiting representative.

Directory information received under armed services authorization request shall be used only to provide information to students concerning educational and career opportunities available in the armed forces of the United States or the service academies of the armed forces of the United States. An official recruiting representative who receives student directory information under this section shall not release that information to a person who is not involved in recruiting students for the armed forces of the United States or the service academies of the armed forces of the United States.

Annually, the Board will notify male students age eighteen (18) or older that they are required to register for the selective service.

Requests to the District records officer shall be presented on a standardized form developed by the armed forces of the United States requesting access to a high school campus and a time for the access. Requests should bear the signature of the ranking recruiting officer of the armed service making the request.

Whenever consent of the parent(s)/eligible student is required for the inspection and/or release of a student's education records or for the release of "directory information", either parent may provide such consent unless stipulated otherwise by court order. If the student is under the guardianship of an institution, the Superintendent shall appoint a person who has no conflicting interest to provide such written consent.

The Board may disclose "directory information" on former students without student or parental consent, unless the parent or eligible student previously submitted a request that such information not be disclosed without their prior written consent.

The Board shall not sell or otherwise provide to a for-profit business entity any personally identifiable information that is part of a student's education records. This does not apply to any of the following situations:

- A. providing the information as necessary for standardized testing that measures the student's academic progress and achievement
- B. providing the information as necessary to a person that is providing educational or educational support services to the student under a contract with the District

The parent of a student or an eligible student has the right to inspect upon request any instrument used in the collection of personal information before the instrument is administered or distributed to a student. Personal information for this section is defined as individually identifiable information including a student or parent's first and last name, a home or other physical address (including street name and the name of the city or town, **unless a parent is prohibited from doing so due to a student's participation in the address confidentiality program act**), a telephone number, or a Social Security identification number. In order to review the instrument, the parent or eligible students, must submit a written request to the building principal at least \_\_\_\_ work days before the scheduled date of the activity. The instrument will be provided to the parent within \_\_\_\_ business days of the principal receiving the request.

The Superintendent shall directly notify the parent(s) of a student and eligible students, at least annually at the beginning of the school year, of the specific or approximate dates during the school year when such activities are scheduled or expected to be scheduled.

This section does not apply to the collection, disclosure or use of personal information collected from students from the exclusive purpose of developing, evaluating, or providing educational products or service for, or to, students or educational institutions, such as the following:

- A. college or other postsecondary education recruitment, or military recruitment;
- B. book clubs, magazines, and programs providing access to low-cost literary products;
- C. curriculum and instructional materials used by elementary and secondary schools;
- D. tests and assessments used by elementary and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments;
- E. the sale by students of products or services to raise funds for school- related or education-related activities; and
- F. student recognition programs.

The Board may establish online access for the parents or the eligible student to the student's confidential academic and attendance record. To authorize such access, the parents or the eligible student must sign a release (see Form 8330 F10). This release shall remind the parents or eligible student that the account and confidential information about the student is only as secure as they keep their account information. Neither the District nor its employees will be held responsible for any breach of this policy by the parent/eligible student or any unauthorized party.

The Superintendent shall prepare administrative guidelines to ensure that students and parents are adequately informed each year regarding their rights to:

- A. inspect and review the student's education records;
- B. request amendments if the record is inaccurate, misleading, or otherwise in violation of the student's rights;
- C. consent to disclosures of personally-identifiable information contained in the student's education records, except to unauthorized disclosures allowed by the law;
- D. challenge the Board's noncompliance with a parent's request to amend the records through a hearing;
- E. file a complaint with the United States Department of Education;
- F. obtain a copy of the Board's policy and administrative guidelines on student records.

The Superintendent shall also develop procedural guidelines for:

- A. ( ) the proper storage and retention of records including a list of the type and location of records;
- B. ( ) informing Board employees of the Federal and State laws concerning student records.

The Board authorizes the use of the microfilm process or electromagnetic processes of reproduction for the recording, filing, maintaining, and preserving of records.

No liability shall attach to any member, officer, or employee of this District specifically as a consequence of permitting access or furnishing student records in accordance with this policy and regulations.

Any entity receiving personally identifiable information pursuant to a study, audit, evaluation or enforcement/compliance activity must comply with all FERPA regulations. Further, such an entity must enter into a written contract with the Board of Education delineating its responsibilities in safeguarding the disclosed information. Specifically, the entity must demonstrate the existence of a sound data security plan or data stewardship program, and must also provide assurances that the personally identifiable information will not be redisclosed without prior authorization from the Board. Further, the entity conducting the study, audit, evaluation or enforcement/compliance activity is required to destroy the disclosed information once it is no longer needed or when the timeframe for the activity has ended, as specified in its written agreement with the Board of Education. See Form 8330 F14 and Form 8330 F16 for additional contract requirements.

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Legal

M.C.L. 380.1135, 380.1136

Letter, April 6, 2004 Jeremy Hughes, Deputy Supt. Department of Education

34 C.F.R. Part 99, 2002

Section 444 of subpart of part C of the General Education Provisions Act

Title IV of Public Law 90-247

20 U.S.C., Section 1232f through 1232i (FERPA)

20 U.S.C. 1400 et seq., Individuals with Disabilities Education Improvement Act

20 U.S.C. 7165(b)

26 U.S.C. 152

20 U.S.C. 7908



Book	Policy Manual
Section	Vol. 35, No. 2 - February 2021
Title	Vol. 35, No. 2 - February 2021 Revised SCHOOL SAFETY INFORMATION
Code	po8400
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#### 8400 - SCHOOL SAFETY INFORMATION

The Board of Education is committed to maintaining a safe school environment. The Board believes that school crime and violence are multifaceted problems which need to be addressed in a manner that utilizes the best resources and coordinated efforts of School District personnel, law enforcement agencies, and families. The Board further believes that school administrators and local law enforcement officials must work together to provide for the safety and welfare of students while they are at school or a school-sponsored activity or while enroute to or from school, or a school-sponsored activity. The Board also believes that the first step in addressing school crime and violence is to assess the extent and nature of the problem(s) or threat, and then plan and implement strategies that promote school safety and minimize the likelihood of school crime and violence.

**[NOTE: Include this paragraph if adopting optional revisions of Policy 7217 only.]**

In furtherance of its commitment to a safe school environment, the Board has prohibited weapons on school property and at school-sponsored events, except in very limited circumstances. See Board Policy 3217, Policy 4217, and Policy 5772. This prohibition is reasonably related to legitimate educational concerns, including the ability to provide a safe and secure learning and social environment for its students and controlling and minimizing disruptions to the educational process. The presence of dangerous weapons on school property or at school-sponsored events, except under very controlled circumstances, creates a potentially dangerous situation for students, staff and visitors, and may trigger precautionary safety responses which disrupt the educational process and learning environment for students.

**[NOTE: END OF OPTION]**

Federal law establishes a "Student Safety Zone" that extends 1,000 feet from the boundary of any school property in relation to weapons ~~and~~, drugs, ~~and registered sex offenders~~. Individuals are prohibited from **possessing or using weapons or drugs** ~~engaging in these activities~~ at any time on District property, within the Student Safety Zone, or at any District-related event.

The District will work with local officials in arranging signage defining the 1,000 foot boundary.

~~[ ] The Superintendent shall take the necessary steps so that an individual eighteen (18) years of age or older who is a registered sex offender, and resides, works, or loiters in violation of the Student Safety Zone, is prosecuted to the fullest extent of the law.~~

The **Director of School Security** \_\_\_\_\_ shall convene a meeting for the purpose of conferring regarding the *School Safety Information Policy Agreement*, and making modifications as deemed necessary and proper; discussing additional training that might be needed; and, discussing any other such related matters as may be deemed to be necessary by the participants. Participants in this meeting shall include the Superintendent, members of the Board, the County Prosecutor or his/her designee, and representatives from the local law enforcement ~~( )~~ **agency (X) agencies**. The following may also be invited to participate in the meeting:

- A. ~~( ) Chief Judge of Circuit and/or District Courts or his/her designee, including a representative of the family division;~~
- B. ~~( ) representative from the Intermediate School District (ISD);~~
- C. ~~( ) representative(s) from the local child protection agency;~~
- D. ~~( ) building administrators;~~

- E. ~~( ) teachers;~~
- F. ~~( ) parents;~~
- G. ~~( ) students ( ) in grades \_\_\_\_\_ through \_\_\_\_\_;~~
- H. ~~( ) Fire Marshal or his/her designee;~~
- I. ~~( ) representative(s) from emergency medical services;~~
- J. ~~( ) representative(s) from county emergency management service agency;~~
- K. ~~( ) School Resource Officer;~~
- L. ~~( ) representatives from other school districts within \_\_\_\_\_ [county/ISD];~~
- M. ~~( ) \_\_\_\_\_ [other].~~

The Superintendent shall make a report to the Board about all such reviews and recommend the approval and adoption of any proposed revisions or additions.

### District Contact Person

Furthermore, in accordance with State law, the Board hereby designates the Director of School Safety and Security as the District contact person who shall receive information from law enforcement officials, prosecutors and the court officials, including receipt of information provided from the Michigan State Police relating to the student safety act hotline ("OK2Say"). The current contact information for the Director of School Security shall be provided to the Michigan State Police in the manner and frequency required by law. **[DRAFTING NOTE: THIS INFORMATION MUST BE PROVIDED TWICE A YEAR. IF A DISTRICT DESIGNATES MORE THAN ONE PERSON AS CONTACT FOR THE MSP, IT MUST SPECIFY WHEN EACH PERSON IS AVAILABLE BY DAY AND TIME WHEN IT REPORTS TO THE MSP.]**

The District contact person shall notify the principal of the school of attendance of a student about whom information is received from law enforcement officials, prosecutors, or court officials within twenty-four (24) hours of the receipt of that information. The principal shall, in turn, notify the building staff members who s/he determines have a need to know the information that has been received within twenty-four (24) hours of receipt of that information.

The District contact person shall notify the appropriate law enforcement officials when an adult or a student commits any offense listed as a reportable incident in the *School Safety Information Policy Agreement* and shall report all information that is required to be reported to State or local law enforcement agencies and prosecutors. Reporting such information is subject to 20 U.S.C. 1232g, commonly referred to as the Family Educational Rights and Privacy Act of 1974.

If a student is involved in an incident that is reported to law enforcement officials pursuant to the District's *School Safety Information Policy Agreement*, then, upon request by school officials, the student's parent or legal guardian shall execute any waivers or consents necessary to allow school officials access to school, court, or other pertinent records of the student concerning the incident and action taken as a result of the incident.

### Required Reporting

The Superintendent shall submit a report at least annually to the Superintendent of Public Instruction, in the form prescribed by the Superintendent of Public Instruction, stating the number of students expelled from the District during the preceding school year and the reason for the expulsion.

The Superintendent shall post a report on the District website at least annually, in the form prescribed by the Superintendent of Public Instruction, stating the incidents of crime occurring at school. At least annually, a copy of the most recent report of incidents of crime, disaggregated by school building, shall be made available to the parent or legal guardian of each student enrolled in the District. This report will include at least crimes involving:

- A. physical violence;
- B. gang related acts;
- C. illegal possession of a controlled substance, controlled substance analogue or other intoxicant;
- D. trespassing;



Regardless of threat assessment activities or protocols, disciplinary action and referral to law enforcement shall occur as required by State law and Board policy.

Threat assessment team members shall maintain student confidentiality at all times as required by Board Policy 8330 – Student Records, and State and Federal law.

**[END OF OPTION]**

**Persistently Dangerous Schools**

The Board recognizes that State and Federal law requires that the District report annually incidents which meet the statutory definition of violent criminal offenses that occur in a school, on school grounds, on a school conveyance, or at a school-sponsored activity. It is further understood that the State Department of Education will then use this data to determine whether or not a school is considered "persistently dangerous" as defined by State policy.

Pursuant to the Board's stated intent to provide a safe school environment, the school administrators are expected to respond appropriately to any and all violations of the Student Code of Conduct, especially those of a serious, violent nature. In any year where the number of reportable incidents of violent criminal offenses in any school exceed the threshold number established in State policy, the Superintendent shall

discuss this at the annual meeting for the purpose of reviewing the School Safety Plan so that a plan of corrective action can be developed and implemented in an effort to reduce the number of these incidents in the subsequent year.

convene a meeting of the building administrator, representative(s) of the local law enforcement  **agency**  **agencies**, and any other individuals deemed appropriate for the purpose of developing a plan of corrective action that can be implemented in an effort to reduce the number of these incidents in the subsequent year.

The Superintendent shall make a report to the Board about this plan of corrective action and shall recommend approval and adoption of it.

In the unexpected event that the number of reportable incidents in three (3) consecutive school years exceeds the statutory threshold and the school is identified as persistently dangerous, students attending the school shall have the choice option as provided in Policy 5113.02 and AG 5113.02.

In addition, the Superintendent shall

discuss the school's designation as a persistently dangerous school at the annual meeting for the purpose of reviewing the School Safety Plan so that a plan of corrective action can be developed and implemented in an effort to reduce the number of these incidents in the subsequent year.

convene a meeting of the building administrator, representative(s) of the local law enforcement  **agency**  **agencies**, and any other individuals deemed appropriate for the purpose of developing a plan of corrective action that can be implemented in an effort to reduce the number of these incidents in the subsequent year.

If a school in a neighboring district is identified as persistently dangerous and there is not another school in that district, the District will admit students from that school in accordance with Board Policy 5113.02.

