

**PREFACE**

The policies and administrative rules of the Battle Creek Public Schools Board of Education, Calhoun County, Michigan, are the result of a combined effort of the professional staff of the Michigan Association of School Boards, the Board of Education and the District's staff.

The staff of MASB has written the policy and rule model and integrated into that model the valid policies and procedures selected by the District at the time of the first draft. After forwarding the first draft, a MASB staff member, and selected staff members of the District worked in consort to edit all of the proposed policies and rules resulting in preparation of a final draft to be presented to the Board.

A special acknowledgement should go to the Board members and to the Superintendent of Schools who spent many hours studying the drafts and revisions to these policies and rules.

Understanding the Policy System

Policies are principles adopted by the Board to chart a course of action. They tell WHAT is wanted and may include WHY and HOW MUCH. They are broad enough to indicate a line of action to be taken by the administration in meeting a number of problems day after day; they should be narrow enough to give the administration clear guidance.

RULES, REGULATIONS OR PROCEDURES are the detailed directions that are developed by the administration and staff to put policy into practice. They tell HOW, WHEN, WHERE and BY WHOM things are to be done. They are not adopted by the Board, but, rather, are changed, as needed, by the administration to meet the needs of day-to-day policy enforcement and administration of the schools.

This philosophy was incorporated into the thinking that produced the model and guided the Board and the District's staff in developing the final, adopted policies and review of rules.

One “hard copy” of the bylaws and policies are kept in a binder containing nine sections of policies and, where appropriate, administrative rules. These sections are as follows:

- 1000 — BOARD BYLAWS
- 2000 — GENERAL SCHOOL ADMINISTRATION
- 3000 — FISCAL MANAGEMENT
- 4000 — BUSINESS MANAGEMENT
- 5000 — PERSONNEL
- 6000 — NEGOTIATIONS
- 7000 — INSTRUCTIONAL PROGRAM
- 8000 — STUDENTS
- 9000 — GENERAL PUBLIC AND ORGANIZATIONAL RELATIONS

This type of classification system is designed for computer use and adaptation to publication of the manual on the WWW, and conforms to sound principles of information storage and retrieval; to sound principles of school governance; and to the mandates of practicality. The system’s ultimate success or failure will depend on the extent of its day-to-day usefulness as a management tool to facilitate school and Board operations.

Basic to the system is the vocabulary of policy development descriptors. This vocabulary includes more than 1,000 discrete terms, e.g., “Underground Newspapers,” “Psychological Testing,” “Nepotism,” etc. These terms set forth specific issues and concerns for possible school Board action at the policy development level.

#### The Index

The index, finalized following final Board approval of the manual, is designed to help the user find the subject described in the appropriate policy. The index also includes many terms not used in the classification system but that are still cross-referenced to official descriptors. Some of these topics are synonyms, e.g., Administrative Regulations; see “Administrative Rules.” Other classifications are included to show where topics might be placed into the system by local classifiers, e.g., Sale of Bonds, see “Borrowing and Debt Service.”

In addition, major descriptors appear in several places in the index. This, again, is to facilitate the user's search for correct term placement in the system.

#### When Using This Manual

To use the hard copy of the manual properly, the reader should look up the subject matter in the index and turn to the policy section first. (If published on the WWW via the MASB "POWER" Program, the task of "searching" is done through use of a simple or "advanced" search for ease of reference and retrieval.) The reader should check the table of contents found in the front of each policy section to determine whether the desired subject is cross-referenced to any other policy and to see if the symbols "Cf.," "Also" or "See" are present. The reader should turn to the numeric code in the appropriate section and read the policy and any applicable rule. After the reader has done this, he/she should read all cross-references and other similar referrals.

If by chance a policy statement is not found, one of three things has occurred: (1) the Board does not have a policy or rule on the subject; (2) another classification (Cf.) is overriding and should be read to determine the Board's policy; or (3) the code is consolidated with another code. This latter statement makes it incumbent on the reader to check the index and/or the table of contents before looking for the subject matter.

There will be times when a policy does not have a rule. If this occurs, the reader must assume that the Board felt the policy was self-executing and did not need an implementing rule. You will note in the hard copy that the numeric code with the policy title always appears in the upper left hand margin and, in addition, is printed in the upper right margin; this will help the reader to "thumb" through the pages and find a particular page much more easily. The reader will also note that multi-paged policies and rules are numbered which will assist in keeping pages in order. Policy paging is illustrated, for example, as 2550, 2550-2, while the paging for administrative RULES is 2550-**R**, 2550-**R-2**.

There is no symbol for page one on any policy or rule. Pages of the hard copy of the manual are not numbered sequentially. This is done to avoid the need to renumber, totally, the entire manual in the event of the addition or deletion of a page.

The reader will also note that the rule, if any, immediately follows the policy. The reader will have to be alert to the numeric code to remember if he is reading a policy (2550) or a rule (2550-R). In the event a policy has more than one page, e.g., 2550-2, the rule to 2550, if any, will follow immediately as 2550-R. If there are several pages to a rule, the second page letter code will be 2550-R-2 and will be found in the upper right margin. Reference to these pages will help Board members and staff members turn immediately to the correct page without any trouble or confusion.

#### State Law and Negotiated Contracts

These policies are designed to contain little or no statutory language or negotiated contract language. They exist in other, separate documents. If the reader is in doubt about the subject being pursued, he/she should ask the Superintendent or some other administrative staff member for guidance.

Any District may request MASB policy writers to assist them in the drafting of locally generated new policies or amendments or in the numeric coding and placement of new policy.

#### Updating Your Policy Book

The District should have one person, usually the Board Secretary, Clerk of the Board or Superintendent, to insert new or changed policy in the Board policy book. This should be done within seven days of Board action on new or changed policy, and the old policy page placed in the historical record copy of Board policy, in the case of hard copies, or insertion into an electronic version of the manual. The practice of having several different people adding or deleting pages, or changing electronic records in the District's policy book increases the possibility of error and thus decreases the efficient use of the policy book.

### Symbols

The policy classification system employs these signs and symbols which are explained below.

SN Scope Note — A brief statement used when necessary in order to clarify and/or limit the intended use of a descriptor entry:

#### Administrative Personnel

SN For school management and supervisory personnel below the District Superintendent level, e.g.,

Also A prefix to a parenthetical code to indicate that the identical term (and similar school Board policy) appears elsewhere in the classification system, e.g., 1370 (Also 9110) Public Participation 9110 (Also 1370) Public Participation

Cf. A prefix used to indicate a cross reference to another policy or rule of similar subject matter, e.g., 4080 (Cf., 8620) Emergency Closings 8620 (Cf., 4080) Emergency Drills

-R An affix to a policy code to indicate that the statement following is an administrative rule for a school Board policy.

See A prefix to a parenthetical number code to indicate the preceding code is consolidated with referenced code in the parentheses, e.g., 2560 (See 2470)

### Definitions

1. All LEGAL REF. (Legal References) are placed at the end of the policy, not after the -R or rule portion.
2. LEGAL REF.'s include:
  - a) The Revised School Code
  - b) Laws Relating to Education, February 1990 (or later)
  - c) Administrative Rules Relating to Education, November 1989 (or later)
  - d) OAG – Attorney General opinions
  - e) MCL – Michigan Compiled Law
  - f) USCA - U.S. Code Annotated
  - g) CFR – Code of Federal Regulations

h) MDE - Michigan Department of Education Booklets or Guidelines

If published on the WWW under the MASB “POWER” Program, a special “preface” will appear in the on-line version that explains the use of the on-line manual.

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## Section 1000 – Board Bylaws

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## **Section 1000 – Board Bylaws**

### 1001 Introduction and Information

1001

The Board shall establish programs and procedures, which shall best produce the educational achievement needed by District students, and do so within the financial limitations of the District. The Board will function as a legislative body in formulating and adopting policy, by selecting an executive officer to implement policy and by evaluating the results. Further, the Board shall carry out its functions openly, unless authorized to the contrary by law, while seeking the involvement and contributions of the public, students, and staff in its decision-making processes.

In accordance with these principles, the Board, through its operations, shall seek to achieve the following goals:

1. To function in a non-partisan, broadly representative manner and to emphasize that every Board member should represent the entire District open-mindedly,
2. To concentrate the Board's collective effort on its policy making and planning responsibilities, and to formulate Board policies that best serve the educational interests of each student,
3. To provide the Superintendent with sufficient and adequate guidelines for implementing Board policies,
4. To maintain effective communication with the school community, the staff, and students, and
5. To conduct Board business openly, soliciting and encouraging broad-based involvement in the Board's decision-making processes by public, students, and staff.

## Section 1000 – Board Bylaws

### 1001 Introduction and Information

1001-2

#### Nominating Petition/Filing Fee

The School District Election Coordinator<sup>1</sup> shall receive nominating petitions from persons running for the Board or, in the alternative, personally receive a nonrefundable statutory \$100 filing fee paid by the candidate.

#### Special Elections

The Board may schedule special elections at such time, under law, as it shall designate and for such purposes as determined by the Board.

#### Advice of Legal Counsel

The Board shall seek the advice of legal counsel concerning the proper procedure for scheduling special school elections.

Approved: April 17, 2017  
LEGAL REF: MCL 168.301-303; 168.641

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<sup>1</sup> The “School District Election Coordinator” is the County, City, or Township Clerk.

## **Section 1000 – Board Bylaws**

1005 District Authority

1005

The Board recognizes that many of the subject topics found in this policy manual may be subject to negotiations under the Michigan Public Employment Relations Act. It is not the intent of the Board to, in any way, circumvent the negotiations process; but rather to establish direction and general and long-range operational procedures for the care and custody, establishment, maintenance, management and carrying on of the public schools and property of the District as authorized under current law.

Whenever the word “Superintendent” or “Principal” appears in these policies and rules, the words “or designated representative” shall be assumed to follow. The delegation of authority of administrative actions does not relieve the Superintendent of the responsibility of the actions of such designated representatives.

Approved: April 17, 2017  
LEGAL REF: MCL 380.11a

## **Section 1000 – Board Bylaws**

1010 District Legal Status

1010

The legal basis for the Battle Creek Public Schools is vested in the will of the people as expressed in the Michigan Constitution, the statutes pertaining to education, various court interpretations, and the powers implied by the above.

The official name of the school District shall be the Battle Creek Public Schools, Calhoun County, Michigan, and the District shall operate as a general powers school District.

Approved: April 17, 2017

LEGAL REF: Michigan Constitution, MCL 380.11a

## **Section 1000 – Board Bylaws**

1020 Bylaws

1020

The exercise by the Board of its powers granted by statute, the conduct of its affairs, and the rights and powers of its members, Directors, and officers shall be governed by these bylaws, in accord with the laws of the State of Michigan and the regulations of the Michigan Department of Education.

Approved: April 17, 2017  
LEGAL REF: MCL 380.11a (6)

## Section 1000 – Board Bylaws

1030 Membership

1030

The Board is composed of 7 members serving 6-year terms, and elected at an election held in accordance with MCL 168.1 *et seq*, or appointed by the Board to fill a vacancy.

### Term of Office

A term of office begins as provided in Section 302 of the Michigan Election Law, MCL 160.302, and continues until a successor is elected and qualified.

Approved: August 17, 2009

LEGAL REF: MCL 168.302; 168.641; 380.11a

Revised: January 27, 2020

## Section 1000 – Board Bylaws

### 1032 Powers and Duties

1032

The Board shall act as a legislative body and shall appraise the work and programs of the District.

The Board shall observe and enforce the rules and regulations of the Michigan Department of Education affecting the operation and maintenance of a general powers school District.

#### Functions of the Board

The Board considers its most important legal functions fall into the following categories:

1. Legislative or Policy Making - The Board is responsible for the development of bylaws and policy, and for the employment of a Superintendent who shall carry out the Board's policies through the development and implementation of regulations.
2. Educational Planning and Appraisal - The Board is responsible for acquiring and requiring reliable information from responsible sources which shall enable it to make the best possible decisions about the scope and nature of the educational program. The Board is responsible for requiring appraisals of the results of the educational program.
3. Staffing and Appraisal - The Board is responsible for employing a Superintendent of schools and the staff necessary for carrying out the instructional program, for establishing salaries and salary schedules and other terms and conditions of employment, and for establishing personnel policies District-wide in application.  
The Board is responsible for appraising the effectiveness of its staff by providing for their regular evaluation.
4. Financial Resources - The Board is responsible for adopting a budget that will provide the financial basis for buildings, staff, materials and equipment, which will enable the District to carry out the educational program. The Board is responsible for exercising control over the finances of the District to assure proper use of and accounting for all District funds.

## Section 1000 – Board Bylaws

1032 Powers and Duties

1032-2

5. School Facilities - The Board is responsible for determining school-housing needs, for communicating these needs to the community, for purchasing and disposing of properties, and for approving building plans that will support and enhance the educational program.
6. Communication with Public - The Board is responsible for providing adequate and direct means for keeping the local citizenry informed about the schools and for keeping itself informed about the wishes of the public.
7. Judicial - The Board is responsible for considering complaints from school staff members, students and the public on issues pertaining to Board policies.

The Board may exercise the above legal powers and duties only when convened in a legally constituted meeting.

Approved: April 17, 2017

LEGAL REF: Michigan Constitution, Article VIII; MCL 380.10, 380. 11 *et seq.*

## **Section 1000 – Board Bylaws**

### **1040 District Goals and Objectives**

1040

The Board shall annually establish and review a set of long-range goals and objectives to guide the operations of the District. All personnel in the District shall direct their efforts toward achieving the Board's goals and objectives in order to ensure that students are able to function effectively in their environment, employment, and continuing educational efforts.

The Board shall participate in long-range planning through an annual meeting with the Superintendent and senior administrative staff to review progress on the implementation of priorities, initiatives, and long-range plans, to determine which goals have been achieved, whether any new efforts are needed, and to review major issues that may affect the future of the District. The Board also shall consider and act upon objectives and major activities proposed by the Superintendent to achieve long-range goals.

The Superintendent shall develop necessary procedures, forms, or other measures to implement the goals of this policy using simple, logical, and collegial processes.

The Superintendent shall provide opportunities for interested persons to become knowledgeable about the District long-range planning process, and to review and to make recommendations concerning specific District long-range plans.

The Superintendent shall give the Board periodic reports each year on the progress and success of various plans, and shall ensure that similar progress reports are available to the news media and to District residents.

Approved: April 17, 2017

## Section 1000 – Board Bylaws

### 1150 Board Officers

1150

The officers of the Board shall be President, Vice-President, Secretary, and Treasurer, and such Assistant Secretaries and Assistant Treasurers as the Board determines. The President, Vice-President, and Secretary shall be members of the Board. The Treasurer need not be a member of the Board. Assistant Secretaries or Assistant Treasurers need not be Board members.

#### President - Duties

The President shall:

- Preside at all meetings of the Board,
- Countersign orders legally drawn by the Secretary upon the Treasurer for money to be disbursed on behalf of the District,
- Cause an action to be prosecuted in the name of the District on the Treasurer's bond in the case of a breach of a condition of the bond,
- Perform other duties appropriate to the duties of the office of President in the management of the District.

#### Vice-President - Duties

- Preside at Board meetings when the President is unable to attend,
- Perform other duties appropriate to the duties of the office of Vice-President,
- Succeed to the office of President when a vacancy in that office occurs.

Secretary - Duties (At the option of the Board, selected duties may be assigned to District staff.)

- Act as clerk at meetings of the Board,
- Record and sign the minutes of meetings, orders, resolutions, and other proceedings of the Board in proper record books,
- Prepare reports as required by the state Board,
- In cooperation with the Superintendent, prepare information regarding professional development opportunities for Board members,

## Section 1000 – Board Bylaws

1150 Board Officers

1150-2

- Draw and sign orders upon the District Treasurer for money to be disbursed by the District. Each order shall be properly numbered and dated, shall specify the sources of the funds called for, the purpose for which, and the fund upon which the order is drawn,
- Serve on the School District Election Coordinating Committee (this duty may be delegated to the Superintendent), and
- Perform other duties required by law and by the Board.

Treasurer - Duties (At the option of the Board, selected duties may be assigned to District staff.)

- Have care and custody of all moneys of the District,
- Keep proper books of account,
- Keep an account of interest received from invested school funds, and credit interest received to the appropriate fund accounts,
- Pay out funds for the purposes specified by law, or, in the case of gifts or donations for the purposes for which the money is given or donated, on proper orders signed by the Secretary and countersigned by the Board President,
- Perform other duties the Board may prescribe in its bylaws relating to the administration of District funds,
- Deposit funds of the District with a bank or banking corporation or trust company designated by the Board in the proportion and manner directed by the Board,
- Pay orders of the Secretary when lawfully drawn and countersigned by the President out of the money belonging to the fund upon which the orders are drawn,
- Cause a record book to be kept in which money received and disbursed shall be entered, the sources from which money is received, and the person to whom and the objects for which money is paid,
- Present the Board at the close of the school year a written report containing a statement of money received during the year and of each disbursement made, and

## Section 1000 – Board Bylaws

1150 Board Officers

1150-3

- Perform other duties required by law or by the Board.

### Duties of Trustees

- Have care and custody of all school property,
- Oversee the implementation of Board Policies, and
- Serve on ad-hoc, advisory, or standing committees as determined by the Board.

Approved: April 17, 2017

LEGAL REF: MCL 380.11a; 168.4; 380.1201

## Section 1000 – Board Bylaws

### 1152 Election of Officers and Length of Term

1152

Election of Board officers shall occur at the annual organizational meeting of the Board held in January following the Board election held in accordance with Michigan law.

The length of term for the Board officer positions shall be two years from the Board's organizational meeting to the following Board organizational meeting.

In the event the Board President is unable to chair the Board's organizational meeting, the Vice-President shall sit in place of the President until a new President is elected.

In the event a ranking Board officer is unable to chair the Board's organizational meeting, the Board shall elect a chairperson pro tem to chair the organizational meeting until a President is elected.

Approved: April 17, 2017  
LEGAL REF: MCL 380.11a; 168.641

## **Section 1000 – Board Bylaws**

### 1155 Removal of a Board Officer from Office

1155

The Board may remove a member from a Board officer position from the position by majority vote, and shall elect another Board member to the office.

In the event of a motion to remove the President of the Board from office, the President shall be asked, first, by the person making the motion to step aside and allow the Vice-President or other officer to chair the meeting temporarily. If so asked, the President must temporarily vacate the chair or may elect to resign the Presidency voluntarily prior to the motion, discussion, and vote.

Approved: April 17, 2017  
LEGAL REF: MCL 380.11a

## **Section 1000 – Board Bylaws**

### 1160 New Member Orientation

1160

Newly elected members of the Board shall be invited to attend all meetings of the Board prior to the time they officially take office. Newly elected and newly appointed Board members shall be encouraged to attend workshops for new Board members sponsored by the Michigan Association of School Boards.

Present members of the Board and the Superintendent shall conduct an appropriate orientation program designed to acquaint new Board members with the District, Board policy, duties, responsibilities, and other activities.

Newly elected Board members shall receive copies of all agenda, reports, and other communications normally received by regular Board members except information or material of a confidential nature.

Approved: April 17, 2017  
LEGAL REF: MCL 380.11a

## **Section 1000 – Board Bylaws**

1162 Board Member Development Opportunities (Cf. 1168)

1162

The Board recognizes the need for continuing in-service training and education and encourages the participation of all members at these specific categories of activities as a part of their official duties: conferences, workshops, in-service programs, and conventions, at the local, regional, state, and national levels. Board members shall be reimbursed at a rate consistent with that of District administrators.

In situations where a Board member holds a state or national office in a School Board Association, or has been asked or appointed to serve a School Board Association at the state or national level, the Board shall budget for the additional expenses as agreed to prior to the beginning of each fiscal year.

The Superintendent and Board Secretary shall prepare a calendar of annual conferences, workshops, in-service programs, and conventions which Board members may wish to attend. The Superintendent and Board Secretary shall update the calendar with additional in-service programs for Board members, as the programs become known. The Board shall periodically review the calendar and designate those activities for Board member participation along with limitations as to the number of persons attending specific events.

The Board President in consultation with the Superintendent is responsible for authorizing requests for attendance of Board members at approved meetings if the requests come within budgeted appropriations and limitations.

The Superintendent shall consult with the Board President in situations where funds may not be available for a specific activity or when a determination is necessary as to who shall attend a given activity when more requests are received than can be honored. The President and Superintendent may bring recommendations to the Board on such matters for final determination.

Funds for participation at all activities shall be budgeted for on an annual basis.

## **Section 1000 – Board Bylaws**

1162 Board Member Development Opportunities (Cf. 1168)

1162-2

### Board Certification

The Board expects that each Board member will earn the Certified Board Member Award (CBA) through the Michigan Association of School Boards Board Member Award Program during the first two years in office.

Expense reimbursement shall be in accord with policy bylaws and procedures on Board reimbursement.

Approved: April 17, 2017

LEGAL REF: MCL 380.11a; 380.1254; 388.1764b

## **Section 1000 – Board Bylaws**

1168 Reimbursement for Expenses Issued on Behalf of the District

1168

Board members shall be reimbursed at a rate consistent with that of District administrators.

To receive reimbursement for an expense listed in this policy, an expense voucher, together with supporting receipts or other evidence of actual expenses, shall be submitted to the District business office for processing. Payment will be made after the Board approves the reimbursement.

Expenses for spouses, family members, or others accompanying Board members as companions, are not reimbursable unless such persons would otherwise be entitled to reimbursement as conference attendees and employees of the District.

There shall be no reimbursement for the purchase of any alcohol, tobacco, or personal products or services.

Approved: April 17, 2017

LEGAL REF: MCL 380.1254; 388.1764b; OAG, 1977-1978, No 5272(1978).

## Section 1000 – Board Bylaws

### 1170 Board Position Vacancies

1170

Board member vacancies shall be filled within 30 days from the effective date of a resignation or other event (except a vacancy occurring by recall election), which causes a vacancy to exist. The vacancy shall be filled with a legally qualified person who is appointed by a majority vote of the remaining members of the Board at a regular or special meeting of the Board.

Persons appointed to fill a vacancy shall file acceptance of the office, including an affidavit of eligibility, with the School District Election Coordinator,<sup>2</sup> and shall take the oath of office prescribed by law. An appointee services until a successor is elected and qualified.

Resignations are effective without acceptance or approval by the Board.

#### Process

When a vacancy on the Board occurs, the Board, in filling the vacancy, shall use the following procedures:

- (a) The Board President, through public announcements in the news media, shall make known the vacancy has occurred and those persons interested in being considered for appointment should notify the Secretary of the Board by the deadline established by the Board,
- (b) The Board shall establish the criteria used in making the appointment,
- (c) The full Board, or a committee appointed by the Board, shall review and screen applications to determine which candidates should be further considered for appointment. The full Board will do candidate screening in public session unless the candidate requests confidentiality, as provided in state law,
- (d) Those candidates screened for further consideration shall be interviewed by the Board in public session, and

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<sup>2</sup> The “School District Election Coordinator” is the County, City, or Township Clerk.

## **Section 1000 – Board Bylaws**

1170 Board Position Vacancies

1170-2

- (e) The Board, by roll call vote of a majority of those elected, appointed, and serving, shall determine which candidate shall be appointed to fill the vacancy.

Approved: April 17, 2017

LEGAL REF: MCL 15.261-15.275 (Michigan Open Meetings Act); 168.310-11; OAG, 1977-1978, No 5262, p 338 (January 31, 1978); OAG, 1983-1984, No 6124, p 36 (February 9, 1983)

## **Section 1000 – Board Bylaws**

1175 Vacancies in Office

1175

In the event of a vacancy in the office of President, the Vice-President shall become President.

In the event of a vacancy in any other Board office, the Board shall fill the vacancy consistent with bylaw at the next regular Board meeting.

Approved: April 17, 2017  
LEGAL REF – MCL 380.11a

## **Section 1000 – Board Bylaws**

### 1180 Board Advisory Committees

1180

The Board may establish such standing, ad hoc, and advisory committees, as it deems necessary. The type and function of each committee shall be dictated by the needs of the District for the special services of such committee. The President shall appoint all members of all advisory committees. Each committee shall organize itself with assistance from the Superintendent. The Superintendent shall provide appropriate District material to each committee. Board Committees must comply with the relevant portions of the Open Meetings Act.

A line of communication shall exist between each committee, the Superintendent, and the Board.

Each committee shall report to the Superintendent and/or the Board as the Board may require by regulation or by procedure.

The Board may dissolve any committee at any time.

#### Advisory Committees

Advisory committees established by the Board shall:

- Generally have three members of the Board appointed to the committee,
- Have a task specifically defined by the Board,
- Have designated time-lines for reporting to the Board,
- Have no power or authority to act on behalf of the Board unless specifically authorized by the Board,
- Hold hearings only upon approval of the Board, and
- Limit activities and considerations to policy matters and recommendations.

## **Section 1000 – Board Bylaws**

### **1180 Board Advisory Committees**

1180-2

All reports submitted to the Board shall contain:

- The date,
- Committee name,
- Members present at committee meetings, and
- Results or recommendations.

In appointing members of advisory committees, the President shall consider the recommendation of the Superintendent and other members of the administrative staff, as well as the recommendations of individual Board members.

As soon as an advisory committee has been appointed, the chair of the committee shall call a meeting of the committee for organizing. At said meeting, the chair shall inform the committee of the area of its jurisdiction and the matters the Board wishes the committee to consider in making its recommendations to the Board.

The committee shall meet as frequently as it deems necessary to accomplish the mission assigned to it by the Board. It shall be the responsibility of the chair to report to the Board on the progress and activities of the committee.

At the request of the committee or on the initiative of the Superintendent, the Superintendent shall assign such school personnel to assist the committee in its study as the situation warrants. The Superintendent shall exercise his/her discretion in providing such personnel.

At the request of the committee or at the discretion of the Superintendent, the Superintendent shall make available to the committee, to the extent permitted by law, such material relevant to its purpose as the situation warrants and as may be available at reasonable times and at a reasonable cost.

## Section 1000 – Board Bylaws

### 1180 Board Advisory Committees

1180-3

At the request of the committee or upon the initiative of the Board, limited financial assistance may be given to the committee. The Board may request committees to submit budget requests to the Board for approval.

As directed by the Board or upon the initiative of the committee, the committee shall make reports to the Board. The Board shall be furnished with the minutes of each meeting of the committee within ten days following each such meeting. All minutes of said committee will be filed with the Secretary of the Board. Each committee shall submit a report of its activities and accomplishments to the Board at least once every three months.

Whenever, in the opinion of the Board, there is no longer any need for an advisory committee created by the Board, the Board shall dissolve such committee by appropriate Board action. Each member of the committee shall be notified of the Board's action. No committee shall exist longer than one year unless re-appointed by the Board.

#### Meeting Structure

After appropriate posting, the following is a recommended order of business that should be followed by each Board appointed or authorized committee:

- (1) Call to order,
- (2) Call the roll (sometimes omitted),
- (3) Present the minutes of the previous meeting (most often sent in advance),
- (4) State the purpose for holding the meeting,
- (5) State briefly the program for the meeting,
- (6) Discuss and resolve agenda items as they appear,
- (7) Consider new business,
- (8) Public comment, if required by the Open Meetings Act; and
- (9) Adjourn the meeting.