**Victims of Violent Crime**

The Board further recognizes that, despite the diligent efforts of school administrators and staff to provide a safe school environment, an individual student may be a victim of a violent crime in a school, on school grounds, on a school conveyance, or at a school-sponsored activity. In accordance with Federal and State law the parents of the eligible student shall have the choice options provided by Policy 5113.02 and AG 5113.02.

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Legal

Title IX, Section 9532 of the Elementary and Secondary Education Act, as amended  
M.C.L. 380.1241, 380.1308, 380.1308a, 380.1310a, 752.913, 771.2a

Book	Policy Manual
Section	Vol. 35, No. 1 - August 2020
Title	Vol. 35, No. 1 - August 2020 Revised THREATENING BEHAVIOR TOWARD STAFF MEMBERS
Code	po4362.01
Status	From Neola
Adopted	February 16, 2016

#### 4362.01 - **THREATENING BEHAVIOR TOWARD STAFF MEMBERS**

The Board of Education believes that a staff member should be able to work in an environment free of threatening speech or actions.

Threatening behavior consisting of any words or deeds that intimidate a staff member or reasonably cause anxiety concerning for his/her physical and/or psychological well-being is strictly forbidden. Examples of such behavior include: threats to cause bodily harm; stalking; bullying; threats to damage real or personal property at the workplace; unusual behavior that a reasonable person would consider threatening. Any student, parent, visitor, staff member, or agent of this Board who is found to have threatened a member of the staff will be subject to discipline or reported to the authorities.

The Superintendent shall implement guidelines whereby students and employees understand this policy and appropriate procedures are established for prompt and effective action on any reported incidents.

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Book	Policy Manual
Section	For the Board 35-1
Title	Copy of EMERGENCY REMOVAL, SUSPENSION, AND EXPULSION OF STUDENTS
Code	po5610
Status	
Adopted	July 11, 2017
Last Revised	March 3, 2020

### 5610 - EMERGENCY REMOVAL, SUSPENSION, AND EXPULSION OF STUDENTS

The Board of Education is continually concerned about the safety and welfare of District students and staff and, therefore, will not tolerate behavior that creates an unsafe environment, a threat to safety or undue disruption of the educational environment.

#### Factors to be Considered Before Suspending or Expelling a Student

The Board of Education also recognizes that exclusion from the educational program of the schools is a severe sanction that should only be imposed after careful and appropriate consideration. ~~Except as otherwise noted below with respect to possession of a firearm in a weapon free school zone, if suspension or expulsion of a student is considered, the Board (Superintendent) shall consider the following factors prior to making a determination of whether to suspend or expel:~~

**Except as otherwise noted below with respect to possession of a firearm in a weapon-free school zone, if suspension or expulsion of a student is considered, the Board (Superintendent) shall consider the following factors prior to making a determination of whether to suspend or expel:**

- A. the student's age
- B. the student's disciplinary history
- C. whether the student has a disability
- D. the seriousness of the violation or behavior
- E. whether the violation or behavior committed by the student threatened the safety of any student or staff member
- F. whether restorative practices will be used to address the violation or behavior
- G. whether a lesser intervention would properly address the violation or behavior

The Board ~~and/or Superintendent~~ will exercise discretion over whether or not to suspend ~~or expel~~ a student, ~~and the Board will exercise sole-discretion over whether or not to expel a student.~~ In exercising that discretion for a suspension of more than ten (10) days or expulsion, there is a rebuttable presumption that a suspension or expulsion is not justified unless the Superintendent/designee can demonstrate that it considered each of the factors listed above. For a suspension of ten (10) days or fewer, there is no rebuttable presumption, but the Superintendent/designee will still consider these factors in making the determination.

#### Restorative Practices

The Superintendent/designee shall consider using restorative practices as an alternative to or in addition to suspension or expulsion. If the District determines that it will utilize restorative practices in addition to or as an alternative to suspension or expulsion of a student, it will engage in restorative practices which emphasize repairing the harm to the victim and school community caused by the student's misconduct.

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

If the Superintendent/designee decides to utilize restorative practices as an alternative to or in addition to suspension or expulsion, the restorative practices may include victim-offender conferences that:

- A. are initiated by the victim;
- B. are approved by the victim's parent or legal guardian or, if the victim is at least fifteen (15), by the victim;
- C. are attended voluntarily by the victim, a victim advocate, the offender, members of the school community, and supporters of the victim and the offender (the 'restorative practices team');
- D. would provide an opportunity for the offender to accept responsibility for the harm caused to those affected, and to participate in setting consequences to repair the harm, such as requiring the student to apologize; participate in community service, restoration of emotional or material losses, or counseling; pay restitution; or any combination of these.

The selected consequences and time limits for their completion will be incorporated into an agreement to be signed by all participants.

### **Due Process**

The Board recognizes exclusion from the educational programs of the District, whether by suspension or expulsion, is the most severe sanction that can be imposed on a student and is one that cannot be imposed without appropriate due process, since exclusion deprives a child of the right to an education. The Board also recognizes that it may be necessary for a teacher to remove a student from class for conduct disruptive to the learning environment, and that such removals are not subject to a prior hearing, provided the removal is for a period of less than twenty-four (24) hours. However, if an emergency removal may result in a suspension, then due process must be ensured.

In all cases resulting in short-term suspension, long-term suspension or expulsion, appropriate due process rights described in Policy 5611 and AG 5610 must be observed. The Superintendent/DESIGNEE shall check to make sure the student is not classified as disabled under Section 504. Students with disabilities under IDEA or Section 504 shall be expelled only in accordance with their rights under Federal law.

For purposes of this policy, suspension shall be either short-term (not more than ten (10) days) or long-term (for more than ten (10) days but less than permanent expulsion) removal of a student from a regular District program. The Superintendent may suspend a student for a period not to exceed 10 school days.

For purposes of this policy, unless otherwise defined in Federal and/or State law, expulsion is defined as the permanent exclusion of a student from the District. Students who are expelled may petition for reinstatement as provided below.

### **Emergency Removal or Short-Term Suspension**

A student may be removed from a class, subject, or activity for one (1) day by his/her teacher for certain conduct as specified in the Code of Conduct, or he/she may be given a short-term suspension by the Superintendent/DESIGNEE. A student so removed may be allowed to attend other classes taught by other teachers during the term of the one (1) day removal. A student removed from the same class for ten (10) days will be entitled to the process for short-term suspensions outlined in AG 5610. A student removed from the same class for more than ten (10) days will be entitled to the process for long-term suspensions outlined in AG 5610. A The Board designates the Superintendent as its representative at any hearings regarding the appeal of a suspension.

### **Long-Term Suspension or Expulsion**

Due process set out in Policy 5611 and AG 5610 shall be followed in all circumstances in which a student may be expelled or suspended for a period of more than ten (10) days.

The Superintendent/designee may recommend to the Board **Discipline Committee** a long-term suspension or **the Superintendent/DESIGNEE may recommend** that a student be expelled.

In all cases resulting in short-term suspension, long-term suspension, or expulsion, appropriate due process rights must be observed. **In determining whether a student is to be suspended or expelled, District administrators shall use a preponderance of evidence standard.**

The Superintendent shall develop procedures to implement this policy that shall include the following:

- A. strategies for providing special assistance to students in danger of being expelled and not achieving the academic outcomes of the District's core curriculum;

- B. standards of behavior for all students in accordance with District Board policy on student discipline;
- C. procedures that ensure due process; and
- D. provision for make-up work at home, when appropriate.
- E.

**When making a determination whether or not a student will be expelled or permanently excluded under this policy, the Superintendent shall retain all documents, electronically stored information ('ESI'), and electronic media (as defined in Policy 8315 - Information Management (i.e. 'Litigation Hold')) created and/or received as part of an investigation.**

**The documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal (e.g., FERPA, ADA) and/or State law – e.g., student records and confidential medical records.**

**The documents, ESI, and electronic media (as defined in Policy 8315) shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, and Policy 8330 for not less than three (3) years, but longer if required by the District's records retention schedule.**

### **Persistent Disobedience or Gross Misconduct/CSC Against Another District Student**

Any student may be removed from the classroom, and/or, after consideration of the factors identified above, suspended or expelled for persistent disobedience or gross misconduct or if the student commits criminal sexual conduct against another student enrolled in the District regardless of the location of the conduct. A student may not be expelled or excluded from the regular school program based on pregnancy status.

In recognition of the negative impact on a student's education, the Board encourages the District's administrators to view suspensions, particularly those over ten (10) days, and permanent expulsions as discipline of last resort, except where these disciplines are required by law. Alternatives to avoid or to improve undesirable behaviors should be explored when possible prior to implementing or requesting a suspension or expulsion.

### **Physical and Verbal Assault**

Unless a different determination is made after consideration of the factors identified above, the District shall permanently expel a student in grade six or above if that student commits physical assault at school against a staff member, a volunteer, or a contractor.

Unless a different determination is made after consideration of the factors identified above, the District shall suspend or expel a student in grade six or above for up to one hundred eighty (180) school days if the student commits physical assault at school against another student.

Physical assault is defined as 'intentionally causing or attempting to cause physical harm to another through force or violence.'

Unless a different determination is made after consideration of the factors identified above, the District shall suspend or expel a student in grade six or above and may discipline, suspend or expel a student in grade five and below for a period of time as determined at the Board's discretion if the student commits verbal assault at school against a District employee, volunteer, or contractor or makes a bomb threat or similar threat directed at school building, property, or at a school-related activity.

Verbal assault is a communicated intent to inflict physical or other harm on another person, with a present intent and ability to act on the threat.

'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.

### **Weapons, Arson, Criminal Sexual Conduct**

In compliance with State and Federal law, and unless a different determination is made after consideration of the factors identified above, the District shall expel any student who possesses a dangerous weapon, other than a firearm, in the District's weapon-free school zone (except as noted below), commits either arson or criminal sexual conduct in a school building or on school property, including school buses and other District transportation, or pleads to, is convicted of or is adjudicated of criminal sexual conduct against another student enrolled in the District.



In compliance with State and Federal law, the District shall expel any student who possesses a firearm in the District's weapon-free school zone in violation of State law, unless the student can establish the mitigating factors relating to possession of a dangerous weapon set out below, by clear and convincing evidence.

For purposes of this policy, a "dangerous weapon" is defined by law as a firearm, dagger, dirk, stiletto, knife with a blade over three (3) inches in length, pocket knife opened by a mechanical device, iron bar, or brass knuckles. This definition also includes other devices designed to (or likely to) inflict bodily harm, including, but not limited to, air guns and explosive devices. The term "firearm" is defined as any weapon (including a starter gun) that will, is designed to, or may readily be converted to expel a projectile by the action of the explosive, the frame, or the bearer of any such weapon, as well as a firearm muffler, firearm silencer, or any such destructive device.

The District need not expel a student for possession of a dangerous weapon, including a firearm, if the student can establish in a clear and convincing manner the following mitigating factor(s) to the satisfaction of the Board the:

- A. object or instrument was not possessed for use as a weapon, or for direct (or indirect) delivery to another person for use as a weapon; or
- B. weapon was not knowingly possessed; or
- C. student did not know (or have reason to know) that the object or instrument in his/her possession constituted a dangerous weapon; or
- D. weapon was possessed at the suggestion, request, direction of, or with the express permission of the Superintendent or the police.

There is a rebuttable presumption that expulsion for possessing the weapon is not justified if the Superintendent/designee determines that the student has established that he or she fits under one of the exceptions above by clear and convincing evidence, and that the student has no previous history of suspension or expulsion.

For expulsions for dangerous weapons, arson, criminal sexual conduct or assault upon an employee, volunteer or contractor, the Superintendent shall provide that the expulsion is duly noted in the student's record, the student is referred to the Department of Human Services or Department of Community Health within three (3) school days after the expulsion, and the parents are informed of the referral. Furthermore, if a student who is expelled is below the age of sixteen (16), the Superintendent shall ensure notification of the expulsion is given to the Juvenile Division of the Probate Court. In compliance with Federal law, the Superintendent shall also refer any student (regardless of age) expelled for possession of a dangerous weapon to the criminal justice or juvenile delinquency system serving the District. In addition, the Superintendent shall send a copy of this policy to the State Department of Education and shall include a description of the circumstances surrounding the expulsion of the student for possessing a firearm or weapon in the District's weapon-free school zone, together with the name of the District, the number of students so expelled, and the types of firearms or weapons brought into the weapon-free school zone.

A student expelled under this policy for dangerous weapons, arson, criminal sexual conduct or assault upon an employee, volunteer or contractor may apply for reinstatement in accordance with the following guidelines:

- A. If the student is in grade five (5) or below at the time of the expulsion and was expelled for possessing a firearm or threatening another person with a dangerous weapon, the parents, legal guardian, adult student, or emancipated minor may submit a request for reinstatement after sixty (60) school days from the date of expulsion, but the student may not be reinstated before ninety (90) school days from the expulsion date.
- B. If the student is in grade five (5) or below at the time of the expulsion and was expelled for a reason other than possessing a firearm or threatening another person with a dangerous weapon, the parents, legal guardian, or emancipated minor may submit a request for reinstatement at any time, but the student may not be reinstated before ten (10) school days from the expulsion date.
- C. If the student is in grade six (6) or above at the time of the expulsion, the parents, legal guardian, adult student, or emancipated minor may submit a request for reinstatement after 150 school days from the date of the expulsion, but the student may not be reinstated before 180 school days from the expulsion date.
- D. The parent, adult student, or emancipated minor shall submit the request for reinstatement to the Superintendent.
- E. Within ten (10) school days after receiving the petition, the Board shall appoint a committee consisting of two (2) Board members, a school administrator, a teacher, and a school-parent representative. During this time period, the Superintendent shall prepare and submit for consideration by the committee information concerning the circumstances of the expulsion and any factors mitigating for or against reinstatement.