Approved: April 17, 2017

## Section 1000 – Board Bylaws

1180 Board Advisory Committees

1180-4

LEGAL REF: MCL 15.263; 380.11a; OAG, 1977-1978, No 5183, p 21 (March 8, 1977); OAG, 1977-1978, No 5183-A, p 97 (April 18, 1977); OAG, 1977-1978, No 5286, p 403 (March 31, 1978); *Schmiedicke v Clare School Board*, 228 Mich App 259 (1998)

## **Section 1000 – Board Bylaws**

1185 Board-Superintendent Relations

1185

The Board, in all phases of District operations, will endeavor to work through the Superintendent, who shall direct District employees concerning such operations unless mutually agreed upon between the Board and the Superintendent. The Board shall extend to the Superintendent responsibility for implementing Board policy and decisions. The Superintendent is accountable to the Board as to the interpretation and implementation of policies set forth by the Board, and subsequently enacted by the Superintendent and District staff. The Superintendent is obligated to attend to the Board's directives regarding the District's operations.

Approved: April 17, 2017  
LEGAL REF: MCL 380.11a

## **Section 1000 – Board Bylaws**

1190 Professional Services

1190

The Board may select and appoint qualified individuals or firms to provide professional services for the District such as legal, insurance, architectural, and auditing/accounting.

The following criteria shall be considered by the Board in its selection and appointment: certification and/or licenses, and training and experience, including that of partners and associates.

The Superintendent shall be responsible for gathering appropriate background information and other information as requested by the Board prior to any interviews or decisions by the Board.

Approved: April 17, 2017

## Section 1000 – Board Bylaws

1191 Attorney

1191

The Board shall retain a qualified attorney and/or legal firm to handle all legal matters referred by the Board and to receive such compensation as the Board may provide. The duties of the attorney or legal firm shall be as follows:

1. Upon request of the Board President or Superintendent, attend the meetings of the Board and act as counselor,
2. Render a written opinion on a legal question when requested by the Board,
3. Prepare or supervise the preparation of all legal papers and documents executed by the Board officers; or approve such papers and documents before execution thereof by the officers,
4. Provide such opinions or other legal information to the Superintendent, which may be necessary for the immediate or long-range conduct of the District,
5. Represent the District as specifically designated by the Board in litigation to which the District may be a party or in which it is interested,
6. Represent, upon request, the Board in the purchase or sale of any real estate,
7. Attend to and act on any matters the Board refers to him/her for supervision, adjustment, and/or disposal,
8. Assist and advise the Board in preparing all questions on the ballot for regular or special elections,
9. Periodically provide progress reports to the Board on legal matters referred, and
10. Perform such other services as requested by the Board.

## Section 1000 – Board Bylaws

1191 Attorney

1191-2

Compensation for duties and services shall be agreed to by the attorney and the Board in the retention agreement that shall set forth the annual retainer and supplemental charges.

Only the Board President or Superintendent, or their designees, are authorized to contact the attorney on legal matters concerning the District.

The Board's legal counsel shall not provide personal legal assistance to individual Board members, the Superintendent, or members of the staff unless specifically authorized by the Board.

In any dispute or potential divergence of interests between the Board and Superintendent, the Superintendent shall not utilize the District's counsel to represent his/her interest.

Approved: April 17, 2017

LEGAL REF: MCL 380.11a

## Section 1000 – Board Bylaws

1220 Consultants

1220

The employment of consultants to directly advise the Board (such as, but not limited to, consultants for policy development or Superintendent Search) shall require approval of the Board. Before making any commitment, the Board may require the submission of a written proposal, which can be incorporated into a written contract. The proposal shall detail:

1. The specific objectives to be accomplished by the consultant,
2. The specific tasks to be performed,
3. The procedures to be used in carrying out the tasks,
4. The target dates for completion of the task,
5. The method used to report results to the Board and/or delivery of the “product” to the Board, and
6. The consultant’s compensation, if any.

Neither the Superintendent nor any member of the staff is authorized to engage a consultant to advise the Board directly, for pay, without the prior consent of the Board.

Approved: April 17, 2017  
LEGAL REF: MCL 380.11a

## Section 1000 – Board Bylaws

### 1260 Board Recognitions

1260

The Board supports the concept of a recognition program for staff, students, community members, Board members, and others who have demonstrated extraordinary service, achievements and accomplishments on behalf of the District. Any costs for such a program shall be paid in accordance with law.<sup>3</sup>

Approved: April 17, 2017

LEGAL REF: MCL 380.11a

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<sup>3</sup> Should the Superintendent or Board President have a question as to what may, or may not, be a “legitimate” expenditure for “recognitions,” it is urged that they contact MASB Legal Counsel or the District’s retained counsel to discuss the issue of what costs are permissible “in accordance with law.”

## Section 1000 – Board Bylaws

### 1300 Meetings

1300

#### Organizational

The Board will hold its organizational meeting in July.

#### Regular

The Board holds at least one regular meeting each month. The regular meeting is held on the third Monday of each month at 7:00 p.m. at the Willard Administration Building, 3<sup>rd</sup> floor, Board Room. 3 West Van Buren St., Battle Creek, Michigan unless otherwise announced and posted by the Board in accordance with law. The District will post a notice of the regular meeting schedule at the entrance to the principal office of the Board and/or the principal office of the District within ten days after the organizational meeting.

The schedule of regular meetings or the regular meeting date may be changed by the Board as provided in current law.

#### Special Meetings

Special meetings of the Board may be called by the President of the Board or by two Board members by providing the other Board members a written notice of the date, time, and place of the special meeting. All special meetings must meet the Open Meetings Act's posting requirements.

The notice may be served by delivering the notice to the Board member personally, or by leaving the notice at each member's residence with a person of the household at least 24 hours before the meeting is to take place. The District will also serve the notice by mail addressed to the member, at the member's address on file in the District office, at least 72 hours before the meeting is to take place. Either a Board member or an employee of the District may serve the notice.

## Section 1000 – Board Bylaws

1300 Meetings

1300-2

### Emergency Meetings

The Board may meet in emergency session in the event of severe and imminent threat to the health, safety or welfare of the public, when two-thirds of the members elected to, appointed, and serving on the Board decide that delay would be detrimental to the efforts to lessen or respond to the threat. All emergency meetings must meet the Open Meeting's Act's posting and notice requirements.

### Information/Work/Study Sessions

Information/work or study sessions of the Board shall be held as called by the President. Such sessions shall be open to the public and properly posted as Board meetings.

### Adjourned Meetings

Meetings may be adjourned and reconvened as provided by law.

Approved: August 17, 2009

LEGAL REF: MCL 15.261-275; 168.642; 380.1201, 380.1202

Revised: January 27, 2020

## Section 1000 – Board Bylaws

1300 Meetings

1300-3

### Remote Participation During Board Meetings

The board acknowledges that attendance at board meetings is essential for its members to perform their official duties and to add to the diversity of thought and opinion in the board's deliberations. The board strongly encourages its members to be physically present for all board meetings. The board recognizes, however, that extenuating circumstances may occasionally prevent a member from being physically present at a meeting. It further recognizes that advances in technology, such as audio and video conferencing, have made it possible for members to communicate and deliberate with each other from remote locations. Therefore, to promote full participation of board members while ensuring access and transparency for the public as required by the Open Meetings Act, the board authorizes remote participation in board meetings subject to the following procedures and requirements.

#### A. Authorized Circumstances for Remote Participation

1. The board authorizes remote participation consistent with the requirements of this policy in any meeting of the board that is not a hearing or other quasi-judicial proceeding.

2. A member may attend a meeting and participate in board deliberations and decisions by remote participation if the member is prevented from physically attending the meeting due to:

- a. personal illness or disability;
- b. maternity/paternity-related reasons;
- c. out-of-town travel;
- d. unexpected lack of child-care;
- e. family member illness or emergency;
- f. weather conditions;
- g. military service

## Section 1000 – Board Bylaws

1300 Meetings

1300-4

3. Remote participation is not to be used solely for a board member's convenience or to avoid attending a particular meeting in person. Further, no meeting of the board will be delayed, cancelled or rescheduled to accommodate a member's request to participate remotely.

4. Acceptable means of remote participation include telephone-, Internet-, or satellite- enabled audio conferencing, or any other technology that enables the remote participant and all persons present at the meeting location to be clearly audible to one another. Text messaging, instant messaging, email, and web chat without audio are not acceptable means of remote participation.

5. No board member may participate remotely more than three times during a calendar year; however, in justifiable circumstances, the board may, by two-thirds vote, agree to waive this limitation.

### B. Conditions and Requirements for Remote Participation

1. A board member participating in a meeting remotely shall use his or her best efforts to participate in all or as much of the meeting as circumstances permit and not merely for a limited number of agenda items.

2. A board member participating remotely will be considered present at the meeting; but not for purposes of establishing a meeting quorum. A quorum must be physically present at the meeting. The board member will be entitled to participate in open session deliberations at the meeting if:

- a. the member is able to hear other members of the board and any members of the public present at the meeting who are recognized by the board during public comment; and
- b. all persons present at the meeting location are able to hear the board member who is participating remotely.

## Section 1000 – Board Bylaws

1300 Meetings

1300-5

3. A board member participating remotely will not be allowed to participate in a closed session on the board.

a.) A board member who would like to participate remotely must make a request to the president in writing, at least one full week prior to the board meeting in which he/she is requesting to participate remotely in.

b.) Once a board member has exhausted his/her three allowable requests within a calendar year and presents a justifiable circumstance, that board member would need to make a request to waive that limitation to the board president in writing two weeks before the board meeting, each time he/she is asking to waive the limitation. The president will ask the full board to agree to waive this limitation, by vote at the board meeting before the meeting that the member is requesting to participate remotely in.

### 4. Board Member Absence Due to Military Duty

a.) At least 18 hours before a Board meeting, the President or Superintendent or designee must publicly post the identity and contact information of a Board member who will be absent from a Board meeting due to military duty so the public may provide input on items and business that will be addressed at that meeting.

b.) A Board member absent due to military duty may participate in, deliberate, and vote at a Board meeting if:

- (1) the meeting's central site is open to the public;
- (2) Board members are present in person at the site; and
- (3) technology allows for 2-way communication, if feasible.

## Section 1000 – Board Bylaws

1300 Meetings

1300-6

### C. Procedure for Remote Participation

1. A member of the board who desires to participate in a meeting remotely shall notify the board chair and the superintendent at least twelve hours in advance of the meeting if circumstances permit so that necessary arrangements can be made. Remote participation will not be permitted if the meeting is held other than in the Boardroom.

2. The member participating remotely shall call in and assure the connection ten minutes before the start of the meeting.

3. The chair shall announce the remote participant and the means of remote participation at the beginning of the meeting.

4. The meeting chair may decide how to address technical difficulties that arise when utilizing remote participation, but when possible and not disruptive of the orderly progress of the meeting, the chair may suspend discussion while reasonable efforts are made to correct any problem that interferes with a remote participant's ability to hear or be heard clearly by all persons present at the meeting location. If, however, the technical difficulties distract from or impede the orderly progress of the meeting, or serve to delay the meeting beyond five minutes, remote participation may be terminated by the meeting chair.

5. A member participating remotely shall notify the chair if leaving the meeting before it is adjourned or rejoining the meeting after a period of absence.

6. All votes taken will be by roll call vote when a member is participating remotely.

7. Participation by electronic communication will be noted in the official board minutes. Any interruption to or discontinuation of the member's participation will also be noted in the minutes.

## Section 1000 – Board Bylaws

1300 Meetings

1300-7

8. Any costs associated with the Board member's remote participation shall be borne by the remote participant.

The superintendent shall provide the on-site technology sufficient to implement this policy in accordance with all applicable laws.

Approved: January 27, 2020

## Section 1000 – Board Bylaws

### 1310 Closed Sessions

1310

The Board may meet in closed session as provided for under current law.<sup>4</sup> The minutes of any closed session shall be kept separate from the minutes of the regular or special meeting and shall not be a matter of public record except as provided under current law.

Any Board action taken because of a closed session shall be taken in a public meeting and recorded as such.

Approved: April 17, 2017

LEGAL REF: MCL 15.268

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<sup>4</sup> A public body may meet in closed session only for the following purposes: (a) To consider the dismissal, suspension, or disciplining of, or to hear complaints or charges brought against, or to consider a periodic personnel evaluation of, a public officer, employee, staff member, or individual agent, if the named person requests a closed hearing, (b) To consider the dismissal, suspension, or disciplining of a student if the public body is a part of the school District, intermediate school District, or institution of higher education that the student is attending, and if the student's parent(s)/guardian(s) request a closed hearing, (c) For strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement if either party requests a closed hearing, (d) To consider the purchase or lease of real property, (e) To consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation, (f) To review and consider the contents of an application for employment or appointment to a public office if the candidate requests that the application remain confidential, (g) Partisan caucuses of members of the state legislature, (h) To consider material exempt from discussion or disclosure by state or federal statute, (i) For a compliance conference conducted by the department of commerce under section 16231 of the public health code, (j) In the process of searching for and selecting a President of an institution of higher education, *et seq.*

## **Section 1000 – Board Bylaws**

1320 Agenda

1320

The Superintendent shall distribute to each Board member prior to each meeting appropriate material and written matter concerning items on the agenda, which then shall be referred to as the annotated agenda.

The Board agenda shall be compiled by the President, in cooperation with the Superintendent. It shall include a period of time when the public may speak to the Board. Other Board members may request items to be placed on the agenda except at special meetings of the Board.

A request by the public to place an item on the Board agenda must be made to the Superintendent or President at least seven days in advance of the meeting at which it is desired to have the item discussed. The request should include a brief statement of the matter to be brought before the Board along with any background information available that may be provided to the Board in advance of the meeting.

The Superintendent in consultation with the President shall determine whether the matter is an appropriate agenda item for that meeting or a future meeting. The Superintendent shall notify the person making the request whether or not the item will be placed on the agenda. If the item is placed on the agenda, the person making the request shall be allowed a reasonable amount of time to present or discuss the issue.

Items not placed on the agenda upon the request of a member or the public may be added to the agenda by a majority vote of the members elected to, appointed, and serving on the Board if the item is an action item. Generally, it shall be the Board's policy to add items for action only in critical or urgent situations. The Board has full discretion to determine whether such request may be added to any agenda. Discussion items may be added by a majority vote of those members elected to, appointed, and serving on the Board.

The annotated agenda shall be sent to all Board members at least three calendar days prior to any regular Board meeting.

## Section 1000 – Board Bylaws

1320 Agenda

1320-2

The annotated agenda may include the following information; however, other items and reports may be added as the need arises: the agenda format, including items to be discussed and Board procedure, monthly reports to the Board, financial reports, important correspondence, bids specifications, attendance center reports, requests for hearing, and other such information.

### Consent Agenda

Typical of any large organization, the Battle Creek Public School Board of Education faces numerous routine tasks at each meeting. The Consent Agenda portion of the agenda allows for quick resolution of matters such as approval of minutes from previous meetings, purchases, routine personnel matters and other detail work.

Use of the Consent Agenda is not intended to remove items from public review. Board members have the right to have any consent items placed in the New Business section of the Agenda if they feel public discussion is necessary.

The consent agenda makes for a more efficient and effective meeting, permitting Board members to focus more time and attention on matters not already covered by specific policies and procedures.

Approval of the consent agenda shall be by vote according to the Board bylaws on motions and votes.

Approved: April 17, 2017  
LEGAL REF: MCL 380.11a

## **Section 1000 – Board Bylaws**

1330      Rules of Order

1330

The Board shall be governed by rules of procedure as adopted by the Board in all cases in which such rules are consistent with statute, administrative code and these bylaws. In NO event shall the Board adopt Robert’s Rules of Order. The presiding officer at his/her discretion may use, however, Robert’s Rules of Order as a “guideline” in the conduct of meetings. The purpose of this parliamentary procedure is to ensure the minority has rights that cannot be changed by the majority.

The President (or Vice-President in the absence of the President) shall preside at all meetings. In the absence of both the President and Vice-President, the members present shall elect a President pro-tempore who will serve only for that meeting or for that part of the meeting in which the President and Vice-President are absent.

Any member of the Board who wishes to make a motion, second a motion or discuss pending business will first secure recognition of the Board President.

The President will present each agenda item for discussion or designate the Superintendent or other staff member who will represent the agenda item.

The Board will take all formal actions by ordinary motions unless a formal resolution is required.

The following motions will be in order:

1. To recess,
2. To take action,
3. To amend a motion made to take action, but such amending motion will be disposed of before any other motion to amend the main motion will be in order,

## Section 1000 – Board Bylaws

1330 Rules of Order

1330-2

4. To defer action, either finally or to a specific time, date and place,
5. To go into closed session, and
6. To adjourn, either finally or to a specific time, date or place.

### Amendment/Suspension of Bylaws and Policies

The Board, by a vote of a majority of its members, may amend the bylaws, or suspend the operation of the bylaws temporarily, but such amendment or suspension shall not relieve the Board from complying with applicable law. Policies shall be adopted, amended, or repealed only by a majority vote of the Board.

### Quorum

A majority of the members elected to, or appointed to, and serving on the Board shall constitute a quorum unless otherwise protected by law.

Approved: April 17, 2017

LEGAL REF: MCL 380.11a; 380.1201; OAG, 1981-1982, No 6057, p 622 (April 20, 1982); OAG, 1981-1982, No 6091, p 711 (August 18, 1982)

## **Section 1000 – Board Bylaws**

1350 Voting Method

1350

The Board shall take action by way of motions. No motion may be acted upon until it has been duly supported or seconded by a member of the Board. The vote on all motions shall be by “yes” and “no” and will be taken by a show of hands or a roll call vote. Following each vote, the President shall announce that the motion passed or failed, and if not a unanimous vote, shall announce the number voting “yes” and the number voting “no.” Each Board member may have the privilege of explaining for the record any vote, be it affirmative or negative at the discretion of the President. In the rare event that a Board member has a right or obligation to abstain from voting, the Board member may explain the reason for the abstention at the discretion of the President.

Approved: April 17, 2017  
LEGAL REF: MCL 388.1769b

## Section 1000 – Board Bylaws

1360 Minutes

1360

The Secretary or temporary Secretary of the Board shall be responsible for keeping the minutes, or see to that minutes of every meeting of the Board are kept consistent with the Open Meetings Act. A recording Secretary, not a member of the Board, may be appointed by the Board and shall attend all meetings and record all actions of the Board. Such minutes shall be reviewed and signed by the Secretary of the Board or acting Secretary. The minutes shall include the date, time, place, members present, members absent, all motions made at open meetings and action taken thereon, the purpose(s) for which closed sessions are called, all votes taken, a reference to reports presented, a record of those speaking at the public comment session and the topic on which they spoke, and items discussed when no action is taken.

Open meeting minutes shall not contain personally identifiable information about students who have been suspended or expelled.

Copies of proposed minutes of an open meeting shall be provided upon request to members of the public within eight business days of the meeting and copies of approved minutes within five business days of the meeting at which they were approved. Minutes shall be presented for approval at the next meeting of the Board and copies shall be sent to all Board members prior to the next meeting.

Minutes of closed meetings shall not be made public except as specified by current law.

Approved: April 17, 2017

LEGAL REF: MCL 15.269; 380.11a; 380.1201; 380.1202; OAG, 1985-1986, No 6353, p 255 (April 11, 1986)

## Section 1000 – Board Bylaws

### 1370 Public Participation

1370

At each meeting of the Board, the President or the presiding Board officer shall welcome all visitors to the Board meeting.

The Board President shall ask, at the appropriate time as specified on the agenda, those members of the public attending the Board meeting if any of them have something to bring to the attention of the Board. All those wishing to address the Board shall be subject to the following procedural regulations:

- a. The public participation portion of the meeting shall be limited to one-half hour normally. An exception may be made to allow members of the public an opportunity to address the Board.
- b. Anyone wishing to address the Board shall complete a comment card. Public comment time shall be limited to three minutes per person and addressing matters of public concern. Those addressing the Board will be asked to give their names, addresses, and state whether they are speaking as an individual or for an organization.
- c. Each person shall be allowed to speak for up to three minutes, except where the number of speakers exceeds the time limit. In those instances, either the Board President may reduce the three-minute limit for each speaker or the President will waive the one-half hour time limit and establish a longer period.
- d. If the person is representing an organization or group, the person should indicate whether the comments or presentation represents the official view of the organization or group or are his/her own comments.
- e. Any written statements should be given to the Board Secretary so that copies may be made available to all Board members. All written statements and documents presented to the Board by an individual or group during the meeting are considered public documents, except those written statements and documents received during closed session.

## Section 1000 – Board Bylaws

### 1370 Public Participation

1370-2

- f. Individuals addressing the Board should take into consideration the rules of common courtesy. The public participation portion of the meeting should not be used to make personal attacks against a Board member, District employee, or student that are not matters of public concern. If the comments constitute a complaint against a Board member or employee, the Board member or employee may request a closed session of the Board.
- g. Board members may question speakers, but are not obligated to answer questions or make statements or commitments in response to issues raised by the public. In general, such issues will be referred to the Superintendent for investigation, study, and recommendation or designated as future agenda items for Board consideration.
- h. These rules shall be made available to all members of the public and every open meeting.

#### Handling of Complaints (Cf. 9450)

In general, problems, complaints, or concerns are best solved at the classroom or individual school level. Others may require involvement of appropriate central office staff. It is the hope of the Board that these avenues have been pursued before a concern is presented to the Board.

#### Board Response to an Issue

Issues require review and deliberation by the Board if good decisions are to be made. Immediate answers cannot always be rendered. The Board will listen and may ask for additional information, but is not required to answer questions or render any decisions on a concern during the meeting.

## Section 1000 – Board Bylaws

1370 Public Participation

1370-3

Concerns or questions will be addressed as soon as possible. However, Trustees need to review all available information regarding the matter. When a decision has been reached or the answer determined, the complainant will be notified.

Approved: April 17, 2017

LEGAL REF: MCL 15.263(1); 15.268; 380.11a; 380.1808; *Lysogorski v Bridgeport Charter Twp.*, 662 N.W. 2d 108 (2003)

## Section 1000 – Board Bylaws

1400 News Coverage

1400

### Broadcasting and Taping

All meetings for the conduct of the affairs of and the transaction of business by the Board, including committee and subcommittee meetings shall be open to the public to the extent permitted by law. Broadcasting and taping of the public Board meeting shall be subject to rules adopted by the Board.

The use of cameras, photographic lights, and recording devices at any meeting of said Board shall be subject to these rules, which are designed to ensure the orderly conduct of the proceedings.

### Reporting Board Meetings

The media, members of the public, and staff shall be informed of actions and decisions of the Board in the following manner:

1. The Superintendent shall prepare a staff newsletter for distribution to all staff members on the morning following the Board meeting.
2. Brief summaries of Board actions and decisions shall be published in the parent(s)/guardian(s) newsletter and shall be made available to the media after each meeting.

### Cameras

The use of cameras at any open Board meeting shall be permitted only when, in the judgment of the Board, the use or proposed use of any camera will not be a disruptive influence upon the proceedings, genuinely annoying or harassing to the Board or any member thereof or operated to attract undue attention to the camera or the proposed user thereof.

## **Section 1000 – Board Bylaws**

1400 News Coverage

1400-2

### Recording Devices

Use of recording devices at any open Board meeting shall be permitted when, in the judgment of the Board, the use or proposed use of any recording device will not be a disruptive influence upon the proceedings, genuinely annoying or harassing to the Board or any member thereof or operated to attract undue attention to the recording device or the proposed user thereof.

All recording devices together with all appurtenances and paraphernalia, including microphones, shall be visible and kept in the area designated for the public media; and recording devices, microphones or other appurtenances shall be allowed on, under or in the immediate vicinity of the Board conference table only with Board permission.

No cameras or recording devices shall be allowed at closed sessions of the Board.

Any person who uses a recording device to eavesdropping upon an individual's private conversation may be in violation of the Michigan Penal Code, MCL 750.539c. The Board or the Superintendent shall report a violation of this law to local law enforcement.

Approved: April 17, 2017

LEGAL REF: MCL 15.261; 15.263; 380.11a

## **Section 1000 – Board Bylaws**

### 1510 Bylaw and Policy Development System

1510

The Superintendent, as the need arises, shall advise the Board when he/she is of the opinion that a bylaw or policy should be changed or supplemented and present to the Board the reasons therefor.

The Board shall oversee and review its bylaws and policies and shall, as needs dictate, delete, amend and supplement existing bylaws and policies and adopt new bylaws and policies.

#### Draft Writer

The Superintendent or a designee shall draft all recommended policy changes. New bylaws proposals and recommendations for changes shall be drafted by the Superintendent or a designee in conjunction with the Board President.

#### Attorney Involvement

Bylaws, policies, and rules of the Board may be submitted to the Board's attorney to determine the legality of said bylaws and policies and rules before they are submitted to the Board for final approval.

The opinion of the attorney shall be made available to all Board members and Superintendent.

#### Staff Involvement

In formulating policy recommendations to be made to the Board, the Superintendent may involve members of the staff in the formulation of such policy.

The Superintendent may solicit recommendations from the staff concerning the workability of present policies, needs for change and new policies. The Superintendent, in formulating recommendations to the Board, shall consider the recommendations made to him/her by the staff.

#### Community Involvement

The Board may involve members of the public in the development of Board policy.

## **Section 1000 – Board Bylaws**

1510 Bylaw and Policy Development System

1510-2

The Board may advise the public, through the news media and other means, that the Board welcomes suggestions and ideas concerning Board policy.

### Student Involvement

The Board may involve students in the development of Board policy.

By classroom teacher announcements, notices in student publications and by other means, the Board may invite students to submit ideas and suggestions to the Board concerning the development of Board policy. In adopting or changing Board policy, the Board shall take into consideration those ideas and suggestions submitted by the students.

Approved: April 17, 2017  
LEGAL REF: MCL 380.11a

## **Section 1000 – Board Bylaws**

### 1550 Bylaw and Policy Adoption

1550

The Board shall adopt new bylaws and policies and delete or modify existing bylaws and policies as the need arises. The Board, for compliance with Board policy, may review all rules and regulations found in handbooks for students, teachers or other employees and supplements.

The Board shall make adoption and/or amendments to bylaws, policies, rules, and regulations of the Board after two readings. However, the bylaws, policies, rules, and regulations of the Board may be amended at any regular, special, or adjourned meeting of the Board by a majority vote of the members elected to, appointed, and serving on the Board.

A recommendation by an individual or group of citizens to adopt or amend any bylaw, policy, or rule may be submitted at any time to the Superintendent or Board President. The Board may consider such requests at the next regular Board meeting. Final action on any such recommendation may take place at the next regular meeting of the Board unless an emergency is declared whereby final action may be taken immediately.

### Policy Dissemination

The Superintendent shall be responsible for devising a procedure to ensure that those persons having copies of the Board policy manual receive changes in Board bylaws and policy and the policies that have been amended or deleted are removed from such policy manuals. Every attendance center shall have a current copy of the policy manual either in “hard copy” or in electronic format that shall be kept in the office of the Principal or the Superintendent. At least one “hard copy” of the Board policy manual shall be kept in the central business office. Each Board member shall be furnished a copy of the policy manual in either “hard copy” or electronic format, and the Superintendent may designate which administrators shall be furnished with copies of said policy manual.

## **Section 1000 – Board Bylaws**

1550 Bylaw and Policy Adoption

1550-2

The Board Secretary shall keep a ten-year running historical set of Board bylaws and policies that shall reflect all revisions, amendments or other such actions pertaining to every bylaw, policy, and rule.

### Policy Review

The Board shall oversee and review its policies and rules as the needs arise.