F. Within ten (10) school days after being appointed, the committee shall review all pertinent information and submit its recommendation to the Board. The recommendation may be for unconditional reinstatement, conditional reinstatement, or non-reinstatement, based on the committee's consideration of the following the:

1. extent to which reinstatement would create a risk of harm to students or school staff;
2. extent to which reinstatement would create a risk of school or individual liability for the Board or school staff;
3. age and maturity of the student;
4. student's school record before the expulsion incident;
5. student's attitude concerning the expulsion incident;
6. student's behavior since the expulsion and the prospects for remediation;
7. The degree of cooperation and support the parent has provided and will provide if the student is reinstated (if the request was filed by a parent), including, but not limited to the parent's receptiveness toward any conditions placed on the reinstatement. Such conditions, for example, might include a written agreement by the student and/or a parent who filed the reinstatement request to accomplish the following:
  1. abide by a behavior contract involving the student, his/her parents, and an outside agency;
  2. participate in an anger management program or other counseling activities;
  3. cooperate in processing and discussing periodic progress reviews;
  4. meet other conditions deemed appropriate by the committee;
  5. accept the consequences for not fulfilling the agreed upon conditions.
8. student's behavior since the expulsion and the prospects for remediation.

The Board shall make its decision no later than the next regular Board meeting following the committee's submission of its recommendations. The Board's decision shall be final and is not subject to appeal.

In the event a student who has been permanently expelled from another school requests admission to this District, in making its decision, the Board shall follow the same procedure it has established for any other Board Reinstatement Hearing.

Students expelled for reasons other than dangerous weapons, arson, criminal sexual conduct or assault upon an employee, volunteer or contractor may also petition the Board for reinstatement. The Board may, at its discretion, consider the petition in accordance with the procedures set forth above.

The Superintendent shall ensure Board policies and procedures regarding a student's rights to due process are followed when dealing with a possible suspension or expulsion under this policy.

#### **In-School Discipline**

The purpose of this policy is to provide an alternative to out of school suspension. The availability of in-school discipline options is dependent upon the financial ability of the Board to support such a program.

In-school discipline will only be offered at the discretion of the Superintendent for offenses found in the Student Code of Conduct.

The Superintendent is to establish procedures for the proper operation of such a program and to ensure appropriate due-process procedures are followed as applicable. (See Policy 5630.01)

#### **Due Process Rights**

The Board recognizes the importance of safeguarding a student's constitutional rights, particularly when subject to the District's disciplinary procedures.

To better ensure appropriate due-process is provided a student, the Board establishes the following:

### **A. Students Subject to Short-Term Suspension**

Except when emergency removal is warranted, a student must be given at least oral notice of the charges against him/her and the opportunity to respond prior to the implementation of a suspension. When emergency removal has been implemented, notice and opportunity to respond shall occur as soon as reasonably possible. The Superintendent or other designated administrator shall provide the opportunity to be heard and shall be responsible for making the suspension decision. An appeal may be addressed to the Superintendent whose decision will be final.

### **B. Students Subject to Long-Term Suspension and Expulsion**

A student and his/her parent or guardian must be given written notice of the intention to suspend or expel and the reasons therefore, and must also be given an opportunity to appear before the Board with a representative to answer the charges. The student and/or his/her guardian must also be provided a brief description of the student's rights and the hearing procedure, a list of the witnesses who will provide testimony to the Board, and a summary of the facts to which the witnesses will testify. At the student/parent's request, the hearing shall be held in closed session, but the Board must act publicly. The Board shall act by providing a written decision on any appeal of an expulsion, a request for reinstatement, or a request for admission after permanent expulsion from another school.

The Superintendent shall develop procedures to ensure all members of the staff use the above guidelines when dealing with students. In addition, this statement of due process rights shall be placed in all student handbooks, in a manner that facilitates understanding by students and their parents.

### **Corporal Punishment**

While recognizing that students may require disciplinary action in various forms, the Board does not condone the use of unreasonable force and fear as an appropriate procedure in student discipline.

Staff shall not use physical force or violence to compel obedience. If all other means fail, staff members may always resort to the removal of the student from the classroom or District through suspension or expulsion procedures.

Within the scope of their employment, all staff may use reasonable force and apply restraint to accomplish the following:

- A. restrain or remove a student who refuses to comply with a request to behave or report to the office;
- B. quell a disturbance threatening physical injury to self or others;
- C. obtain possession of weapons or other dangerous objects within the control of the student, for either self-defense; or
- D. the protection of persons or property.

In accordance with State law, corporal punishment shall not be permitted. If any staff member (full-time, part-time, or substitute) deliberately inflicts, or causes to be inflicted, physical pain upon the student (by hitting, paddling, spanking, slapping or any other kind of physical force) as a means of discipline, the staff member may be subject to discipline and possibly criminal assault charges. This prohibition also applies to volunteers and those with whom the District contracts for services.

The Superintendent shall provide guidelines, including a list of alternatives to corporal punishment.

### **Removal, Suspension, and Expulsion of Students with Disabilities**

The District shall abide by Federal and State laws in matters relating to discipline, suspension, and expulsion of disabled students.

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M.C.L. 380.1301, 380.1309, 380.1310d, 380.1311

20 U.S.C. 3351

State Board of Education, Resolution to Address School Discipline Issues

Impacting Student Outcomes, Adopted June 12, 2012

Book	Policy Manual
Section	Vol. 35, No. 1 - August 2020
Title	Vol. 35, No. 1 - August 2020 Revised DUE PROCESS RIGHTS
Code	po5611
Status	
Adopted	July 11, 2017
Last Revised	March 3, 2020

### 5611 - **DUE PROCESS RIGHTS**

The Board of Education recognizes the importance of safeguarding a student's constitutional rights, particularly when subject to the District's disciplinary procedures.

To better ensure appropriate due-process is provided a student, the Board establishes the following guidelines **which District administrators shall use when dealing with students:**

#### **A. Students subject to short-term suspension:**

Except when emergency removal is warranted, a student must be given oral or written notice of the charges against him/her and the opportunity to respond prior to the implementation of a suspension. When emergency removal has been implemented, notice and opportunity to respond shall occur as soon as reasonably possible. The principal or other designated administrator shall provide the opportunity to be heard and shall be responsible for making the suspension decision. An appeal may be addressed to the Superintendent whose decision will be final.

#### **B. Students subject to long-term suspension and expulsion:**

A student and his/her parent or guardian must be given written notice of the intention to suspend or expel and the reasons therefor, and an opportunity to appear with a representative before the **(x) Board and/or (x) Superintendent** to answer the charges. The student and/or his/her guardian must also be provided a brief description of the student's rights and of the hearing procedure, a list of the witnesses who will provide testimony to the **(x) Board and/or (x) Superintendent**, and a summary of the facts to which the witnesses will testify. ~~At the student's request, the hearing may be private, SELECT ONLY IF HEARING IS BY THE BOARD (-) but the (-) Board (-) Superintendent must act publicly.~~ The Board shall act on any appeal, which must be submitted in writing, to an expulsion, to a request for reinstatement, or to a request for admission after being permanently expelled from another district (Policy 5610).

**In determining whether disciplinary action set forth in this policy is to be implemented, District Administrators shall use a preponderance of evidence standard. Further, any individual charged with making a disciplinary determination under this policy shall retain all documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315 - Information Management (i.e. "Litigation Hold")) created and/or received as part of an investigation.**

**The documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal (e.g., FERPA, ADA) and/or State law – e.g., student records and confidential medical records.**

**The documents, ESI, and electronic media (as defined in Policy 8315) shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, and Policy 8330 for not less than three (3) years, but longer if required by the District's records retention schedule.**

~~The Superintendent shall establish procedures so that all members of the staff use the above guidelines when dealing with students. In addition, this statement of due process rights is to be placed in all student handbooks in a manner that will facilitate understanding by students and their parents.~~

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Book	Policy Manual
Section	Vol. 35, No. 2 - February 2021
Title	Vol. 35, No. 2 - February 2021 Revised EMERGENCY MEDICAL AUTHORIZATION
Code	po5341
Status	
Adopted	July 11, 2017

#### 5341 - **EMERGENCY MEDICAL AUTHORIZATION**

The District will distribute annually to parents or guardians of all students the Emergency Medical Authorization Form. In the event emergency medical treatment for a student is necessary, the District will adhere to the instructions on the authorization form.

The Emergency Medical Authorization Form will be kept in a separate, easily accessible file in each school building during the school year.

Any time a student or a group of students is taken out of the District to participate in a school event, the staff in charge of the event must take the Emergency Medical Forms for those students. This includes, and is not limited to, students involved in music trips, athletic trips, field trips, and academic contests. This does not include student spectators at events.

Whenever it is necessary for staff members to use emergency procedures in order to care properly for a student, they are to follow the procedures described in **this policy and in Policy 5342 related to Do Not Resuscitate Orders.** ~~the Superintendent's administrative guidelines and are not to abide by any "Do Not Resuscitate" (DNR) agreement that may exist for a student, unless ordered to do so by a court of law.~~

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Book	Policy Manual
Section	Vol. 35, No. 1 - August 2020
Title	Vol. 35, No. 1 - August 2020 Revised FACILITY SECURITY
Code	po7440
Status	
Adopted	May 16, 2017

#### 7440 - FACILITY SECURITY

Buildings constitute the greatest financial investment of the District. It is in the best interest of the Board of Education to protect the District's investment adequately. The buildings and equipment owned by the Board shall be protected from theft and vandalism in order to maintain the optimum conditions for carrying out the educational programs.

The Superintendent shall develop and supervise a program for the security of the District's students, staff, visitors, school buildings, school grounds, and school equipment in compliance with State and Federal law. Such a program may include the use of video surveillance and electronic monitoring equipment in appropriate public areas in and around the schools and other District facilities, and on school buses.

Every effort shall be made to apprehend those who knowingly cause serious physical harm to students, staff, visitors and Board property and may require the prosecution of those who bring harm to persons and/or property. The Board will seek repair to rectify the damage or payment of a fee to cover the cost of repair or replacement from the person(s) responsible. A reward may be offered for apprehending such persons.

Appropriate authorities may be contacted in the case of serious offenses.

The Superintendent is authorized to install metal detectors and video surveillance/electronic monitoring equipment on school property in order to protect the health, welfare, and safety of students, staff, visitors and Board property, and other security devices that would assist in the detection of guns and dangerous weapons:

A.  in school buildings;

B.  on District property;

C.  at Board-sponsored/controlled events.

The Superintendent is authorized to install temporary door locking devices as permitted by law in order to protect the health, welfare, and safety of students, staff, visitors and Board property. Notification of the local fire department and law enforcement agency and required inspection in accordance with M.C.L. 388.851d shall be provided before use of the device or system. Training of staff working in the building on the use of the device or system shall be provided and documented.

The Superintendent shall report to the Board, no later than the next Board meeting, any significant incident involving vandalism, theft, personal safety or other security risk and the measures being taken to address the situation.

M.C.L. 388.851d

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Legal	M.C.L. 388.851d
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**Appendix C**

Book	Policy Manual
Section	For the Board 36-1
Title	Copy of DEFINITIONS
Code	po0100
Status	
Adopted	August 18, 2015
Last Revised	March 3, 2020

**0100 - DEFINITIONS**

The bylaws of the Board of Education of this District incorporate quotations from the laws and administrative code of the State of Michigan. Such quotations may be substantively altered only by appropriate legislative, judicial, or administrative action.

Whenever the following items are used in these bylaws and policies, they shall have the meaning set forth below:

**Administrative Guideline**

A statement, based on policy, usually written, which outlines and/or describes the means by which a policy should be implemented and which provides for the management cycle of planning, action, and assessment or evaluation.

**Agreement**

A collectively negotiated contract with a recognized bargaining unit.

**Apps and Services**

Apps and services are software (i.e., computer programs) that support the interaction of personal communication devices (as defined in Bylaw 0100) over a network, or client-server applications in which the user interface runs in a web browser. Apps and services are used to communicate/transfer information/data that allow students to perform actions/tasks that assist them in attaining educational achievement goals/objectives, enable staff to monitor and assess their students' progress, and allow staff to perform other tasks related to their employment. Apps and services also are used to facilitate communication to, from and among and between, staff, students, and parents, Board members and/or other stakeholders and members of the community.

**Board**

The Board of Education.

**Bylaw**

Rule of the Board for its own governance.

**Classified or Support Employee**

An employee who provides support to the District's program and whose position does not require a professional certificate.

**District**

The School District.

**Due Process**

Procedural due process requires prior knowledge (a posted discipline code), notice of offense (accusation), and the opportunity to respond.

Procedural due process may require consideration of statutorily mandated factors, right to counsel and/or confrontation or cross-examination of witnesses, depending upon the situation.

**Family Member**

"Family member" means a person's spouse or spouse's sibling or child; a person's sibling or sibling's spouse or child; a person's child or child's spouse; or a person's parent or parent's spouse, and includes these relationships as created by adoption or marriage. (See Bylaw 0144.3)

**Full Board**

Authorized number of voting members entitled to govern the District.