Approved: April 17, 2017

LEGAL REF: MCL 380.11a

## **Section 1000 – Board Bylaws**

### **1570 Review of Administrative Regulations**

1570

All rules/regulations or procedures developed pursuant to the Board's policies shall conform to the intent of the policies. When such documents are revised, the Board will be informed of same by the Superintendent and thereby given the opportunity to review for alignment with Board policy. The Board shall not normally approve or adopt administrative rules/regulations or procedures except in those instances in which the Superintendent or legal counsel believe such formal adoption shall be necessary or desirable because of potential litigation, public attitudes, or possible student or staff reaction. The Board gives the Superintendent authority to develop and implement all necessary rules/regulations or procedures authorized by Board policy or state statute. All rules/regulations or procedures shall be published in the appropriate staff and student handbooks.

The Superintendent shall keep the Board informed of any rules/regulations or procedures developed to implement Board policy and shall periodically present them to the Board for review. The Board may veto any administrative rule/regulation or procedure when, in the judgment of the Board, they are inconsistent with Board policy or Board intent.

Rules/Regulations or procedures may be issued directly by the Superintendent without adoption of Board policy, so long as said rules and regulations are consistent with existing Board policy.

Rules/Regulations or procedures issued to implement Board policy shall be made a part of the policy manual and copies shall be provided to all holders of Board policy manuals. Staff, students and patrons of the District shall be informed of any rules/regulations or procedures affecting them as individuals or as a group.

Approved: April 17, 2017  
LEGAL REF: MCL 380.11a

## **Section 1000 – Board Bylaws**

1575 Administration in Absence of Policy or Administrative Regulations 1575

When action must be taken and no Board Policy or Administrative Regulations exist, the Superintendent shall have the power to act according to his/her best professional judgment. Such action may be subject to review by the Board at its next regular meeting. It shall be the duty of the Superintendent to notify the Board of such action, at the time of occurrence and to advise the Board for needed policy or regulation.

Approved: April 17, 2017

LEGAL REF: MCL 380.11a

## **Section 1000 – Board Bylaws**

1600 Board Records

1600

The Board shall keep such Board records as shall be legally required and necessary for the understanding of their actions. In addition to records that are required to be kept by law, the Superintendent shall be responsible for the designing and keeping of such other records as are necessary for the efficient operation of the District.

The Board recognizes the need for its records to be stored as a blend of printed, bound and electronically recorded (i.e., audio tape, video tape, microfiche, computer disk) material. The securing, cataloging and storing of all records shall be the responsibility of the Secretary, with assistance from the Superintendent.

Approved: April 17, 2017

LEGAL REF: MCL 380.11a; 380.1202, 380.1204a

## **Section 1000 – Board Bylaws**

1650 Board Memberships

1650

The Board, annually, shall consider memberships in the County School Boards Association and the Michigan Association of School Boards. Through membership in MASB, the Board is an indirect member of the National School Boards Association. The board and its members shall actively participate in the activities of these organizations insofar as possible.

The Board has authorized membership in the MASB Legal Trust Fund and shall annually consider continued membership in said fund by approving payment of annual dues as determined by the MASB Board of Directors.

When recommended by the Superintendent and approved by the Board, the Board may maintain memberships in other educational associations or organizations through which the District may derive benefits.

Dues and membership fees to local, state and national educational organizations shall be budgeted for and provided at the discretion of the Board and consistent with any contracted obligations. Materials and other benefits of institutional memberships shall be distributed and used to the best advantage of the District.

Approved: April 17, 2017  
LEGAL REF: MCL 380.11a

## **Section 1000 – Board Bylaws**

### **1750 Board Self-Assessment/Evaluation**

1750

The primary purpose for Board self-assessment/evaluation is for the improvement of Board member leadership. In evaluating the Board's functions and roles, the Board may focus attention to the following:

1. The Board shall assess the needs of the District's students, establish priorities, and allocate the personnel and financial resources to meet the students' needs,
2. The Board shall know the standards against which they will evaluate themselves and be involved in the development of those standards,
3. Evaluation shall be at a scheduled time and place with no other items on the agenda,
4. The evaluation should be a composite of the individual Board members' opinions,
5. The evaluation should include a discussion of strengths and weaknesses, and
6. The Board should be free to comment on any area related to its function of directing the District.

The Board and Superintendent may cooperatively develop an evaluation plan that annually evaluates the various aspects of the Board's functions, duties, and roles.

Approved: April 17, 2017  
LEGAL REF: MCL 380.11a

## Section 1000 – Board Bylaws

### 1900 Board Member Disclosure Obligations; Conflicts of Interest

1900

1. Except for contracts specified in Section 5, below, a Board member shall comply with the disclosure provisions of Section 2 of this policy in contracts where:
  - a. The Board member is a direct party to any contract between himself/herself and the School District, or
  - b. The Board member, directly or indirectly, solicits, negotiates, re-negotiates, represents a party to, or is an indirect party to, any contract with the school District, and
    - i. Any firm, meaning a co-partnership or other unincorporated association, or in which he/she is a partner, member, or employee,
    - ii. Any private corporation in which he/she is a stockholder owning more than 1% of the total outstanding stock of any class if the stock is not listed on a stock exchange, or stock with a present total market value in excess of \$25,000.00 if the stock is listed on a stock exchange or of which he/she is a Director, officer, or employee, or
    - iii. Any trust of which he/she is a beneficiary or trustee.
  - c. With regards to any contract described in this section, a Board member shall not:
    - i. Take part in the negotiations, (renegotiations or amendment of the contract), or in the ratification of the contract; or
    - ii. Represent either party in the transaction.
2. A Board member shall promptly disclose any pecuniary interest in the contract to the Board of Education, which disclosure shall be a matter of record in its official proceedings. This disclosure shall be made in the following ways:
  - a. If the contract is for emergency repairs of services, the Board member must promptly disclose any pecuniary interest in the contract which disclosure shall be made a matter of record in the Board's official proceedings.

## Section 1000 – Board Bylaws

### 1900 Contracts and Board Member Disclosure Obligations

1900-2

- b. If the Board member will directly benefit from a school District contract in an amount less than \$250.00 and less than 5% of the public cost of the contract, the Board member must disclose his/her pecuniary interest in the contract by filing a sworn affidavit with the school Board.
  - c. If the Board member will benefit by \$250.00 or more, or 5% or more of the public cost of the contract, his/her pecuniary interest must be disclosed in one of two ways:
    - i. By notifying, in writing, the President of the Board of his/her interest at least seven (7) calendar days before the meeting at which a decision regarding the contract will be made. If the President of the Board is the individual with the conflict of interest, disclosure must be made to the Secretary of the Board. The disclosure shall be made public in the same manner as in public meeting notice, or
    - ii. By disclosing his/her interest in the contract at a Board meeting. Under this option, the Board may not vote on the relevant contract until at least seven (7) calendar days after the meeting at which the disclosure was made.
  - d. If the Board member's pecuniary interest in the contract exceeds \$5,000.00, the Board member must disclose his/her interest in the contract at a Board meeting, and the Board may not vote in the relevant contract until at least seven (7) calendar days after the meeting at which the disclosure was made.
3. Except as provided in Section 4 below, the contract must be approved by a vote of not less than 2/3rds of the full membership of the Board of Education in open session without the vote of the Board member making disclosure specified in Section 2. The Board of Education must disclose the following summary information in its official minutes:
- a. The name of each party involved in the contract,

## Section 1000 – Board Bylaws

### 1900 Contracts and Board Member Disclosure Obligations

1900-3

- b. The terms of the contract, including duration, financial consideration between parties, facilities or services of the school District included in the contract, and the nature and degree of assignment of employee of the school District for fulfillment of the contract, and
    - c. The nature of the pecuniary interest.
4. If 2/3rds of the members of the Board are not eligible under this policy to vote on a contract or to constitute a quorum, a member may be counted for purposes of a quorum and may vote on the contract if the member will directly benefit from the contract in an amount less than \$250.00 and less than 5% of the public cost of the contract and the member files a sworn affidavit to that effect with the official body. The affidavit shall be made part of the public record of the official proceedings.
5. This policy shall not apply to:
  - a. Contracts between the school District and another public entity,
  - b. Contracts awarded to the lowest qualified bidder, other than a Board member, upon receipt of sealed bids pursuant to a published notice therefore provided such notice does not bar, except as authorized by law, any qualified person, firm, corporation or trust from bidding. Amendments or re-negotiations of a contract or additional payment there under which were not authorized by the contract at the time of award are not excluded from the requirements of Sections 2 through 4 above, and
  - c. Contracts for public utility services where the rates therefore are regulated by the state or federal government.

Approved: April 17, 2017  
LEGAL REF: MCL 15.321, *et seq*

## **Section 1000 – Board Bylaws**

### 1950 Board Member Conflicts of Interest, Ethics and Responsibilities

1950

The objectives of this bylaw are to maintain an impartial administration of the business of the school District and to maintain public confidence in the Board of Education.

No member of the Board of Education shall engage in, or be a party to, any of the following activities:

1. Representing his/her opinion as that of the Board of Education or making commitments on behalf of the school District or the Board unless that person has been specifically designated to do so by official Board action. The Board shall make the staff and citizens aware that only the Board, not individual members, has the right to take official action for the District. Board members may be contacted for discussion of District business or for complaints. The Board member may listen but shall not make a commitment on behalf of the Board. The individual Board member does not and cannot, speak for the Board or the Superintendent.
2. Placing him/herself in situations where prejudice, bias, favoritism or personal gain is a motivating force in his/her conduct.
3. Disclosing or releasing confidential information, not otherwise available to members of the public, in advance of the time prescribed for the release; provided however, that this provision shall not prevent a Board of Education member from divulging or releasing confidential information regarding suspected violations of law.
4. Benefiting financially from confidential information obtained due to the member's position on the Board of Education.
5. Using personnel resources, property, or funds of the school District, except in accordance with prescribed constitutional, statutory, and regulatory procedures, and in accordance with good business procedures and not for personal gain or benefit.

## **Section 1000 – Board Bylaws**

### 1950 Board Member Conflict of Interest, Ethics and Responsibilities

1950-2

6. Soliciting or accepting a gift or loan of money, goods, services or other things of value, which tends to influence the manner in which the Board of Education member performs his/her official duties.
7. Becoming employed by the school District or receiving any compensation for services rendered, except compensation for attending meetings as permitted by law.
8. Endorsing any organizations, institutions, instructional books or materials, political candidates, etc., on behalf of the District or the Board without the express approval of the full Board.

Board Members shall:

1. Attend all scheduled Board meetings insofar as possible and become informed concerning the issues to be discussed at Board meetings,
2. Take no action that will compromise the Board or the District's staff and respect the confidentiality of information that is privileged under applicable law,
3. Make policy only after full discussion of the issues at publicly held Board meetings,
4. Encourage the free expression of opinion by all Board members and seek systematic communications between the Board, students, staff, and all elements of the community,
5. Work with other Board members to establish effective policy and to delegate authority for the administration of the schools to the Superintendent,
6. Communicate to other Board members and the Superintendent public reaction to Board policy and District programs,
7. Become informed about current educational issues by individual study and through participation in programs providing needed information, such as those sponsored by the state and national School Boards Associations, and

## **Section 1000 – Board Bylaws**

1950 Board Member Conflict of Interest, Ethics and Responsibilities

1950-3

8. Support the employment of those people best qualified to serve as District staff and insist on a regular, impartial evaluation of all staff.

### Board Member Responsibilities

The Board shall transact all business at legally called and noticed meetings.

If a specific complaint needs attention, the Board member shall explain to the complainant the District's chain of command for handling complaints or refer the complaint to the Superintendent. The Board member also shall inform the complainant about the process for bringing items to the Board through the Board's agenda or through the public participation portion of the Board meeting.

### Employment of Former Board Members

No former Board of Education member shall become employed as a regular employee, contracted worker, independent contractor, or sub contractor by the school District until that individual has been out of office for at least one (1) full year from the date of official separation from office.

Approved: April 17, 2017

LEGAL REF: OAG, 1985-1986, No 6368, p 296 (June 5, 1986); OAG, 1989-1990, No 6642, p 274 (January 2, 1990); OAG, 1991-1992, No 6728, p 172 (August 26, 1992)

## **Section 2000 – General School Administration**

1951 Board Member Conflict of Interest, Financial Transactions or Contracts; Prohibited from Voting

1951

If a Board member believes or has reason to believe that he or she has a conflict of interest with regard to a contract or other financial transaction that requires the approval of the Board he or she shall abstain from voting on the contract or other financial transaction and shall disclose the specific conflict of interest. A Board member is presumed to have a conflict of interest if the member or his or her family member has a financial interest, or a competing financial interest, in the contract or other financial transaction or is an employee of the school district.

If a Board member has a child who attends the school district, that relationship alone does not constitute a conflict of interest or financial interest in a contract or other financial transaction of the school district.

An individual is not considered to have a financial interest in any of the following instances:

(a) A contract or other financial transaction between the school district and any of the following:

(i) A corporation in which the individual is a stockholder owning 1% or less of the total stock outstanding in any class if the stock is not listed on a stock exchange or owning stock that has a present market value of \$25,000.00 or less if the stock is listed on a stock exchange.

(ii) A corporation in which a trust, if the individual is a beneficiary under the trust, owns 1% or less of the total stock outstanding in any class if the stock is not listed on a stock exchange or owns stock that has a present market value of \$25,000.00 or less if the stock is listed on a stock exchange.

## Section 2000 – General School Administration

1951 Board Member Conflict of Interest, Financial Transactions or Contracts; Prohibited from Voting

1951-1

- (iii) A professional limited liability company organized under Michigan law if the individual is an employee but not a member of the company.
- (b) A contract or other financial transaction between the school district and any of the following:
- (i) A corporation in which the individual is not a director, officer or employee.
- (ii) A firm, partnership, or other unincorporated association, in which the individual is not a partner, member, or employee.
- (iii) A corporation or firm that has an indebtedness owed to the individual.
- (c) A contract between an intermediate school district and a constituent district.
- (d) A contract awarded to the lowest qualified bidder, upon receipt of sealed bids pursuant to a published notice for bids if the notice does not bar, except as authorized by law, any qualified person, firm, corporation, or trust from bidding. This subdivision does not apply to amendments or renegotiations of a contract or to additional payments under the contract that were not authorized by the contract at the time of award.

If a majority of the Board members are required to abstain from voting on a contract or other financial transaction due to the operation of this Policy, then, notwithstanding any other provision of law or any bylaw, for the purposes of that contract or other financial transaction, the members who are not required to abstain constitute a quorum of the board and a majority of those members eligible to vote is required for approval of the question.

For the purposes of this policy, “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.

Approved: April 17, 2017

LEGAL REF: MCL 381.1203

**Battle Creek Public Schools**

**2000—GENERAL SCHOOL ADMINISTRATION**

2020	Administrative Organization
2030	District Authority
2100	School Superintendent
2110	Superintendent Qualifications
2120	Duties of the Superintendent <ul style="list-style-type: none"><li>Essential Duties</li><li>General Duties</li></ul>
2130	Superintendent Succession Planning and Recruitment (Cf. 5020)
2140	Superintendent Appointment
2150	Compensation and Benefits
2170	Professional Development Opportunities - Superintendent
2200	Consulting Activities (Cf. 5645)
2220	Residency Requirements <ul style="list-style-type: none"><li>Non-Compliance – Superintendent</li></ul>
2250	Superintendent Evaluation
2270	Resolution Regarding Employee Resignations
2400	Administrative Personnel (Central Office and Building Level) SN <u>For school management and supervisory personnel below District Superintendent level.</u> <ul style="list-style-type: none"><li>Compensation Guides and Contracts</li><li>Qualifications and Duties</li><li>Recruitment and Selection of Administrators</li><li>Assignment</li><li>Orientation</li><li>Supervision</li><li>Time Schedules</li><li>Temporary Administrators</li><li>Personnel</li><li>Travel Expense</li></ul>
2430	Administrative Evaluation (Cf. 2250, 5520)
2450	Non-Discrimination and Complaint Procedure (Cf. 5030, 8015)
2550	Handbooks and Other Publications
2560	Consultants (Cf. 1220)
2590	Professional Development Opportunities - Administrators (Cf. 2170, 5190)
2700	Policy Implementation
2750	Administrative Rules (Cf. 1570) <ul style="list-style-type: none"><li>Staff Involvement</li><li>Community Involvement</li><li>Student Involvement</li><li>Rules Implementation</li><li>Rules Dissemination</li><li>Administration in Policy Absence</li></ul>
2760	Indemnification - Board Members and Others

- 2780 Administration of Medication by School Personnel (Cf. 8670)
  - Self-Administration/Self-Possession of Medications
  - Diabetic Emergencies
  - Management of Students with Asthma in the School Setting
  - Exercise Induced Asthma Attacks
  - School Staff Training
  - Storage and Access to Medications
  - Record Keeping of Medications
- 2790 School Safety Information Policy Implementation
  - Incidents to be Reported
  - Michigan Statewide Unsafe School Choice Policy
  - Community Meetings
- 2800 Records
- 2810 Public Review and Inspection of Records
  - Fees
  - Appeals
- 2850 Reports
  - Types
  - Dissemination

## **Section 2000 – General School Administration**

2020 Administrative Organization

2020

The legal authority of the Board shall be transmitted through the Superintendent to other positions through an approved organizational structure.

The Superintendent shall be responsible for keeping the administrative structure of the District up-to-date as to the goals, curricula, instructional arrangements, and services change, and shall recommend revisions in the structure to the Board.

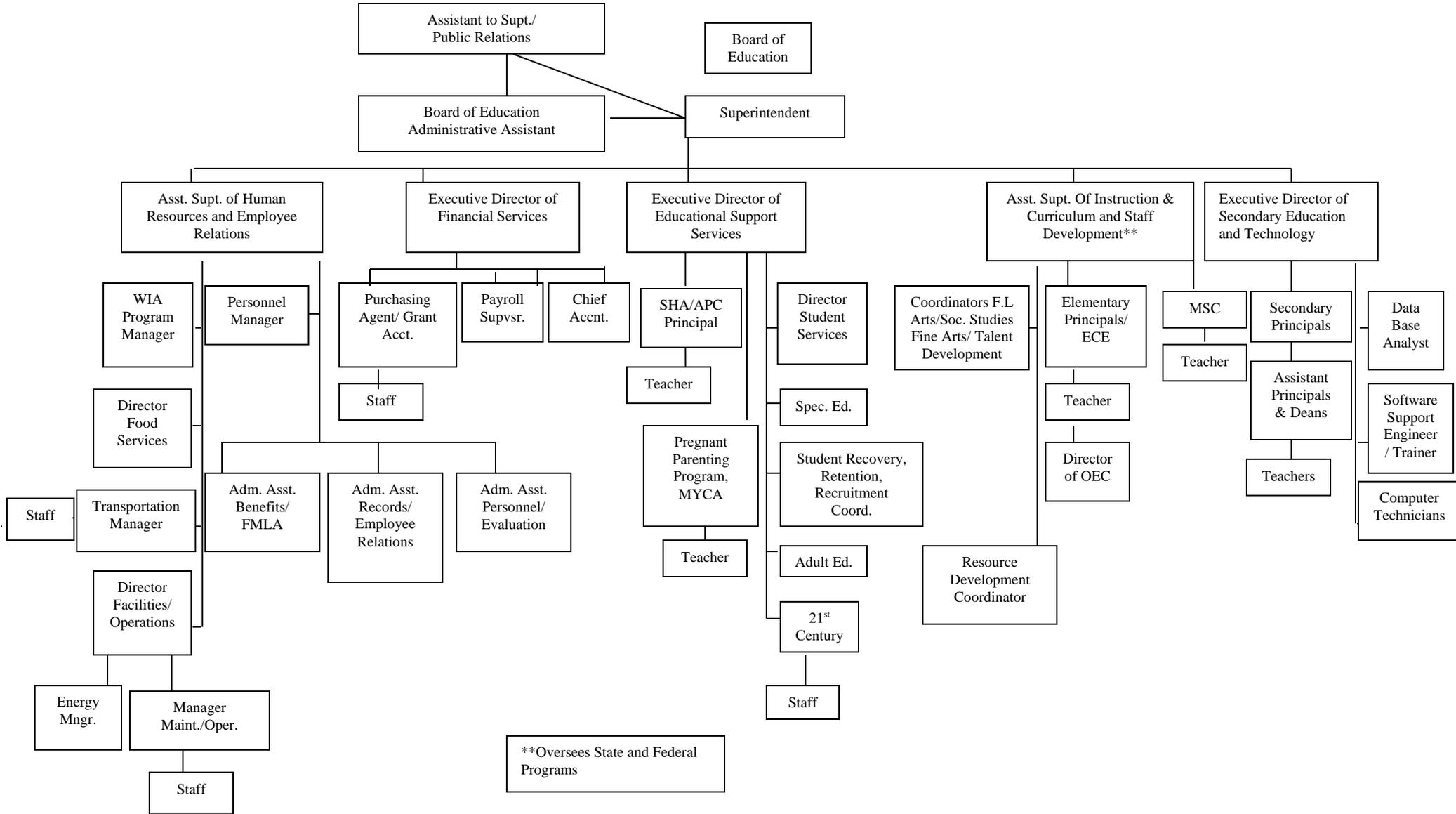
The Superintendent may reorganize lines of authority and revise the organizational chart subject to Board approval.

Approved: August 17, 2009

**Section 2000 – General School Administration**

2020-R Administrative Organization

2020-R



## **Section 2000 – General School Administration**

2030 District Authority

2030

The Board recognizes that many of the subject topics found in this policy manual may be subject to negotiations under the Michigan Public Employment Relations Act. It is not the intent of the Board to, in any way, circumvent the negotiations process, but, rather, to establish direction and general and long-range operational procedures for the care and custody, establishment, maintenance, management and carrying on of the public schools and property of the District as authorized under current law.

Whenever the word “Superintendent” or “Principal” appears in these policies and rules, the words “or designated representative” shall be assumed to follow. The delegation of authority of administrative actions does not relieve the Superintendent of the responsibility of the actions of such designated representatives.

Approved: August 17, 2009

LEGAL REF: MCL 380.11a

## **Section 2000 – General School Administration**

2100 School Superintendent

2100

The Superintendent shall be the chief administrative head of the District and shall have, under the direction of the Board, general supervision of all of the public schools and of all the personnel and various personnel departments of the District. The Superintendent is responsible for the management of the schools under Board policies and is accountable to the Board.

The Superintendent, at his/her discretion, may delegate to other school personnel the exercise of any powers and the discharge of any duties imposed upon the Superintendent by these policies or by vote of the Board. The delegation of power or duty, however, shall not relieve the Superintendent of responsibility for the action taken under such delegation.

Approved: August 17, 2009

## Section 2000 – General School Administration

2110 Superintendent Qualifications

2110

The Superintendent should have:

- Earned at least a Master's Degree from an approved institution of learning with graduate study in educational administration (although a Doctoral Degree is not required, work toward the degree is considered desirable),
- Acquired at least three years of successful experience in teaching and in the administration of schools,
- Established him/herself as an educational leader in the profession through active participation in a variety of areas, and
- Be knowledgeable in the use of educational technology, both at the personal and professional levels, and shall present evidence of being a technology leader in education.

Approved: August 17, 2009

LEGAL REF: MCL 380.1246

## Section 2000 – General School Administration

### 2120 Duties of the Superintendent

2120

#### Essential Duties

The essential duties and responsibilities of the Superintendent shall be to:

1. Serve as administrative head of the entire District and chief executive officer of the Board, in charge of both educational and business functions,
2. Attend all meetings of the Board, unless excused by the President of the Board, and keep the Board continually informed on the progress and condition of the schools,
3. Carry out policies, rules, and directives of the Board,
4. Initiate matters of educational policy and to make definite recommendations thereon,
5. Recommend the number and types of positions required to provide proper personnel for the operation of education programs,
6. Nominate for appointment, assignment, transfer, or termination and to define the duties of all personnel, subject to approval of the Board,
7. Recommend, in writing, the teachers necessary for the schools,
8. Suspend a teacher or administrator for cause until the Board may consider the suspension, and
9. Keep the Board informed fully (pro/con) when proposing new or revised policies or making recommendations regarding District needs.

#### General Duties

The general duties of the Superintendent shall be to:

1. Administer the development and maintenance of a positive educational program designed to meet the needs of the community, to keep abreast of the best educational developments and to advise regarding changes in programs,
2. Supervise the preparation of the annual budget and to recommend it to the Board for consideration,

## Section 2000 – General School Administration

### 2120 Duties of the Superintendent

2120-2

3. Advise and recommend in matters of business administration; to pass upon all proper requests for equipment and supplies, to point out possible economies and to supervise activities of the District,
4. Conduct a continuous study of the development and needs of the schools and to keep the public adequately informed concerning his/her findings,
5. Assure that District finances are credited with interest earned by tax money on deposit with the county Treasurer by executing written agreement with the county Treasurer,
6. Put into practice the educational policies of the Board,
7. Supervise and direct the work of the teachers and other employees of the Board,
8. Classify and control the promotion of students,
9. Recommend to the Board the best methods of arranging the courses of study,
10. Recommend to the Board the proper textbooks to be used,
11. Make written reports to the Board,
12. Make written reports to the state,
13. Assist the Board in matters pertaining to the general welfare of the District,
14. Participate in community activities and events as a representative of the District,  
and
15. Perform other duties and discharge other responsibilities as the Board might direct that are pertinent and appropriate to the operation of the District.

Approved: August 17, 2009

LEGAL REF: MCL 380.653; 380.654; 380.1229; 380.1246

## **Section 2000 – General School Administration**

2130 Superintendent Succession Planning and Recruitment (Cf. 5020)

2130

The Board is committed to maintain a state of readiness for the eventuality of a planned or unplanned change of the District's executive leadership. To that end, it is the policy of the Board of Education to establish and maintain a succession plan to ensure the orderly transition of leadership and the achievement of the District's mission and goals.

In addition, it is the policy of this Board to assess the future leadership needs of the organization periodically. This will help to ensure continuity of leadership by the selection of a qualified and capable leader who is a good fit for the District's culture as reflected by its mission, vision, goals, and objectives.

When a vacancy in the Superintendency occurs, the Board shall aggressively recruit, or hire the Michigan Association of School Boards or other consultant, in an effort to fill the position with the most capable person available. The Board shall consider only those candidates who meet both state and local qualifications and who display the ability to carry out the duties of the Superintendent successfully.

The Board shall solicit applications from qualified members of the staff and may list the vacancy with placement offices at selected educational institutions in Michigan and in neighboring states.

Applications for the Superintendency shall be screened in accordance with the law, and those candidates who appear to be most promising shall be interviewed.

Approved: August 17, 2009  
LEGAL REF: MCL 380.1246

## **Section 2000 – General School Administration**

### 2140 Superintendent Appointment

2140

All contract offers of employment to, or continued employment of, the Superintendent shall be made by the Board contingent upon review of the contract by the Board's legal counsel and subject to final approval by the Board.

The Superintendent will be offered a written contract not to exceed the number of years allowable by law. The Board shall not award tenure to the Superintendent in said position or in any other administrative position in the District.

The Superintendent's contract shall be considered for renewal at a meeting prior to the April Board meeting. It is the responsibility of the Board President to see that the Superintendent's contract is properly executed and signed. A copy of the contract shall be on file at the Board office. The contract shall contain a provision excluding the Superintendent from attaining tenure in the administrative position.