**Information Resources**

The Board defines Information Resources to include any data/information in electronic, audio-visual or physical form, or any hardware or software that makes possible the storage and use of data/information. This definition includes but is not limited to electronic mail, voice mail, social media, text messages, databases, CD-ROMs/DVDs, web sites, motion picture film, recorded magnetic media, photographs, digitized information, or microfilm. This also includes any equipment, computer facilities, or online services used in accessing, storing, transmitting or retrieving electronic communications.

**May**

This word is used when an action by the Board or its designee is permitted but not required.

**Meeting**

Any gathering which is attended by or open to all of the members of the Board, held with the intent on the part of the members of the body present to discuss or act as a unit upon the specific public business of that body.

**Parent**

The natural or adoptive parents or individuals with a valid power of attorney for the care and custody of the student for purposes other than educational placement. Parent also refers to any individual appointed by the State or court as a legal guardian or custodian for the student. Both parents will have equal access to records and rights regarding the student's education absent a court order restricting such rights.

**Personal Communication Devices**

Personal communication devices ("PCDs") include computers, laptops, tablets, e-readers, cellular/mobile phones, smartphones, telephone paging devices (e.g., beepers or pagers), and/or other web-enabled devices of any type.

**Policy**

A general, written statement by the governing Board which defines its expectations or position on a particular matter and authorizes appropriate action that must or may be taken to establish and/or maintain those expectations.

**President**

The chief executive officer of the Board of Education. (See Bylaw 0170)

**Principal**

The educational leader and head administrator of one (1) or more District schools or programs, as designated by the Board of Education. The Principal must hold an appropriate school administrator certificate or permit. The Principal is responsible for the supervision of the school or program consistent with Board policy and directives of the Superintendent and may delegate responsibility to subordinates as appropriate.



**Professional Staff Member**

An employee who implements or supervises one (1) or more aspects of the District's program and whose position requires a professional credential from the State.

**Relative**

The mother, father, sister, brother, spouse, parent of spouse, child, grandparents, grandchild, or dependent in the immediate household as defined in the negotiated, collectively-bargained agreement.

**Secretary**

The chief clerk of the Board of Education. (See Bylaw 0170)

**Shall**

This word is used when an action by the Board or its designee is required. (The word "will" or "must" also signifies a required action.)

**Social Media**

Social media are online platforms where users engage one another and/or share information and ideas through text, video, or pictures. Social media consists of any form of online publication or presence that allows interactive communication, including, but not limited to, text messaging, instant messaging, websites, web logs ("blogs"), wikis, online forums (e.g., chat rooms), virtual worlds, and social networks. Examples of social media include, but are not limited to, Facebook, Facebook Messenger, Google Hangouts, Twitter, LinkedIn, YouTube, Flickr, Instagram, Pinterest, Skype, and Facetime. Social media does not include sending or receiving e-mail through the use of District-issued e-mail accounts. Apps and web services shall not be considered social media unless they are listed on the District's website as District-approved social media platforms/sites.

**Student**

A person who is officially enrolled in a school or program of the District.

**Superintendent**

The chief executive officer of the School District responsible to supervise all programs and staff of the District and to implement Board policy and follow Board directives. The Superintendent must hold an appropriate school administrator certificate or permit. Consistent with Board policies and directives, the Superintendent may delegate responsibility to subordinates as appropriate.

**Technology Resources**

The Board defines Technology Resources to include computers, laptops, tablets, e-readers, cellular/mobile telephones, smartphones, web-enabled devices, video and/or audio recording equipment, projectors, software and operating systems that work on any device, copy machines, printers and scanners, information storage devices (including mobile/portable storage devices such as external hard drives, CDs/DVDs, USB thumb drives and memory chips), the computer network, Internet connection, and online educational services and apps.

**Treasurer**

The chief financial officer of the District. (See Bylaw 0170)

**Vice-President**

The Vice-President of the Board of Education. (See Bylaw 0170)

**Voting**

A vote at a meeting of the Board of Education. Except to accommodate the absence of any member of the Board due to military duty or for any other purpose permitted by law, Board members must be physically present to have their vote officially recorded in the Board minutes ~~unless the Board member has notified the~~

~~Board President prior to the meeting that s/he must participate remotely, and the Board President approves, remote participation by the Board member.~~

Citations to Michigan Compiled Laws (M.C.L.) are shown as M.C.L. followed by the Section Number (e.g., M.C.L. 380.1438). Citations to the Michigan Administrative Code are prefaced A.C. Rule (e.g., A.C. Rule R380.221). Citations to the Federal Register are noted as FR, to the Code of Federal Regulations as C.F.R., and to the United States Code as U.S.C. Adopted 8/18/15

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Book	Policy Manual
Section	For the Board 36-1
Title	Copy of PUBLIC PARTICIPATION AT BOARD MEETINGS
Code	po0167.3
Status	
Adopted	August 18, 2015
Last Revised	March 3, 2020

### 0167.3 - PUBLIC PARTICIPATION AT BOARD MEETINGS

The Board of Education recognizes the value of public comment on educational issues and the importance of allowing members of the public to express themselves on District matters.

To permit fair and orderly public expression, the Board shall provide a period for public participation at public meetings of the Board and publish rules to govern such participation in Board meetings and in Board committee meetings. The rules shall be administered and enforced by the presiding officer of the meeting.

The presiding officer shall be guided by the following rules:

- A. Public participation shall be permitted as indicated on the order of business.
- B. Anyone with concerns related to the operation of the schools or to matters within the authority of the Board may participate during the **designated public participation portion(s)** ~~public portion~~ of a meeting.
- C. **(X) Individuals may not register others to speak during public participation.**
- D. Participants must be recognized by the presiding officer and will be requested to preface their comments by an announcement of their name.
- E. Each statement made by a participant shall be limited to three (3) minutes duration, at the discretion of the presiding officer.
- F. **During the portion of the meeting designated for public participation, no participant may speak more than once** ~~on the same topic unless all others who wish to speak on that topic have been heard. No participant may speak more than once on the same topic.~~
- G. Participants shall direct all comments to the Board and not to staff or other participants.
- H. The presiding officer may:
  1. **interrupt, warn, or terminate a participant's session when they make comments that are repetitive, obscene, and/or comments that constitute a true threat (i.e., statements meant to frighten or intimidate one (1) or more specified persons into believing that they will be seriously harmed by the speaker or someone acting at the speaker's behest);** ~~prohibit public comments which are frivolous, repetitive, or harassing;~~
  2. ~~interrupt, warn, or terminate a participant's statement when the statement is too lengthy, personally directed, abusive, obscene, or irrelevant;~~
  3. request any individual to leave the meeting when that person behaves in a manner that is disruptive of the orderly conduct **and/or orderly progress** of the meeting;

4. request the assistance of law enforcement officers in the removal of a disorderly person when that person's conduct interferes with the orderly progress of the meeting;
5. call for a recess or an adjournment to another time when the lack of public decorum so interferes with the **conduct and/or** orderly conduct of the meeting as to warrant such action.

I. The portion of the meeting during which the participation of the public is invited may be limited by the presiding officer, but the timeframe will be extended, if necessary, so that no one's right to address the Board will be denied.

**Audio** ~~Tape~~ or video recordings are permitted subject to the following conditions:

- A. No obstructions are created between the Board and the audience.
- B. No interviews are conducted in the meeting room while the Board is in session.
- C. No commentary, adjustment of equipment, or positioning of operators is made that would distract either the Board or members of the audience while the Board is in session.

The person operating the recorder should contact the Superintendent prior to the Board meeting to review possible placement of the equipment.

Revised 9/26/17

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Legal

M.C.L. 15.263(4)(5)(6), 380.1808

Book	Policy Manual
Section	For the Board 36-1
Title	Copy of COST PRINCIPLES - SPENDING FEDERAL FUNDS
Code	po6114
Status	
Adopted	May 2, 2017

#### 6114 - COST PRINCIPLES - SPENDING FEDERAL FUNDS

The Superintendent is responsible for the efficient and effective administration of grant funds through the application of sound management practices. Such funds shall be administered in a manner consistent with all applicable Federal, State and local laws, the associated agreements/assurances, program objectives and the specific terms and conditions of the grant award.

#### Cost Principles

Except where otherwise authorized by statute, costs shall meet the following general criteria in order to be allowable under Federal awards:

- A. Be necessary and reasonable for proper and efficient performance and administration of the Federal award and be allocable thereto under these principles.

To determine whether a cost is reasonable, consideration shall be given to:

1. whether a cost is a type generally recognized as ordinary and necessary for the operation of the District or the proper and efficient performance of the Federal award;
2. the restraints or requirements imposed by such factors as sound business practices, arm's length bargaining, Federal, State, local, tribal and other laws and regulations;
3. market prices for comparable goods or services for the geographic area;
4. whether the individuals concerned acted with prudence in the circumstances considering their responsibilities; and
5. whether the cost represents any significant deviation from the established practices or Board of Education policy which may increase the expense.

While Federal regulations do not provide specific descriptions of what satisfies the "necessary" element beyond its inclusion in the reasonableness analysis above, whether a cost is necessary is determined based on the needs of the program. Specifically, the expenditure must be necessary to achieve an important program objective. A key aspect in determining whether a cost is necessary is whether the District can demonstrate that the cost addresses an existing need, and can prove it.

When determining whether a cost is necessary, consideration may be given to whether:

- a. the cost is needed for the proper and efficient performance of the grant program;
- b. the cost is identified in the approved budget or application;
- c. there is an educational benefit associated with the cost;
- d. the cost aligns with identified needs based on results and findings from a needs assessment;
- e. the cost addresses program goals and objectives and is based on program data.

A cost is allocable to the Federal award if the goods or services involved are chargeable or assignable to the Federal award in accordance with the relative benefit received.

- B. Conform to any limitations or exclusions set forth as cost principles in Part 200 or in the terms and conditions of the Federal award.
- C. Be consistent with policies and procedures that apply uniformly to both Federally-financed and other activities of the District.
- D. Be afforded consistent treatment. A cost cannot be assigned to a Federal award as a direct cost if any other cost incurred for the same purpose in like circumstances has been assigned as an indirect cost under another award.
- E. Be determined in accordance with generally accepted accounting principles.
- F. Be representative of actual cost, net of all applicable credits or offsets.

The term "applicable credits" refers to those receipts or reductions of expenditures that operate to offset or reduce expense items allocable to the Federal award. Typical examples of such transactions are: purchase discounts; rebates or allowances; recoveries or indemnities on losses; and adjustments of overpayments or erroneous charges. To the extent that such credits accruing to or received by the State relate to the Federal award, they shall be credited to the Federal award, either as a cost reduction or a cash refund, as appropriate.

- G. Be not included as a match or cost-share, unless the specific Federal program authorizes Federal costs to be treated as such.
- H. Be adequately documented:
  1. in the case of personal services, the Superintendent shall implement a system for District personnel to account for time and efforts expended on grant funded programs to assure that only permissible personnel expenses are allocated;
  2. in the case of other costs, all receipts and other invoice materials shall be retained, along with any documentation identifying the need and purpose for such expenditure if not otherwise clear.

### **Selected Items of Cost**

The District shall follow the rules for selected items of cost at 2 C.F.R. Part 200, Subpart E when charging these specific expenditures to a Federal grant. When applicable, District staff shall check costs against the selected items of cost requirements to ensure the cost is allowable. In addition, State, District and program-specific rules, including the terms and conditions of the award, may deem a cost as unallowable and District personnel shall follow those rules as well.

#### **The following rules of allowability must apply to equipment and other capital expenditures:**

- A. **Capital expenditures for general purpose equipment, buildings, and land are unallowable as direct charges, except with the prior written approval of the Federal awarding agency or pass-through entity.**
- B. **Capital expenditures for special purpose equipment are allowable as direct costs, provided that items with a unit cost of \$5,000 or more have the prior written approval of the Federal awarding agency or pass-through entity.**
- C. **Capital expenditures for improvements to land, buildings, or equipment that materially increase their value or useful life are unallowable as a direct cost except with the prior written approval of the Federal awarding agency, or pass-through entity.**
- D. **Allowability of depreciation on buildings, capital improvements, and equipment shall be in accordance with 2 CFR 200.436 and 2 CFR 200.465.**
- E. **When approved as a direct cost by the Federal awarding agency or pass-through entity under Sections A-C, capital expenditures will be charged in the period in which the expenditure is incurred, or as otherwise determined appropriate and negotiated with the Federal awarding agency.**
- F. **If the District is instructed by the Federal awarding agency to otherwise dispose of or transfer the equipment, the costs of such disposal or transfer are allowable.**

### **Cost Compliance**

The Superintendent shall require that grant program funds are expended and are accounted for consistent with the requirements of the specific program and as identified in the grant application. Compliance monitoring includes accounting for direct or indirect costs and reporting them as permitted or required by each grant.

#### **Determining Whether a Cost is Direct or Indirect:**

- A. Direct costs are those costs that can be identified specifically with a particular final cost objective, such as a Federal award, or other internally or externally funded activity, or that can be directly assigned to such activities relatively easily with a high degree of accuracy.

These costs may include: salaries and fringe benefits of employees working directly on a grant-funded project; purchased services contracted for performance under the grant; travel of employees working directly on a grant-funded project; materials, supplies, and equipment purchased for use on a specific grant; and infrastructure costs directly attributable to the program (such as long distance telephone calls specific to the program, etc.). **Direct costs may also include capital expenditures if approved by the Federal awarding agency or pass-through entity, as well as capital expenditures for special purpose equipment with a unit cost of less than \$5,000.**

- B. Indirect costs are those that have been incurred for a common or joint purpose benefitting more than one cost objective, and not readily assignable to the cost objectives specifically benefitted, without effort disproportionate to the results achieved. Costs incurred for the same purpose in like circumstances shall be treated consistently as either direct or indirect costs.

These costs may include: general data processing, human resources, utility costs, maintenance, accounting, etc.

Federal education programs with supplement not supplant provisions must use a restricted indirect cost rate. In a restricted rate, indirect costs are limited to general management costs. General management costs do not include divisional administration that is limited to one component of the District, the governing body of the District, compensation of the Superintendent, compensation of the chief executive officer of any component of the District, and operation of the immediate offices of these officers.

The salaries of administrative and clerical staff should normally be treated as indirect costs. Direct charging of these costs may be appropriate only if all of the following conditions are met:

1. Administrative or clerical services are integral to a project or activity.
2. Individuals involved can be specifically identified with the project or activity.
3. Such costs are explicitly included in the budget or have the prior written approval of the Federal awarding agency.
4. The costs are not also recovered as indirect costs.

Where a Federal program has a specific cap on the percentage of administrative costs that may be charged to a grant, that cap shall include all direct administrative charges as well as any recovered indirect charges.

Effort should be given to identify costs as direct costs whenever practical, but allocation of indirect costs may be used where not prohibited and where indirect cost allocation is approved ahead of time by the Michigan Department of Education (MDE) or the pass-through entity (Federal funds subject to 2 C.F.R. Part 200 pertaining to determining indirect cost allocation).

#### **Equipment and other capital expenditures are unallowable as indirect costs.**

#### **Timely Obligation of Funds**

Obligations are orders placed for property and services, contracts and subawards made, and similar transactions during a given period that require payment by the non-Federal entity during the same or a future period.

The following list illustrates when funds are determined to be obligated under the U.S. Department of Education ("USDOE") regulations:

If the obligation is for:

- A. Acquisition of property - on the date which the District makes a binding written commitment to acquire the property.
- B. Personal services by an employee of the District - when the services are performed.





Book	Policy Manual
Section	Vol. 36, No. 1 - September 2021
Title	Vol. 36, No. 1 - September 2021 Revised STUDENT FEES, FINES, AND SUPPLIES
Code	po6152
Status	From Neola
Adopted	May 2, 2017

## 6152 - STUDENT FEES, FINES, AND SUPPLIES

### Fees

The Board of Education may assess certain charges to students to cover the costs for extra-curricular and noncredit activities. Such charges might be made for expendable items such as magazines, workbook materials, paperback selections, and laboratory supplies and materials for clubs, independent study or special projects, and as well transportation costs and admission/participation fees for District-sponsored trips and activities.

No student, however, shall be deprived of participation in any mandatory school activity or required curriculum activity due to a lack of financial ability to pay and fees will not be charged for such activities. Extra-curricular activities for which fees will be charged may not be used in determining credit or grades in any course.

A fee shall not exceed the combined cost of the service(s) provided and/or materials used. An accurate accounting of all fees collected and all fees expended shall be provided to the Superintendent or his/her designee for each fee based activity at the conclusion of the activity, along with remission of any fees not expended.

### Fines

When school property, equipment, or supplies are damaged, lost, or taken by a student, whether in a regular course or extra-curricular offering, a fine will be assessed. The fine will be reasonable, seeking only to compensate the school for the expense or loss incurred.

The late return of borrowed books or materials from the school libraries will be subject to appropriate fines. Failure to pay the fines may result in loss of privileges.

Any fees or fines collected by members of the staff are to be turned in to the \_\_\_\_\_ within twenty-four (24) hours after collection.

In the event the above course of action does not result in the fee being collected, the Board authorizes the \_\_\_\_\_ to take the student and/or his/her parents to Small Claims Court for collection.

### Supplies

The District will provide all basic supplies needed by the student to complete the required course curriculum. The student and/or his/her family may choose to purchase their own supplies if they desire to have a greater quantity or quality of supplies, or desire to help conserve the limited resources for use by others. The teacher or appropriate administrator may recommend useful supplies for these purposes.

### **[ ] Payment**

For convenience to families, the Board may enter into an agreement with one or more credit card/online payment processing vendors to facilitate online payment of fees, fines, and charges. Parents/guardians or students may elect but are not required to make payments online. Vendors will comply with all Board policies and procedures related to confidentiality and security of information transmitted electronically. Payees will be notified of any processing or other nominal fees that may be charged for use of an online payment system before the transaction is completed.

### **[END OF OPTION]**

**Students Experiencing Homelessness - McKinney-Vento Act**

No fine or fee shall be charged to a student identified as a student experiencing homelessness unless it is determined that the student has the ability to pay the fee or fine and that its imposition does not create a barrier to the student's ability to enroll, or attend school, achieve academic success, or cause the student to be identified as experiencing homelessness. Any dispute regarding a fine or a fee that is imposed shall not delay the student's enrollment or serve as a barrier to enrollment by delaying the transfer of student records to another school or school district if applicable.

Immediate enrollment notwithstanding fines or fees shall be extended to extra-curricular and co-curricular activities as well as to academic programming.

[.] Students experiencing homelessness who are able to pay (.) fees or fines (.) fees or fines and refuse to do so [END OF OPTION] may be prohibited from participating in graduation ceremonies until paid. No such student shall be prevented from receiving his/her student records, including diploma if earned, and final transcripts.

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Book	Policy Manual
Section	For the Board 36-1
Title	Copy of PROPERTY INVENTORY
Code	po7450
Status	
Adopted	May 16, 2017

#### 7450 - **PROPERTY INVENTORY**

As steward of this District's property, the Board of Education recognizes that efficient management and full replacement upon loss requires accurate inventory and properly maintained property records.

The Superintendent shall maintain a continuous inventory of all District-owned equipment at such intervals as will coincide with property insurance renewal but not to exceed every 2 years.

For purposes of this policy, "equipment" shall mean a unit of furniture or furnishings, an instrument, a machine, an apparatus, or a set of articles which retains its shape and appearance with use, is nonexpendable, and does not lose its identity when incorporated into a more complex unit. When defining supplies for inventory purposes, no items will be counted whose total value is less than \$5,000. **(The Federal threshold for a supply designation is \$5,000 regardless of length of useful life, however, the District may set an early acquisition cost level for designation as supply.)** Capital expenditures with a unit cost of \$5,000 or more require prior written approval of the Federal awarding agency or pass-through entity. ]

It shall be the duty of the Superintendent and Finance Director to ensure that inventories are recorded systematically and accurately and property records of equipment are updated and adjusted annually by reference to purchase orders and withdrawal reports.

Major items of equipment shall be subject to annual spot check inventory to determine loss, mislocation, or depreciation; any major loss shall be reported to the Board.

The Finance Director shall maintain a system of property records which shall show, as appropriate to the item recorded, the description and identification and location.

Equipment acquired under a Federal award will vest upon acquisition to the District, subject to the following conditions:

- A. The equipment shall be used for the authorized purposes of the award project during the period of performance or until the equipment is no longer needed for the purposes of the project.
- B. The equipment shall not be encumbered without the approval of the Federal awarding agency or the pass-through entity.
- C. The equipment may only be used and disposed of in accordance with the provisions of the Federal awarding agency or the pass-through entity and Policy 7300 and Policy 7310, and AG 7310.
- D. Property records shall be maintained that include a description of the equipment, a serial number or other identification number, the source of funding for the equipment (including the Federal Award Identification Number (FAIN), title entity, acquisition date, cost of the equipment, percentage of Federal participation in the project costs for the award under which the equipment was acquired, the location, use, and condition of the equipment, and ultimate disposition data, including date of disposal and sale price of the equipment.
- E. A physical inventory of the property must be taken and results reconciled with property records at least once every two (2) years.
- F. A control system shall be developed to provide adequate safeguards to prevent loss, damage, or theft of the property. Any such loss, damage, or theft shall be investigated.

G. Adequate maintenance procedures shall be implemented to keep the property in good condition.

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Book	Policy Manual
Section	For the Board 36-1
Title	Copy of PUBLIC RECORDS
Code	po8310
Status	
Adopted	June 13, 2017

### 8310 - PUBLIC RECORDS

The Board of Education recognizes its responsibility to maintain the public records of this District and to make such records available to residents of Michigan for inspection and reproduction.

The public records of this District include any writing or other means of recording or retaining meaningful content prepared, owned, used, in the possession of, or retained by the District, its Board, officers, or employees, subject to certain exemptions according to the Michigan Freedom of Information Act (FOIA). **The District shall not disclose the confidential address of a student or of an employee who has provided proper notice of a participation card issued by the department of the attorney general under the address confidentiality program act.**

Any person may make a written request for any public records of the District. The person may inspect, copy, or receive copies of the public record requested. The District shall respond to such requests within five (5) working days after receipt unless otherwise agreed to in accordance with the Freedom of Information Act.

An individual may purchase copies of the District's public records upon payment of a fee. No original public record may be removed from the office in which it is maintained except by a Board officer or employee in the course of the performance of his/her duties. Neither the Board nor its employees shall permit the release of the social security number of an employee, student, or other individual except as authorized by law (see Policy 8350 and AG 8350).

The Board chooses not to provide for enhanced access to any of its public records.

The Board has determined that personal and confidential information provided to and retained by the District on parents, students, staff and others will be considered exempt from disclosure pursuant to a Freedom of Information Act request, unless advised specifically by the District's legal counsel that the particular information must be released. Such personal and confidential information shall include home addresses, telephone numbers, e-mail addresses or website pages (e.g. My Space, Facebook), except as they are specifically related to the operation of the schools, or specifically authorized for release by the individual, or the parent/guardian if the individual is a minor.

Nothing in this policy shall be construed as preventing a Board member from inspecting in the performance of his/her official duties any record of this District, except student records and certain portions of personnel records.

The Superintendent is authorized to dispose of correspondence on a daily basis including those transmitted by means of voice mail or E-mail, providing the message does not alter existing District records.

The Superintendent is responsible for transmission of data contained in the single record student data base established by the Michigan Department of Education. Such transmission shall be in accordance with procedures established by the Livingston Educational Service Agency and the Center for Educational Performance and Information (CEPI).

The Superintendent shall establish administrative guidelines to ensure proper compliance with the intent of this policy and the Freedom of Information Act.

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Legal	M.C.L. 15.231 et seq.
	M.C.L. 445.81 et seq.

Michigan Federation of Teachers v. University of Michigan, 481 Mich. 657 (2008)

Book	Policy Manual
Section	For the Board 36-1
Title	Copy of PERSONNEL FILES
Code	po8320
Status	
Adopted	June 13, 2017

### 8320 - PERSONNEL FILES

It is necessary for the orderly operation of the School District to prepare a personal information system for the retention of appropriate files bearing upon an employee's duties and responsibilities to the District and the District's responsibilities to the employee.

The Board of Education requires that sufficient records exist to ensure an employee's qualifications for the job held; compliance with Federal, State, and local benefit programs; conformance with District rules; and evidence of completed evaluations. Such records will be kept in compliance with the laws of the State of Michigan.

**The District shall not disclose an employee's home address or contact information to a third party without the employee's written authorization.**

The Board delegates the maintenance of an employee personal information system to the Superintendent, Finance Director, Assistant Superintendent for Personnel, and/or Human Resources Specialist.

A single central file shall be maintained, and subsidiary records shall be maintained for ease in data gathering only and shall be destroyed according to the rules set forth in the Records Retention Act.

Only that information which pertains to the professional role of the employee and submitted by duly authorized school administrative personnel and the Board may be entered in the official record file. Employees shall provide necessary information for their personnel files.

**Employee medical records, including, but not limited to, insurance forms, medical certifications by a physician, and requests for leave or accommodation, shall not be maintained in the employee's personnel file and shall instead be maintained in a confidential medical file.**

A copy of each such entry shall be given to the employee upon request except for matters pertaining to pending litigation.  
**An employee may review their personnel record upon written request.**

The employee may periodically review their his/her file at reasonable intervals, generally not more than two (2) times in a calendar year. Personnel records shall be available to Board members and school administrators as may be required in the performance of their jobs.

Any employee who inappropriately releases information, or uses confidential information for personal reasons, will be disciplined in accordance with established policies and procedures. If an employee is approached to provide information inappropriately, the employee must refuse to release the requested information in accordance with applicable procedures or refer the requestor to the employee's immediate supervisor.

Personnel wishing to review their own records shall:

- A. review the record in the presence of the administrator designated to maintain said records or designee;
- B. make no alterations or additions to the record nor remove any material therefrom.

Personnel wishing to appeal material in their record as to its accuracy, completeness, relevance, or timeliness shall make a request in writing to the administrator delegated to maintain the records and specify therein:

- A. name and date;

B. material to be appealed;

C. reason for appeal.

The responsible administrator shall hear the appeal and make a determination within ninety (90) days of the appeal in accordance with law.

If the appeal does not resolve the disagreement, the employee may submit a written statement, not exceeding five (5) sheets of 8 1/2 inch by 11 inch paper, explaining the employee's position. This written statement shall be kept in the employee's file.