Approved: August 17, 2009

LEGAL REF: MCL 15.268(8f); 38.91; 380.1229; 380.1246

## **Section 2000 – General School Administration**

2150 Compensation and Benefits

2150

Compensation and benefits of the Superintendent shall be determined annually by the Board and will be based on the Superintendent's performance in relation to his/her ability to carry out the mission, goals, policies, and budget of the District.

Approved: August 17, 2009

LEGAL REF: MCL 380.1250

## **Section 2000 – General School Administration**

2170 Professional Development Opportunities - Superintendent

2170

The Board shall offer the Superintendent encouragement and assistance for his/her professional development. The Board shall encourage him/her to attend educational conferences, seminars, workshops and other professional meetings, visit other school systems, and use other means to keep abreast of modern educational thought and practice.

Approved: August 17, 2009

LEGAL REF: MCL 380.1246(2); 380.1254; 380.1525; OAG, 1979-1980, No 5272, p 365 (February 24, 1978)

## **Section 2000 – General School Administration**

2170-R Professional Development Opportunities - Superintendent

2170-R

The annual budget shall provide an allocation for the Superintendent's attendance at educational meetings. The Superintendent shall be authorized to attend those conferences, workshops, and seminars, which in his/her judgment shall be of greatest value to the District within the limitations provided in the budget and/or limitations specifically placed on such attendance by the Board.

The Superintendent shall annually report to the Board, as nearly as possible, the meetings he/she plans to attend and shall notify the Board President when attendance at such meetings will cause him/her to be absent from the District for more than a day.

## **Section 2000 – General School Administration**

2200 Consulting Activities (Cf. 5645)

2200

The Superintendent shall devote his/her time, skill, labor, and attention to the direction and supervision of the District. However, by agreement with the Board, the Superintendent may undertake, for remuneration, consultative work, speaking engagements, writing, lecturing, membership, and office in educational organizations, or other professional duties and obligations.

Approved: August 17, 2009

## **Section 2000 – General School Administration**

### 2220 Residency Requirements

2220

The Board prefers to hire a Superintendent who resides, or will commit to reside, within a 20-mile radius of the District boundaries, subject to state law. Said preference will be noted during the recruitment and selection process for a Superintendent.

When a non-resident is selected as the Superintendent, it shall be a negotiated condition of the contract offered that he/she shall have 365 days from the beginning of the contracted date of employment to establish residency within a 20 mile radius of the District boundaries subject to state law.

#### Non-Compliance - Superintendent

A non-resident Superintendent, either newly appointed or promoted, unless specifically exempted by law, who fails to take up residence within a 20 mile radius of the District's boundaries within one year from the date of his or her appointment or, if an extension is granted, by the extended date, shall be terminated at the end of the first school year in which statutory and other required notices of termination of employment can be timely given.

Approved: August 17, 2009  
LEGAL REF: MCL 15.601 *et seq.*

## **Section 2000 – General School Administration**

### **2250 Superintendent Evaluation**

2250

The Board shall evaluate the Superintendent, at least annually, using the criteria and an evaluation process mutually agreed upon by the Board and Superintendent. If mutual agreement cannot be reached, the Board shall proceed with the Superintendent's evaluation using criteria that includes the District's attainment of the goals adopted by the Board, the Superintendent's completion of personal job goals that have been established, the manner in which day-to-day operations of the District are handled, Board-Superintendent relations, staff and community relations, and the degree to which the Superintendent fulfills the responsibilities set forth in the job description and duties for that position. The criteria and process adopted by the Board should be communicated in advance to the Superintendent.

An appraisal instrument may be used by the Superintendent as a self-evaluation instrument prior to the Board's summary evaluation. Such self-evaluation can be presented to the Board by the Superintendent at an evaluation meeting held as allowed under current law.

Prior to the summary evaluation meeting, individual Board members shall complete their evaluation of the Superintendent. The Board and Superintendent may meet in closed session, at the option of the Superintendent, for the summary evaluation. The Superintendent shall have an opportunity to respond to the Board's summary evaluation either orally or in writing at the Superintendent's discretion.

After the Superintendent's summary evaluation has been prepared by the Board, the Board shall adopt, by vote, the summary evaluation at an open meeting. After the Board's adoption, the Superintendent's summary evaluation shall be made available as provided under current law.

## Section 2000 – General School Administration

2250 Superintendent Evaluation

2250-2

The Superintendent's summary evaluation and any rebuttal thereto shall be retained in the Superintendent's personnel file as a matter of record.

The evaluation procedure shall be on file at the District office.

Approved: August 17, 2009

LEGAL REF: MCL 15.268; 15.243(1) (m); OAG, 1977-1978, No 5262, p 338 (January 31, 1978); OAG, 1979-1980, No 5608, p 496 (December 17, 1979); OAG 1981-1982, No 6091, p711 (August 18, 1982); OAG, 1989-1990, No 6668, p 409 (November 28, 1990)

## **Section 2000 – General School Administration**

2270 Resolution Regarding Employee Resignations

2270

The Board authorizes and directs the Superintendent, and his/her designee(s), to accept all employee resignations on behalf of the District. Those persons, whom the Superintendent may wish to designate as being authorized to accept resignations, shall be so notified in writing by the Superintendent. Upon acceptance, resignations shall be irrevocable. The Superintendent shall inform the Board of any resignations on a monthly basis.

Approved: August 17, 2009

LEGAL REF: MCL 38.111; 380.1131; 380.1231

## **Section 2000 – General School Administration**

2400 Administrative Personnel (Central Office and Building Level)

2400

The Board shall employ such administrative personnel, as the needs of the District require.

### Compensation Guides and Contracts

All administrative personnel shall be compensated for their services in conformity with an administrative salary as determined by the Board.

### Qualifications and Duties

The Superintendent shall develop appropriate job descriptions for each administrative position in the District. Such documents shall be filed in the central office.

### Recruitment and Selection of Administrators

The Board delegates to the Superintendent the authority to identify and recommend the appointment of qualified individuals to fill vacant administrative positions. Unless the Board can establish that the Superintendent has violated law, the policies of the Board, or the provisions of an applicable collective bargaining agreement in the selection of administrative candidates recommended for a contract, the Board should approve the Superintendent's recommendations. Members of the Board shall not involve themselves, either personally or as a collective body, in the recruitment, interviewing, or selection process for any administrative position to be filled in the District other than the position of Superintendent of Schools.

### Assignment

Assignment of administrative personnel shall be recommended by the Superintendent subject to review of the Board. Should a majority of the Board decide to override the decisions or recommendations of the Superintendent regarding administrative assignments within the District, the reasons therefore shall be transmitted to the Superintendent in writing.

## **Section 2000 – General School Administration**

2400 Administrative Personnel (Central Office and Building Level)

2400-2

### Orientation

The Superintendent shall conduct an appropriate administrative orientation program designed to acquaint such personnel with the District, Board policies, duties and responsibilities and other such activities as time and the needs of the District require.

### Supervision

The Superintendent shall be responsible for the supervision of all administrative personnel.

### Time Schedules

Administrative time schedules and workloads will be dictated by the terms of the employment contract and by assigned responsibilities.

### Temporary Administrators

The Superintendent and building Principals shall designate a staff member to serve as chief administrator of the District or building in his/her absence.

### Personnel

The administrative staff shall fill only those positions authorized by the Board.

### Travel Expense

Travel expense for administrative staff shall be provided in accordance with 3600.

Approved: August 17, 2009  
LEGAL REF: MCL 38.91

## **Section 2000 – General School Administration**

2400-R Administrative Personnel (Central Office and Building Level)

2400-R

### Recruitment and Screening

All administrative applicants will be screened initially by the Superintendent who may use other staff members to assist him/her, and who shall then make recommendations to the Board.

Board members will not participate, normally, in the recruitment or screening of administrative candidates. However, upon motion and majority vote of the Board, a number of Board members amounting to one less than a simple majority of the Board may be appointed by the Board to participate in the interview and screening process for new teachers and administrators being considered for employment in the District.

At the discretion of the Superintendent, all or part of the expenses incurred by candidates who are interviewed for an administrative position may be paid by the District.

The District shall endeavor to conduct interviews on a school day so that a candidate may visit the schools of the District while they are in session.

### Compensation Guides and Contracts

Administrative contracts will be reviewed each March. The term of each administrative contract will be determined by the Board in accord with law.

## **Section 2000 – General School Administration**

2430 Administrative Evaluation (Cf. 2250, 5520)

2430

All administrative personnel shall be evaluated in writing annually by the Superintendent. Board discussion of an administrator's evaluation can be held in either a closed or open Board meeting as decided by the administrator. The administrator's evaluation shall be made available to those authorized by law when so requested.

Approved: August 17, 2009

LEGAL REF: MCL 15.231-244; 15.268; 380.1229

## Section 2000 – General School Administration

2450 Non-Discrimination and Complaint Procedure (Cf. 5030, 8015)

2450

The District will not discriminate against any person based on sex, race, color, national origin, religion, height, weight, marital status, handicap, age, sexual orientation, gender identify, gender expression or disability. The Board reaffirms its long-standing policy of compliance with all applicable federal and state laws and regulations prohibiting discrimination including, but not limited to, Titles VI and VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d. et seq.; and 42 U.S.C. §§ 2000e, et seq.; Title IX of the Educational Amendments of 1972, 20 U.S.C. §§ 1681, et seq.; Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794; The Americans With Disabilities Act of 1990, 42 U.S.C. §§ 1210, et seq.; The Persons with Disabilities Civil Rights Act, MCL §§ 37.1101, et seq.; and The Elliott-Larsen Civil Rights Act, MCL §§ 37.2101, et seq.

The administrator in charge of Special Education is appointed the Civil Rights Coordinator regarding complaints of disability/handicap discrimination involving educational services, programs and activities. The Administrator in charge of Instruction is appointed the Civil Rights Coordinator regarding discrimination complaints made by students (grades Pre-K through 12) and/or their parent(s)/guardian(s), and involving sex, race, color, national origin, religion, height, weight, age, or marital status. The Administrator in charge of Human Resources is appointed the Civil Rights Coordinator regarding all other complaints of discrimination. In the event the complaint is against the Superintendent of Schools, the Vice-President of the Board of Education is appointed the Civil Rights Coordinator.

Inquiries or complaints by students and/or their parent(s)/guardian(s) related to discrimination based on disability/handicap should be directed to:

The Administrator in Charge of Special Education  
Battle Creek Public Schools  
3 Van Buren St. W  
Battle Creek, MI 49017  
Phone: 269-965-9500

Approved: August 17, 2009  
LEGAL REF: Included in Text  
Revised: January 27, 2020

**Battle Creek Public Schools**

## **Section 2000 – General School Administration**

2450 Non-Discrimination and Complaint Procedure (Cf. 5030, 8015) 2450-2

Inquiries or complaints made by students (grades Pre-K through 12) and/or their parent(s)/guardian(s) related to discrimination based on sex, race, color, national origin, religion, height, weight, age, or marital status should be directed to:

Administrator in charge of Instruction  
Battle Creek Public Schools  
3 Van Buren St. W  
Battle Creek, MI 49017  
Phone: 269-965-9500

In the event a complaint is against the Superintendent of Schools, the complaint should be directed to:

Vice-President of the Board of Education  
Battle Creek Public Schools  
3 Van Buren St. W  
Battle Creek, MI 49017  
Phone: 269-965-9500

All other inquiries related to discrimination should be directed to:

Administrator in charge of Human Resources  
Battle Creek Public Schools  
3 Van Buren St. W  
Battle Creek, MI 49017  
Phone: 269-965-9500

The Civil Rights Coordinators, as specified herein, are designated to receive and resolve complaints from any person who believes that he/she may have been discriminated against in violation of this policy. Any person who believes he/she has been discriminated against in violation of this policy should file a written complaint with the Civil Rights Coordinator within ten (10) calendar days of the alleged violation. The Civil Rights Coordinator will take, then, the following action: First, cause an investigation of the complaint to be commenced. Second, arrange for a meeting to occur with the complainant, which may include school District staff who are knowledgeable of the facts and circumstances of the particular complaint or who have particular expertise that will assist in resolving the complaint.

**Battle Creek Public Schools**

## Section 2000 – General School Administration

2450 Non-Discrimination and Complaint Procedure (Cf. 5030, 8015) 2450-3

Third, complete the investigation of the complaint and provide, in writing, a reply to the complainant. If the Civil Rights Coordinator determines that a violation has occurred, he/she shall propose a fair resolution of the complaint and deliver the determination to the complainant and the Superintendent. In the event the complaint is against the Superintendent, a copy of the determination shall be delivered to the President of the Board of Education. The complainant may appeal the Civil Rights Coordinator's determination to the Superintendent, or, in the case of a complaint against the Superintendent, to the President of the Board, by so notifying the Superintendent or Board President in writing within the (10) calendar days of the Civil Rights Coordinator's determination. The Superintendent or Board President may conduct additional investigation of the facts and circumstances surrounding the complaint.

The Board Vice-President or President may elect to secure the services of an outside party to investigate the facts and circumstances surrounding any complaint against the Superintendent.

The Superintendent, or Board President in the case of a complaint against the Superintendent, shall affirm or reverse the Civil Rights Coordinator's decision and, if warranted, implement the Civil Rights Coordinator's proposed resolution or a modification thereof. The Superintendent or Board President's decision shall be final.

Upon completion of, or at any point in, the grievance process, complainants have the right to file a complaint with the Office for Civil Rights, US Department of Education, Washington, D.C. 20201. The complainant should first be directed to the following address:

Office for Civil Rights  
600 Superior Avenue, Suite 750  
Cleveland, OH 44114  
(216) 522-4970 phone  
(216) 522-2573 fax

Approved: August 17, 2009

**Battle Creek Public Schools**

**Section 2000 – General School Administration**

LEGAL REF: Included in Text

## **Section 2000 – General School Administration**

2550 Handbooks and Other Publications

2550

In order that pertinent Board policies and administrative rules/regulations or procedures are known by all staff members and students, District administrators and Principals are granted authority to develop and issue staff and student handbooks.