#### **Records Retention**

**Generally, personnel files shall be maintained for the duration of the individual's employment with the District, plus six (6) years. Files maintained on employees who were cited for unprofessional conduct shall be maintained for the duration of employment plus fifty (50) years.**

**Medical files shall be maintained for the period during which the individual is employed by the District or receiving benefits, whichever is longer, plus seven (7) years.**

**Per the State of Michigan Records Retention and Disposal Schedule for Public Schools, 404A.**

**State of Michigan Records Retention and Disposal Schedule for Public Schools at 400A and 400B.**

~~The Superintendent shall prepare administrative guidelines defining which personnel records are to be maintained and the procedures for their maintenance and review.~~

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Legal

M.C.L. 423.501 et seq



Book	Policy Manual
Section	For the Board 36-1
Title	Copy of STUDENT RECORDS
Code	po8330
Status	
Adopted	June 13, 2017

### 8330 - **STUDENT RECORDS**

In order to provide appropriate educational services and programming, the Board of Education must collect, retain, and use information about individual students. Simultaneously, the Board recognizes the need to safeguard student's privacy and restrict access to student's personally identifiable information.

If a parent or legal guardian of a student provides the District with notice that ~~s/he~~ they have received a participation card issued by the attorney general under the address confidentiality program act, the District shall not disclose the confidential address of the student, regardless of any other provision of the policy. The Superintendent shall develop a process to ensure that a student's participation in the address confidentiality program act is appropriately noted to avoid disclosure of this information to any person or entry.

Student "personally-identifiable information" (PII) includes, but is not limited to: the student's name; the name of the student's parent or other family members; the address of the student or student's family; 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.

The Board of Education is responsible for maintaining records of all students attending schools in this District. Only records mandated by the State or Federal government and/or necessary and relevant to the function of the School District or specifically permitted by this Board will be compiled by Board employees. The Board hereby authorizes collection of the following student records, in addition to the membership record required by law:

- A. observations and ratings of individual students by professional staff members acting within their sphere of competency
- B. samples of student work
- C. information obtained from professionally-acceptable standard instruments of measurement such as:
  1. interest inventories and aptitude tests,
  2. vocational preference inventories,
  3. achievement tests,
  4. standardized intelligence tests
- D. authenticated information provided by a parent or eligible student concerning achievements and other school activities which the parent or student wants to make a part of the record
- E. verified reports of serious or recurrent behavior patterns
- F. rank in class and academic honors earned
- G. psychological tests

H. attendance records

I. health records

J. custodial arrangements

In all cases, permitted, narrative information in student records shall be objectively-based on the personal observation or knowledge of the originator.

Student records shall be available only to students and their parents, eligible students, and designated school officials who have a legitimate educational interest in the information, or to other individuals or organizations as permitted by law. The term "parents" includes legal guardians or other persons standing in loco parentis (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the welfare of the child). The term "eligible student" refers to a student who is eighteen (18) years of age or older or a student of any age who is enrolled in a postsecondary institution.

In situations in which a student has both a custodial and a non-custodial parent, both shall have access to the student's educational records unless stipulated otherwise by court order. In the case of eligible students, parents will be allowed access to the records without the student's consent, provided the student is considered a dependent under Section 152 of the Internal Revenue Code.

A school official is a person employed by the Board as an administrator, supervisor, teacher/instructor (including substitutes), or support staff member (including health or medical staff and law enforcement unit personnel); and a person serving on the Board. The Board further designates the following individuals and entities as "school officials" for the purpose of FERPA:

- A. persons or companies with whom the Board has contracted to perform a specific task (such as an attorney, auditor, insurance representative or medical consultant);
- B. contractors, consultants, volunteers or other parties to whom the Board has outsourced a service or function otherwise performed by the Board employees (e.g. a therapist, authorized information technology (IT) staff, and approved online educational service providers).

The above-identified outside parties must (a) perform institutional services or functions for which the Board would otherwise use its employees, (b) be under the direct control of the Board with respect to the use and maintenance of education records, and (c) be subject to the requirements of 34 C.F.R. 99.33(a) governing the use and re-disclosure of PII from education records.

Finally, a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his/her tasks (including volunteers) is also considered a "school official" for purposes of FERPA provided s/he meets the above-referenced criteria applicable to other outside parties.

"Legitimate educational interest" shall be defined as a "direct or delegated responsibility for helping the student achieve one (1) or more of the educational goals of the District" or if the record is necessary in order for the school official to perform an administrative, supervisory or instructional task or to perform a service or benefit for the student or the student's family. The Board directs that reasonable and appropriate methods (including but not limited to physical and/or technological access controls) are utilized to control access to student records and to make certain that school officials obtain access to only those education records in which they have legitimate educational interest.

The Board authorizes administration to:

- A. forward student records, including any suspension and expulsion action against the student, on request to a school or school district in which a student of this District seeks or intends to enroll upon condition that the student's parents be notified of the transfer, receive a copy of the record if desired, and have an opportunity for a hearing to challenge the content of the record;
- B. forward student records, including disciplinary records with respect to suspensions and expulsions, upon request to a public school or school district in which a student in foster care is enrolled. Such records shall be transferred within one (1) school day of the enrolling school's request;
- C. provide "personally-identifiable" information to appropriate parties, including parents of an eligible student, whose knowledge of the information is necessary to protect the health or safety of the student or other individuals, if there is an articulable and significant threat to the health or safety of a student or other individuals, considering the totality of the circumstances;

- D. report a crime committed by a student with or without a disability to appropriate authorities and, with respect to reporting a crime committed by a student with a disability, to transmit copies of the student's special education records and disciplinary records including any suspension and expulsion action against the student to the authorities and school officials for their consideration;
- E. release de-identified records and information in accordance with Federal regulations;
- F. disclose personally identifiable information from education records, without consent, to organizations conducting studies "for, or on behalf of" the District for purposes of developing, validating or administering predictive tests, administering student aid programs, or improving instruction;

Information disclosed under this exception must be protected so that students and parents cannot be personally identified by anyone other than representative of the organization conducting the study, and must be destroyed when no longer needed for the study. In order to release information under this provision, the District will enter into a written agreement with the recipient organization that specifies the purpose of the study. (See Form 8330 F14.) Further, the following personally identifiable information will not be disclosed to any entity: a student or his/her family member's social security number(s); religion; political party affiliation; voting history; or biometric information.

While the disclosure of personally identifiable information (other than social security numbers, religion, political party affiliation, voting record, or biometric information) is allowed under this exception, it is recommended that de-identified information be used whenever possible. This reduces the risk of unauthorized disclosure.

- G. disclose personally identifiable information from education records without consent, to authorized representatives of the Comptroller General, the Attorney General, and the Secretary of Education, as well as State and local educational authorities;

The disclosed records must be used to audit or evaluate a Federal or State- supported education program or to enforce or comply with Federal requirements related to those education programs. A written agreement between the parties is required under this exception. (See Form 8330 F16)

District will verify that the authorized representative complies with FERPA regulations.

- H. request each person or party requesting access to a student's record to abide by the Federal regulations concerning the disclosure of information.

The Board will comply with a legitimate request for access to a student's records within a reasonable period of time but not more than forty-five (45) days after receiving the request or within such shorter period as may be applicable to students with disabilities. Upon the request of the viewer, a record shall be reproduced, unless said record is copyrighted, and the viewer may be charged a fee equivalent to the cost of handling and reproduction. Based upon reasonable requests, viewers of education records will receive explanation and interpretation of the records.

The Board shall maintain a record of those persons to whom information about a student has been disclosed. Such disclosure records will indicate the student, person viewing the record, information disclosed, date of disclosure, and date parental/eligible student consent was obtained (if required).

Upon written request by a student's parent or legal guardian, the District shall disclose to the parent or legal guardian any personally identifiable information concerning the student that is collected or created by the District as part of the student's education records.

If the District provides any personally identifiable information concerning the student that is collected or created by the District as part of the student's education records to any person, agency, or organization, then the District shall disclose to the student's parent or legal guardian upon his or her written request:

- A. the specific information that was disclosed;
- B. the name and contact information of each person, agency or organization to which the information has been disclosed;
- C. the legitimate reason that the person, agency or organization had in obtaining the information.

This information shall be provided without charge within thirty (30) days after the District receives the written request and without charge to the parent or legal guardian.

The District is not required to disclose to the parent or legal guardian, even upon written request, any personally identifiable information concerning the student that is collected or created by the District as part of the student's education records and is provided to any person, agency, or organization in any of the following situations:

- A. provision of such information to the Michigan Department of Education or CEPI
- B. provision of such information to the student's parent or legal guardian
- C. provision of such information to its authorizing body or to an educational management organization with which it has a management agreement
- D. provision of such information to or from its intermediate school district or to another intermediate school district providing services to the District or its students pursuant to a written agreement
- E. provision of such information to a person, agency, or organization with written consent from the student's parent or legal guardian or, if the student is at least age eighteen (18), the student
- F. provision of such information to a person, agency or organization seeking or receiving records in accordance with an order, subpoena or ex parte order issued by a court of competent jurisdiction
- G. provision of such information as necessary for standardized testing that measures the student's academic progress and achievement
- H. provision of such information that is covered by the opt-out form described above, unless the student's parent or legal guardian or, if the student is at least age eighteen (18) or is an emancipated minor, the student has signed and submitted the opt-out form referenced below

Only "directory information" regarding a student shall be released to any person or party, other than the student or his/her parent, without the written consent of the parent; or, if the student is an eligible student, the written consent of the student, except those persons or parties stipulated by the Board policy and administrative guidelines and/or those specified in the law.

The Board shall exempt from disclosure directory information, as requested for the purpose of surveys, marketing, or solicitation, unless the Board determines that the use is consistent with the educational mission of the Board and beneficial to the affected students. The Board may take steps to ensure that directory information disclosed shall not be used, rented or sold for the purpose of surveys, marketing or solicitations. Before disclosing the directory information, the Board may require the requester to execute an affidavit stating that directory information provided shall not be used, rented or sold for the purpose of surveys, marketing or solicitation.

#### **DIRECTORY INFORMATION**

Each year the Superintendent shall provide public notice to students and their parents of the District's intent to make available, upon request, certain information known as "directory information." The Board designates as student "directory information":

- A. a student's name;
- B. address;
- C. telephone number;
- D. participation in officially-recognized activities and sports;
- E. height, if member of an athletic team;
- F. weight, if member of an athletic team which requires disclosure to participate;
- G. awards received;
- H. honor rolls;
- I. scholarships;
- J. school photographs or videos of students participating in school activities, events or programs;

Each student's parent or legal guardian will be provided with the opt-out form within the first thirty (30) days of the school year. The form shall also be provided to a parent or legal guardian at other times upon request.

If an opt-out form is signed and submitted to the District by a student's parent or legal guardian, the District shall not include the student's directory information in any of the uses that have been opted out of in the opt-out form. A student who is at least age eighteen (18) or is an emancipated minor may act on his or her own behalf with respect to the opt-out form.

Parents and eligible students may also refuse to allow the District to disclose any or all of such "directory information" upon written notification to the District within ten (10) days after receipt of the District's public notice.

### **Armed Forces Recruiting**

The Board shall provide United States Armed Forces recruiters with at least the same access to the high school campus and to student directory information (names, addresses, District assigned email address (if available) and telephone listings of secondary students) as is provided to other entities offering educational or employment opportunities to those students. "Armed forces of the United States" means the armed forces of the United States and their reserve components and the United States Coast Guard.

If a student or the parent or legal guardian of a student submits a signed, written request to the Board that indicates that the student or the parent or legal guardian does not want the student's directory information to be accessible to official recruiting representatives, then the officials of the school shall not allow that access to the student's directory information. The Board shall ensure that students and parents and guardians are notified of the provisions of the opportunity to deny release of directory information.

Public notice shall be given regarding the right to refuse disclosure of any or all "directory information" including to the armed forces of the United States and the service academies of the armed forces of the United States.

A fee, not to exceed the actual costs incurred by the high school, for copying and mailing student directory information under this section, may be charged an official recruiting representative.

Directory information received under armed services authorization request shall be used only to provide information to students concerning educational and career opportunities available in the armed forces of the United States or the service academies of the armed forces of the United States. An official recruiting representative who receives student directory information under this section shall not release that information to a person who is not involved in recruiting students for the armed forces of the United States or the service academies of the armed forces of the United States.

Annually the Board will notify male students age eighteen (18) or older that they are required to register for the selective service.

Requests to the District records officer shall be presented on a standardized form developed by the armed forces of the United States requesting access to a high school campus and a time for the access. Requests should bear the signature of the ranking recruiting officer of the armed service making the request.

Whenever consent of the parent(s)/eligible student is required for the inspection and/or release of a student's education records or for the release of "directory information", either parent may provide such consent unless stipulated otherwise by court order. If the student is under the guardianship of an institution, the Superintendent shall appoint a person who has no conflicting interest to provide such written consent.

The Board may disclose "directory information" on former students without student or parental consent, unless the parent or eligible student previously submitted a request that such information not be disclosed without their prior written consent.

The Board shall not sell or otherwise provide to a for-profit business entity any personally identifiable information that is part of a student's education records. This does not apply to any of the following situations:

- A. providing the information as necessary for standardized testing that measures the student's academic progress and achievement
- B. providing the information as necessary to a person that is providing educational or educational support services to the student under a contract with the District

The Board may establish online access for the parents or the eligible student to the student's confidential academic and attendance record. To authorize such access, the parents or the eligible student must sign a release (see Form 8330 F10). This release shall remind the parents or eligible student that the account and confidential information about the student is only as secure as they keep their account information. Neither the District nor its employees will be held responsible for any breach of this policy by the parent or eligible student or any unauthorized party.

The Superintendent shall prepare administrative guidelines to ensure that students and parents are adequately informed each year regarding their rights to:

- A. inspect and review the student's education records;
- B. request amendments if the record is inaccurate, misleading or otherwise in violation of the student's rights;
- C. consent to disclosures of personally-identifiable information contained in the student's education records, except to unauthorized disclosures allowed by the law;
- D. challenge the Board's non-compliance with a parent's request to amend the records through a hearing;
- E. file a complaint with the United States Department of Education;
- F. obtain a copy of the Board's policy and administrative guidelines on student records.

The Superintendent shall also develop procedural guidelines for:

- A. the proper storage and retention of records including a list of the type and location of records;
- B. Informing District employees of the Federal and State laws concerning student records.

The Board authorizes the use of the microfilm process or electromagnetic processes of reproduction for the recording, filing, maintaining and preserving of records.

No liability shall attach to any member, officer or employee of the District specifically as a consequence of permitting access or furnishing student records in accordance with this policy and regulations.

Any entity receiving personally identifiable information pursuant to a study, audit, evaluation or enforcement/compliance activity must comply with all FERPA regulations. Further, such an entity must enter into a written contract with the Board of Education delineating its responsibilities in safeguarding the disclosed information. Specifically, the entity must demonstrate the existence of a sound data security plan or data stewardship program, and must also provide assurances that the personally identifiable information will not be redisclosed without prior authorization from the Board. Further, the entity conducting the study, audit, evaluation or enforcement/compliance activity is required to destroy the disclosed information once it is no longer needed or when the timeframe for the activity has ended, as specified in its written agreement with the Board of Education. See Form 8330 F14 and Form 8330 F16 for additional contract requirements.

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Legal	M.C.L. 380.1135, 380.1136 Letter, April 6, 2004 Jeremy Hughes, Deputy Supt. Department of Education 34 C.F.R. Part 99, 2002 Section 444 of subpart of part C of the General Education Provisions Act Title IV of Public Law 90-247 20 U.S.C., Section 1232f through 1232i (FERPA) 20 U.S.C. 1400 et seq., Individuals with Disabilities Education Improvement Act 20 U.S.C. 7165(b) 26 U.S.C. 152 20 U.S.C. 7908
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Book	Policy Manual
Section	Special Update - November 2023
Title	Special Update - November 2023 Revised PROFESSIONAL STAFF EVALUATION
Code	po3220
Status	
Adopted	January 19, 2016
Last Revised	January 7, 2020

### **Revised Policy - Special Update - November 2023**

#### **3220 - PROFESSIONAL STAFF EVALUATION**

The Board of Education, through the powers derived from the School Code and other relevant statutes, is responsible for the employment and discharge of all personnel. To carry out this responsibility, with involvement of professional staff, ~~the Board~~ delegates to the Superintendent the function of establishing and implementing a rigorous, transparent, and fair performance evaluation system that does at least all of the following:

- A. evaluates the employee's job performance ~~at least annually~~ in a year-end evaluation, while providing timely and constructive feedback

Teachers rated highly effective or, as of July 1, 2024, effective on the three (3) most recent consecutive year-end evaluations may be evaluated every other year or, as of July 1, 2024, every third year, at the District's discretion.

- B. establishes clear approaches to measuring student growth and provides professional staff with relevant data on student growth ~~based on the most recent three (3) consecutive school years of student growth data, or all available student growth data if less than three (3) years is available.~~

- C. evaluates an employee's job performance, using rating categories of highly effective, effective, minimally effective, and ineffective prior to July 1, 2024 and using rating categories of effective, developing, and needing support as of July 1, 2024, which take into account student growth and assessment data or student learning objectives

~~Before the 2024-2025 school year, for the 2018-2019 school year twenty five percent (25%) of the annual year-end evaluation shall be based on student growth and assessment data. Beginning with the 2019-2020 school year, forty percent (40%) of the annual year-end evaluation shall be based on student growth and assessment data. Beginning in the 2024-2025 school year, twenty percent (20%) of the year-end evaluation must be based on student growth and assessment data or student learning objectives metrics. [DRAFTING NOTE: The statute now requires that the metrics be agreed upon through collective bargaining, but this is not required to be in policy.]~~

Evaluations must also comply with the following:

1. The portion of a teacher's ~~annual~~ year-end evaluation that is not based on student growth and assessment data or student learning objective metrics shall be based primarily on a teacher's performance as measured by the District ~~as described below~~.
2. Prior to July 1, 2024 ~~Beginning with the 2018-2019 school year~~, for core content areas in grades and subjects in which state assessments are administered, fifty percent (50%) of student growth must be measured using the state assessments, and the portion of student growth not measured using state assessments must be measured using multiple research-based growth measures or alternative assessments that are rigorous and comparable across schools within the District. Student growth also may be measured by student learning objectives or nationally normed or locally adopted assessments that are aligned to state standards, or based on achievement of individualized education program goals.

3. ~~The portion of a teacher's evaluation that is not measured using student growth and assessment data or using the evaluation tool developed or adopted by the District shall incorporate criteria enumerated in section M.C.L. 380.1248(1)(b)(i) to (iii) that are not otherwise evaluated under the tool. (See Policy 3131)~~ ~~After July 1, 2024, the portion of a teacher's evaluation that is not measured using student growth and assessment data or student learning objectives metrics, or using the evaluation tool developed or adopted by the District, must be based on objective criteria.~~
4. ~~Prior to July 1, 2024, if~~ ~~if there are student growth and assessment data available for a teacher for at least three (3) school years, the annual year-end evaluation shall be based on the student growth and assessment data for the most recent three (3) consecutive-school-year period. If there are not student growth and assessment data available for a teacher for at least three (3) school years, the annual year-end evaluation shall be based on all student growth and assessment data that are available for the teacher.~~
5. ~~As of July 1, 2024, the following apply: Evaluations and feedback concerning the evaluation must be provided in writing to the teacher; if a written evaluation is not provided, the teacher is deemed effective; if required by circumstances described in M.C.L. 380.1249, a teacher must be designated as unevaluated; and if a teacher receives an unevaluated designation, the teacher's rating from the immediately prior school year must be used.~~

D. uses the evaluations, at a minimum, to inform decisions regarding all of the following:

1. the effectiveness of employees, so that they are given ample opportunities for improvement
2. ~~prior to July 1, 2024, promotion, retention, and development of employees, including providing relevant coaching, instruction support, or professional development, and after July 1, 2024, development of employees, including providing relevant coaching, instruction support, or professional development~~
3. ~~prior to July 1, 2024, whether to grant tenure or full certification, or both, to employees, using rigorous standards and streamlined, transparent, and fair procedures~~
4. ~~prior to July 1, 2024, removing ineffective tenured and untenured employees after they have had ample opportunities to improve, and providing that these decisions are made using rigorous standards and streamlined, transparent, and fair procedures~~

E. provides a mid-year progress report for every ~~(-) certified [END OF OPTION]~~ ~~teacher who is in the first year of probation or has received a rating of minimally effective or ineffective-~~ ~~or, after July 1, 2024, needing support or developing~~ on the most recent ~~annual~~-year-end evaluation

This mid-year report shall ~~supplement and~~ not replace the ~~annual~~-year-end evaluation. The mid-year report shall:

1. ~~prior to July 1, 2024, be based, at least in part, on student achievement;~~
2. be aligned with the teacher's individualized development plan;
3. include specific performance goals and any recommended training for the remainder of the school year, as well as written improvement plan developed in consultation with the teacher that incorporates the goals and training.

F. includes classroom observations in accordance with the following:

1. must include review of the lesson plan, State curriculum standards being taught, and student engagement in the lesson and, as of July 1, 2024, the items described in this paragraph must be discussed during a post-observation meeting between the observer and the teacher
2. must include multiple observations unless the teacher has received an effective or higher rating on the last two (2) year-end evaluations
3. observations need not be for an entire class period ~~but, as of July 1, 2024 must not be less than fifteen (15) minutes~~
4. ~~at least~~ one (1) observation ~~may~~ ~~must~~ be unscheduled
5. the school administrator responsible for the teacher's performance evaluation shall conduct at least one (1) of the observations



Other observations may be conducted by other observers who are trained in the use of the evaluation tool as described below. These other observers may be teacher leaders.

6. the District shall ensure that, within thirty (30) **calendar** days after each observation, the teacher is provided with **written** feedback from the observation

G. for the purposes of conducting annual year-end evaluations under the performance evaluation system, **[must select one (1) option below]**

] the District will adopt and implement one (1) or more of the evaluation tools for teachers that are included on the list established and maintained by the Michigan Department of Education ("MDE")

] the District will use its local evaluation tool(s) for teachers or modifications of an evaluation tool on the list, which must comply with H., below

The evaluation tool(s) shall be used consistently among the schools operated by the District so that all similarly situated teachers are evaluated using the same evaluation tool.

H. the District will post on its public website all of the following information about the measures it uses for its performance evaluation system for teachers:

1. The research base for the evaluation framework, instrument, and process or, if the District adapts or modifies an evaluation tool from the MDE list, the research base for the listed evaluation tool and an assurance that the adaptations or modifications do not compromise the validity of that research base.
2. The identity and qualifications of the author or authors or, if the District adapts or modifies an evaluation tool from the MDE list, the identity and qualifications of a person with expertise in teacher evaluations who has reviewed the adapted or modified evaluation tool.
3. Either evidence of reliability, validity, and efficacy or a plan for developing that evidence or, if the District adapts or modifies an evaluation tool from the MDE list, an assurance that the adaptations or modifications do not compromise the reliability, validity, or efficacy of the evaluation tool or the evaluation process.
4. The evaluation frameworks and rubrics with detailed descriptors for each performance level on key summative indicators.
5. A description of the processes for conducting classroom observations, collecting evidence, conducting evaluation conferences, developing performance ratings, and developing performance improvement plans.
6. A description of the plan for providing evaluators and observers with training.

I. the District shall also:

1. **provide** Provide training to teachers on the evaluation tool(s) used by the District in its performance evaluation system and how each evaluation tool is used

This training may be provided by a district or by a consortium consisting of the District, the intermediate school district, or a public school academy.

2. **ensure** Ensure that training is provided to all evaluators and observers

The training shall be provided by an individual who has expertise in the evaluation tool or tools used by the District, which may include either a consultant on that evaluation tool or framework or an individual who has been trained to train others in the use of the evaluation tool or tools. The District may provide the training in the use of the evaluation tool or tools if the trainer has expertise in the evaluation tool or tools.

3. **by not later than September 1, 2024, and every three (3) years thereafter, each individual who conducts an evaluation shall complete rater reliability training provided by the District that complies with M.C.L. 380.1249**

The staff evaluation program shall aim at the early identification of specific areas in which the individual professional staff member needs help so that appropriate assistance may be provided or arranged for. A supervisor offering suggestions for improvement to a professional staff member shall not release that professional staff member from the responsibility to improve. If a professional staff member, after receiving a reasonable degree of assistance, fails to perform his/her assigned responsibilities in a satisfactory manner, **dismissal** dismissal, or non-renewal procedures may be invoked. A teacher rated as

ineffective or, as of July 1, 2024, needing support"ineffective" on three (3) consecutive year-end evaluations must be dismissed from employment as a teacher with the District. In such an instance, all relevant evaluation documents may be used in the proceedings.

Prior to July 1, 2024, if a non-probationary teacher is rated as ineffective on an annual year-end evaluation, the teacher may request a review of the evaluation and the rating by the Superintendent. The request for a review must be submitted in writing within twenty (20) days after the teacher is informed of the rating. Upon receipt of the request, the Superintendent shall review the evaluation and rating and may make any modifications as appropriate based on his/her review. However, the performance evaluation system shall not allow for a review as described in this subdivision more than twice in a three (3) school-year period.

After July 1, 2024, if a teacher is rated as needing support, the teacher must be provided with the options related to review of the evaluation, including a written response, the ability to request mediation, and when appropriate, utilization of the grievance process or binding arbitration as set out in M.C.L. 380.1248.

The District shall not assign a student to be taught in the same subject area for two (2) consecutive years by a teacher who has been rated as ineffective or, after July 1, 2024, as needing support on the teacher's his/her two (2) most recent annual year-end evaluations. If the District is unable to comply with this and plans to assign a student to be taught in the same subject area for two (2) consecutive years by a teacher who has been rated as ineffective or, after July 1, 2024, as needing support on the teacher's his/her two (2) most recent annual year-end evaluations, the Board will notify the student's parent or legal guardian in writing not later than July 15 immediately preceding the beginning of the school year for which the student is assigned to the teacher, that the District is unable to comply and that the student has been assigned to be taught in the same subject area for a second consecutive year by a teacher who has been rated as ineffective or, as of July 1, 2024, as needing support on the teacher's his/her two (2) most recent annual year-end evaluations. The notification shall include an explanation of why the Board is unable to comply. After July 1, 2024, if a teacher requests a review of the teacher's evaluation under the amendments to the statute, the Board must not issue the notification until the review process is complete.

Evaluations shall be conducted of each professional staff member as stipulated in the Teacher Tenure Act, the revised School Code, a negotiated agreement or contract, the Superintendent's administrative guidelines, and as directed by the Michigan Department of Education. A professional staff member shall be given a copy of any documents relating to the staff member's his/her performance which are to be placed in the personnel file.

This policy shall not deprive a professional staff member of any rights provided by State law or contractual rights consistent with State law.

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Legal

M.C.L. 380.1249 (as amended)

Book Policy Manual

Section Special Update - November 2023

Title Special Update - November 2023 Reissued EMPLOYMENT OF PROFESSIONAL STAFF

Code po3120

Status

Adopted January 19, 2016

Last Revised October 3, 2023

**Reissued Policy - Special Update - November 2023**

**3120 - EMPLOYMENT OF PROFESSIONAL STAFF**

The Board of Education recognizes that it is vital to the successful operation of the District that positions created by the Board be filled with highly qualified and competent personnel. The Board requires that anyone employed as a professional staff member with instructional responsibilities in an elementary or secondary school in this District hold a certificate, permit, or vocational authorization valid for the positions to which the professional staff members he is assigned.

The Board shall approve the employment employment, and also, when not covered by the terms of a negotiated, collectively-bargained agreement, fix the compensation compensation, and establish the term of employment for each professional staff member employed by the Board.

Individuals employed in the following categories shall be considered members of the professional staff:

- A.  Teachers
- B.  Counselors
- C.  Media Specialists
- D.  Interventionists
- E.  Administrative
- F.  \_\_\_\_\_
- G.  \_\_\_\_\_

All professional staff are subject to a criminal history record check. See Policy 3121.

Such approval shall be given only to those candidates for employment recommended by the Superintendent.

Such approval shall be given only to those candidates for employment chosen by the Board from a group selected by the Superintendent.

When any recommended candidate has been rejected by the Board, the Superintendent shall make a substitute recommendation.

All applications for employment shall be referred to the Director of Human Resources.

x Relatives of staff members may be employed by the Board, provided the staff member being employed is not placed in a position in which s/he they would be supervised directly by the relative staff member. In cases where a professional staff member would typically be supervised and evaluated by a relative, the supervision and evaluation responsibilities for that staff member will instead be assigned to the Assistant Superintendent.

Relatives of Board members may be employed by the Board, provided the Board member does not participate in any way in the discussion or vote on the employment when a conflict of interest is involved.

Relatives of staff members may be employed by the Board, provided the staff member being employed is not placed in a position in which ~~the staff members/he~~ would be supervised directly by the relative staff member.

The Board will not employ (but may reemploy) the ( ) children, siblings, spouse, parents, in-laws, or bona fide dependents (IRS criteria) of a Board member ( ) children, siblings, spouse, parents, in-laws, or bona fide dependents (IRS criteria) of a regular full-time professional staff member **[END OF OPTIONS]**.

Applications for employment will not be accepted from any current District Board member. If a Board member wishes to apply for a position, ~~the Board member's/his/her~~ resignation must be accepted by the Board prior to submitting an application.

Any professional staff member's intentional misstatement of fact or omission material to ~~his/her~~ qualifications for employment or the determination of salary shall be considered by this Board to constitute grounds for dismissal.

The temporary employment of professional staff members prior to approval by the Board is authorized when their employment is required to maintain continuity in the educational program. Employment shall be recommended to the Board at the next regular meeting.

No candidate for employment to the professional staff as a nonadministrator shall receive recommendation for such employment without having proffered visual evidence of proper certification or that application for such certification is in process, except as otherwise permitted by law.

Prior to hiring an applicant, the Superintendent shall obtain from the applicant a signed Consent to Obtain Records (Form 3120 F2) and shall obtain from the applicant's current or immediately-previous employer any records, including the applicant's personnel file relating to unprofessional conduct in which the applicant engaged. Any such records are to be reviewed prior to a recommendation for employment and may be disclosed to those individuals directly involved in evaluating the applicant's qualifications.

The Superintendent shall prepare administrative guidelines for the recruitment and selection of all professional staff.

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Legal M.C.L. 380.1229 - 1231, 380.1233, 380.1233b, 380.1237, 380.1531d, 380.623  
R 390.1105

Book Policy Manual  
 Section Special Update - November 2023  
 Title Special Update - November 2023 Revised STAFF REDUCTIONS/RECALLS  
 Code po3131  
 Status  
 Adopted January 19, 2016

### **Revised Policy - Special Update - November 2023**

#### **3131 - STAFF REDUCTIONS/RECALLS**

It is the policy of this Board that all personnel decisions shall be based on retaining effective teachers in situations involving a staffing or program reduction or any other personnel decision resulting in the elimination of a position, as well as for hiring after such reductions/position eliminations or recall to vacant positions. **The District shall not utilize length of service as the sole factor in personnel decisions. [DRAFTING NOTE: This is optional only because the statute does not require it. It is recommended that districts select and retain this option.] x ]** Length of service or tenure status may only be considered by the administration when all other factors, as listed below, are considered equal amongst the potentially affected teachers. **[END OF OPTION]** Length of service or tenure status may only be considered by the administration when all other factors, as listed below, are considered equal amongst the potentially affected teachers.

**[DRAFTING NOTE: This language was removed from M.C.L. 380.1248 and will need to be bargained, but a district may choose to maintain it in policy.]**

**[x ]** This policy shall not operate or be applied to retain or recall a teacher whose most recent performance evaluation contains an overall rating of **minimally effective or ineffective** ~~Minimally Effective or Ineffective~~ **[x ]** or needing support **[END OF OPTION]** in preference to any properly certified and qualified teacher with a higher effectiveness rating as reflected in that teacher's most recent performance evaluation. This policy also shall not operate or be applied to retain or recall a probationary teacher who has received a rating of either **minimally effective or ineffective** ~~Minimally Effective or Ineffective~~ in preference to any properly certified and qualified teacher with a higher effectiveness rating. **[END OF OPTION]** **[DRAFTING NOTE: the following language remains in the Teachers' Tenure Act and should be maintained as revised]** A probationary teacher who is rated as **effective** ~~Effective~~ or, prior to July 1, 2024, as **highly effective** ~~Highly Effective~~ on his/her most recent annual performance evaluation is not subject to **displacement** ~~being displaced~~ under this policy by a tenured teacher solely because the other teacher has attained tenure under the Teachers' Tenure Act.

The effectiveness of teachers **as measured under** ~~shall be measured in accordance with~~ the District's performance evaluation system developed under Section 1249 of the School Code **or as otherwise collectively bargained must be used as a factor for personnel decisions,** ~~and the personnel decisions shall be based on the following factors:~~

**[x ]** The following shall also be used for personnel decisions made under this policy:

**[DRAFTING NOTE: the first three (3) items listed below are expressly allowed by statute to be used for personnel decisions. The remaining subparts are no longer mentioned in the statute and districts should consider whether they wish to retain them as factors. Please note that these could change again if the Governor signs the enrolled senate bills relating to the evaluation system.]**

- A. **[x ]** The teacher's length of service in a grade level or subject area.
- B. **[x ]** The teacher's disciplinary record.
- C. **[x ]** Relevant special training. This factor may be based on completion of relevant training, other than the professional development or continuing education, which is required by the employer or by State law, and the integration of that training into instruction in a meaningful way.

**[DRAFTING NOTE: The following are no longer listed in M.C.L. 380.1248 as of February 13, 2024.]**

- D. **[x ]** Evidence of student growth, which shall be the predominant factor in assessing an employee's individual performance.
- E. **[x ]** The teacher's demonstrated pedagogical skills, including at least a special determination concerning the teacher's knowledge of the teacher's subject area and the ability to impart that knowledge through planning, delivering rigorous content, checking for and building higher-level understanding, differentiating, and managing a classroom; and consistent preparation to maximize instructional time.
- F. **[x ]** The teacher's management of the classroom, manner and efficacy of disciplining students, rapport with parents and other teachers, and ability to withstand the strain of teaching.
- G. **[x ]** The teacher's attendance record.
- H. **[x ]** Significant, relevant accomplishments and contributions. This factor shall be based on whether the individual contributes to the overall performance of the school by making clear, significant, relevant contributions above the normal expectations for an individual in the teacher's peer group and having demonstrated a record of exceptional performance.
- A. Individual performance shall be the majority factor in making the decision, and shall consist of but is not limited to all of the following:
1. Evidence of student growth, which shall be the predominant factor in assessing an employee's individual performance.
  2. The teacher's demonstrated pedagogical skills, including at least a special determination concerning the teacher's knowledge of his or her subject area and the ability to impart that knowledge through planning, delivering rigorous content, checking for and building higher level understanding, differentiating, and managing a classroom; and consistent preparation to maximize instructional time.
  3. The teacher's management of the classroom, manner and efficacy of disciplining students, rapport with parents and other teachers, and ability to withstand the strain of teaching.
  4. The teacher's attendance and disciplinary record, if any.
- B. Significant, relevant accomplishments and contributions. This factor shall be based on whether the individual contributes to the overall performance of the school by making clear, significant, relevant contributions above the normal expectations for an individual in his/her peer group and having demonstrated a record of exceptional performance.
- C. Relevant special training. This factor shall be based on completion of relevant training other than the professional development or continuing education that is required by the employer or by state law, and integration of that training into instruction in a meaningful way.

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PA 102, 2011

M.C.L. 380.1248

Book	Policy Manual
Section	Special Update - November 2023
Title	Special Update - November 2023 Reissued STAFF DISCIPLINE
Code	po3139
Status	
Adopted	January 19, 2016
Last Revised	January 9, 2018

### **Reissued Policy - Special Update - November 2023**

#### **3139 - STAFF DISCIPLINE**

Whenever it becomes necessary to discipline a member of the staff, the Superintendent shall utilize related procedures described in the current negotiated agreement, to the extent not inconsistent with the current negotiated agreement, and the following principles and procedures.

A teacher may only be discharged, demoted, or otherwise disciplined for a reason that is not arbitrary or capricious. In all instances, discipline, discharge, and demotion shall occur in accordance with the statutory requirements under the Teacher Tenure Act and the Revised School Code.

The administrator/Superintendent shall conduct an investigation of any alleged act or omission by a teacher that could result in disciplinary action. The teacher shall be provided with oral or written notice of the issue or incident being investigated.

The investigation shall include, at a minimum, interviews of appropriate persons and a meeting with the subject teacher and, if requested or if required by the bargaining agreement, the teacher's/his/her designated representative (either another employee or a union representative if part of a bargaining unit) to allow the teacher an opportunity to respond to the complaint. Prior notice of this meeting shall be provided to the teacher for any discipline that may result in a suspension or loss of pay. The meeting shall not proceed without the teacher's designated representative; however, the meeting shall not be unduly delayed to secure the attendance of the teacher's preferred representative. The District may substitute another representative from the union to timely process the investigation.

After completion of the investigation, if discipline is to be imposed, the teacher shall receive written notice of the discipline and this notice shall also be placed in the teacher's file.

Discipline may include, but is not limited to:

- A. written warning;
- B. written reprimand;
- C. suspension (paid or unpaid);
- D. discharge;
- E. financial penalty in accordance with Michigan law.

The District does not have to apply discipline in a progressive manner, but, rather, may impose discipline consistent with the seriousness of the teacher's conduct, as determined by the District. Additionally, nothing in this policy limits the District's right to take other appropriate action, such as placing a teacher on administrative leave during the pendency of an investigation or issuing a counseling memorandum, which is considered instructional, not disciplinary.

**x ]** If it appears that disciplinary action beyond written reprimand may be necessary, the administrator should contact the Superintendent to discuss the disciplinary action that is to be taken.

**[ ] [Only applicable if original investigation conducted by another administrator]** Any disciplinary action that is not subject to Board review, as described below, may be submitted to the Superintendent for review within five (5) work days of the teacher's receipt of the written confirmation. The Superintendent is not required to conduct an independent investigation. ~~The Superintendent/He~~ shall meet with the administrator who issued the discipline and with the teacher and ~~the teacher's/his/her~~ designated representative, if requested. The Superintendent may affirm, revise, or reject any disciplinary action taken against a teacher and ~~the Superintendent's/his/her~~ decision is final.

**[x]** The administrator's decision to impose any disciplinary action that is not subject to Board review, as described below, is final. The following disciplinary actions may only be imposed by the Board in adherence with the requirements of the Teacher Tenure Act:

- A. discharge of a tenured or probationary teacher;
- B. demotion of a tenured teacher (which includes suspension for fifteen (15) or more consecutive days without pay or a reduction in compensation by more than ~~the~~ equivalent of thirty (30) days compensation in one (1) school year);
- C. non-renewal of a probationary teacher.

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M.C.L. 38.101 et seq., 38.74, 380.1230d, 380.1535a



Book	Policy Manual
Section	Special Update - November 2023
Title	Special Update - November 2023 Reviewed TERMINATION AND RESIGNATION
Code	po3140
Status	
Adopted	January 19, 2016

### **Reviewed Policy - Special Update - November 2023**

#### **3140 - TERMINATION AND RESIGNATION**

##### **TERMINATION**

An employment contract may be suspended or terminated, upon a majority vote of the Board of Education. In such cases, the Board shall abide by due process and such terms as may be set forth in a negotiated, collectively-bargained agreement, the Teacher Tenure Act, or the individual contract, as applicable.

Employees and those under contract to work regularly and continuously in the schools, whether part-time or full-time, may not continue employment with the Board if a criminal history records check or other authoritative source reveals a conviction of a "listed" offense under M.C.L. 28.722.

Individuals convicted of a non-listed felony may not continue to work unless both the Superintendent and the Board give written approval. Such conviction(s) may subject professional staff to discharge or demotion of a teacher on continuing tenure. The State Board of Education will be notified of the report of conviction(s) as required by law.

##### **RESIGNATION**

A professional staff member may resign in accordance with the terms of the negotiated, collectively-bargained agreement or the staff member's/her employment contract.

An administrator may resign by filing a written resignation with the Superintendent at least thirty (30) days prior to the effective date of the resignation.

A resignation, once accepted, by the Superintendent or Board may not then be rescinded.

The Superintendent may act for the Board in the acceptance of a resignation.

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