The Superintendent shall review all handbooks prior to publication to ensure that the contents conform completely to Board policy and current law. The Superintendent shall report to the Board that the review has taken place and what the findings were.

Approved: August 17, 2009

## **Section 2000 – General School Administration**

2560 Consultants (Cf. 1220)

2560

The administrative and supervisory staff of the District shall encourage the use of professional consultants and other resource persons when such consultative services will be helpful in the improvement of the educational program in the District within the budgetary restrictions. All compensated consultants shall be approved by the Board prior to the invitation and arrangement for visitation by such person or persons to the District except when such compensation is within the amount specifically budgeted.

Consultants shall exercise no administrative authority over the work of employees, but shall act only as advisors in those fields in which they are qualified to offer assistance and for which they are employed.

All consultants shall be hired based on a written contract.

Approved: August 17, 2009

## **Section 2000 – General School Administration**

2590 Professional Development Opportunities - Administrators  
(Cf. 2170, 5190, 5330)

2590

Administrators of the District shall make every effort to stay abreast of the latest developments in their respective fields. The Board may require or otherwise encourage administrators to attend summer sessions, conferences, workshops, or other activities, which will directly benefit the District's schools. Expenses of registration fees, Board and room, travel and other incidental expenses will be paid by the District to attend state, national and local meetings approved by the Superintendent in accordance with money budgeted for this purpose, to attend periodic in-service workshops sponsored by the District, to improve skills in personnel management, supervision and improvement of instruction, public relations and other aspects of school management.

Approved: August 17, 2009  
LEGAL REF: MCL 380.1525

## **Section 2000 – General School Administration**

2700 Policy Implementation

2700

The administrative staff shall carry out and enforce all policies duly adopted by the Board and all regulations of state authorities.

Failure of any administrative employee to implement the policies of the Board may result in suspension, demotion, probation, or other action in accordance with procedures set forth in these policies and rules.

Approved: August 17, 2009

## **Section 2000 – General School Administration**

2750 Administrative Rules (Cf. 1570)

2750

The Superintendent has the responsibility for developing required rules/regulations and procedures to carry out Board policies and to operate the District's schools. These rules/regulations and procedures shall constitute the administrative regulations governing the schools. The Superintendent shall inform the Board of new administrative rules or substantive changes in existing administrative rules.

There may be cases where the Superintendent requests that the Board officially approve/adopt administrative rules. In those instances where administrative rules have been approved/adopted by the Board, the rules shall be subject to a planned review by the Board and the District's administrative staff.

Should the Board feel that any administrative rule is unlawful, or does not reflect the policy intent of the Board, the Board may modify or reject the rule as the situation warrants.

### Staff Involvement

In the development of rules/regulations, procedures and arrangements for the operation of the District, the Superintendent shall include at the planning stage representatives of those employees who will be affected by such provisions.

The Superintendent shall develop procedures utilizing certified and non-certified employees for the ready exchange of ideas regarding the operation of the District. He/She shall carefully consider the advice given by employees especially that given by groups designated to represent large segments of the staff, and shall inform the Board of such counsel in presenting reports of administrative action and in presenting recommendations for Board action.

### Community Involvement

The Superintendent may involve District community members on committees or study groups whenever necessary and when participation of community members may materially aid in the solution of District problems or enhance the submission of recommendations of proposed Board action or District policy formulation.

## **Section 2000 – General School Administration**

2750 Administrative Rules (Cf. 1570)

2750-2

### Student Involvement

The Superintendent is encouraged to include students in the formulation of administrative rules affecting students.

### Rules Implementation

All suggestions for administrative rules/regulations or procedures that originate from the administrative staff must be approved by the Superintendent before put into practice or modified. All administrative rules/regulations or procedures recommended by the Superintendent shall be reviewed but need not be approved by the administrative staff before implementation.

### Rules Dissemination

Copies of administrative rules/regulations or procedures shall be given to those employees who play a role in enforcing the rules or who will be affected by the rule changes.

### Administration in Policy Absence

In cases of an emergency in which action must be taken within the District, where the Board has provided no guides for administrative action, the Superintendent shall have the power to act, but his/her decisions shall be subject to review by the Board at the next Board meeting. It shall be the duty of the Superintendent to inform the Board promptly of such action and of any need for policy.

Approved: August 17, 2009  
LEGAL REF: MCL 380.11a

## Section 2000 – General School Administration

2750-R Administrative Rules (Cf. 1570)

2750-R

No administrative rule shall be in conflict with Board policy.

### Rules Drafting

All proposed rules/regulations or procedures may be submitted to the Board's attorney for a legal interpretation before being submitted to the Board for review.

### Staff Involvement

The Superintendent and Principals may appoint committees for such functions as are not being performed by existing groups or persons at their own discretion.

Each staff or community committee shall act in an advisory capacity to the administrative officer responsible for the area in which the committee was designated to operate. All committees shall terminate no later than one year after their establishment unless re-established by the Board or the administration.

### Student Involvement

The use of student input in the formation of policies and rules shall be restricted to areas pertaining to attendance center administration, to the extent desirable by the school District's administration. Students may be appointed to work on committees.

### Administration in Policy Absence

In the event the Superintendent is forced to act in the absence of regular Board policy or guidelines and feels that policy is needed, he/she may draft a proposed Board policy, together with appropriate rules, to be presented to the Board at its next meeting for its consideration.

### Considerations

In the development of administrative rules, regulations, and/or procedures, the administrator in charge shall consider the following areas:

- A. The Board's expectations and concerns.

## Section 2000 – General School Administration

2750-R Administrative Rules (Cf. 1570)

2750-R-2

Have measurable outcomes been decided upon by the Board and/or Superintendent?

Have the concerns of individual Board members been addressed?

### B. Legal Review

Has there been a review of the *Revised School Code*, the *Laws Relating to Education* and attorney general opinions relative to the policy topic? Has there been a review of any U.S. court or Michigan court decisions relative to the policy topic?

### C. Operational Activities

There shall be consideration given to any staffing, fiscal, notification and in-service/orientation implications relative to the administrative procedures and implementation of the policy.

### D. Time Frames

There shall be consideration given to the effective date of any policy implementation activities. Those time frames may include: effective date, review dates, a date that the policy or procedures may end.

### E. Board Review

There shall be time for the administrative staff to review with the Board the administrative procedures when the topic warrants. Such discussion would override: problem areas, handling complaints, review of measurable outcomes and anticipated review dates.

### F. Reporting

Prior to any review of the Board's policy or a review of the administrative procedures, the administrative staff shall meet and discuss the policy relative to recommendations (stay the same, amend, or delete), the administrative procedures (meeting the outcomes and/or amending); and future policy and procedure oversight activities.

## **Section 2000 – General School Administration**

2760 Indemnification - Board Members and Others

2760

The District may agree to indemnify, save harmless and defend a current or prior Board member, Superintendent or other administrator from claims, actions, suits (civil or criminal) and judgments caused by his/her action if the action was:

- Taken in good faith which in the course of employment, or serving on the Board, and
- Within the scope of his/her authority.

Approved: August 17, 2009

LEGAL REF: MCL 691.1408

## **Section 2000 – General School Administration**

2780 Administration of Medications by School Personnel (Cf. 8670)

2780

This policy is intended to cover all students. It includes students with disabilities who have an Individualized Educational Program (IEP) or Section 504 Plan. The following definition of “medication” is adopted for use in this District: “Medication,” includes prescription, non-prescription, and herbal medications, and includes those taken by mouth, by inhaler, those that are injectable, and those applied as drops to eyes, nose, or medications applied to the skin.

Whenever possible, medications for students should be administered by parent(s)/guardian(s) at home. As a service to the family, the Superintendent shall establish procedures for the administration of medication by school personnel in circumstances where such administration is deemed necessary for the student’s well being by the student’s parent(s)/guardian(s) and physician. The pupil’s parent(s)/guardian(s) must provide the school with written permission and a written request to administer medications to their child. Written instructions from a physician, which include the name of the pupil, name of the medication, dosage of the medication, route of administration, and time the medication is to be administered to the pupil must accompany the request and be kept on record by the school. The parent(s)/guardian(s) request/permission and a physician’s instructions for administration shall be renewed every school year.

Any and all “biohazards” generated, such as, but not limited to: sharps, bandages, gauze, towelettes, and discarded live or attenuated vaccines, due to the administration of medications by school personnel shall be disposed of in accordance with the Michigan Medical Waste Regulatory Act, 1978 PA 368, R 325.1545(10). Students who “self administer” medications shall be responsible for returning any such wastes to their home for disposal. The Superintendent shall be responsible for providing staff members with written procedures to implement this requirement.

Each building shall have a plan for handling medical emergencies.

## **Section 2000 – General School Administration**

2780 Administration of Medications by School Personnel (Cf. 8670)

2780-2

The school administrator will designate an individual(s) responsible for administering medications to pupils at that school. A school administrator, teacher or other school employee authorized to do so by the school administrator, may administer medication to a pupil in the presence of another adult employee pursuant to written permission of the pupil's parent(s)/guardian(s), and in compliance with, the written instructions of a physician. Where the individual administering the medication is a licensed registered professional nurse, or when an emergency threatens the life or health of the pupil, a second adult need not be present.

### Self-Administration/Self-Possession of Medications

The following definition of "self-administration/self-possession" is adopted for use in this District: "Self-administration" means that the pupil is able to consume or apply prescription and non-prescription medication in the manner directed by the physician without additional assistance or direction. Self-possession means that the pupil may carry medication on his/her person to allow for immediate and self-determined administration.

A pupil whose parent(s)/guardian(s) and physician provide written permission will be able to self-administer and self-possess his/her own medications. A medication that a pupil possesses must be labeled and prepared by a pharmacy or pharmaceutical company and include the dosage and frequency of administration. A pupil's use shall not be denied if the conditions of written permission and physician direction are met. A building administrator may discontinue a pupil's right to self-administer and self-possession if there is misuse by the pupil. The denial shall come only after a consultation with the parent(s)/guardian(s). For example, a pupil who requires the use of an inhaler for relief or prevention of asthma symptoms shall be allowed to carry and use the inhaler if there is written approval from the pupil's physician and parent(s)/guardian(s) on record at the school (as described in the Michigan Revised School Code, Section 380.1179).

## **Section 2000 – General School Administration**

2780 Administration of Medications by School Personnel (Cf. 8670)

2780-3

A pupil who is in possession of an inhaler under the above conditions shall have each of his/her teachers notified of this by the building administrator.

### Diabetic Emergencies

Staff shall be made aware of the symptoms of a diabetic emergency. Staff with diabetic students should know the signs of possible side effects of diabetic medications, and be aware which side effects are serious enough to warrant reporting to the child's parent(s)/guardian(s) or health provider.

### Management of Students with Asthma in the School Setting

If needed, school administrators may have direct communication with the child's health care provider in order to resolve individual problems that may arise because of a child's asthma. All staff shall be informed about the early warning signs of an acute asthma episode and should be aware of emergency procedures and contacts in case a child needs medical assistance. Copies of the "Signs of an Asthma Emergency," as published by the Michigan Department of Education will be distributed to all staff and shall be posted on appropriate bulletin Boards in school buildings.

### Exercise Induced Asthma Attacks

Physical education teachers, playground aides, and teachers are to be informed that exercise can induce acute episodes for many students with asthma. It shall be the responsibility of the administration to inform school staffs who are responsible for students during physical activity of the identity of those students who have exercise-induced asthma. A child with exercise-induced asthma shall be allowed to stop any physical activity if they are having difficulty.

The Superintendent will promulgate rules and guidelines to implement this provision.

## **Section 2000 – General School Administration**

2780 Administration of Medications by School Personnel (Cf. 8670)

2780-4

### School Staff Training

All individuals designated or authorized to administer medication are required to receive in-service training on all District policies and procedures related to this responsibility. School staff must be trained by a licensed registered professional nurse, physician, or physician assistant who has knowledge of local school medication policies and procedures.

### Storage and Access to Medications

All medication shall be kept in a labeled container as prepared by a pharmacy, physician, or pharmaceutical company with the pupil's name, the name of the medication, dosage, and the frequency of administration. Medications shall be stored in a school location that is kept locked. However, emergency medications may be stored in an area readily accessible to the individuals designated to administer them. All controlled-substance medications will be counted and recorded upon receipt from the parent(s)/guardian(s). The medication shall be recounted on a regular basis (monthly or bi-weekly) and this count shall be reconciled with the medication administration log/record.

### Record Keeping of Medications

A log of medication administration shall be kept in a school office and filed in a pupil's permanent record at the end of each school year (see sample Medication Administration Daily Log). The individual pupil log shall be kept until one year after the pupil's graduation from high school.

Approved: August 17, 2009

LEGAL REF: MCL 380.1178; MCL380.1179; OAG, 1979-1980, No 5679, p 7-0 (April 11, 1980); OAG, 1993, No 6746, (January 13, 1993); MDE Bulletin, October 18, 1999, PA 378, 1978, Medical Waste Regulatory Act, R 325.1545(2)

## **Section 2000 – General School Administration**

2780-R Administration of Medications by School Personnel

2780-R

The following administrative rules are to be followed by District personnel in the implementation of policy 2780. These rules and procedures may not be changed or amended without the express approval of the Superintendent of Schools.

### School Administration of Medications – Prescription

Prescription medications shall not be stored or dispensed by District personnel without written permission and instructions from both:

- a. The parent(s)/guardian(s), who shall request and authorize District personnel to give medication in the dosage prescribed by the physician and authorize District personnel to contact the physician directly.
- b. The physician, who shall provide instructions to school personnel regarding the administration of medication, and who shall identify any specific conditions or reactions to the medication which may require contacting the physician or other professional medical personnel. Instructions from the physician must include:
  - Name of the pupil,
  - Name of the medication,
  - Dosage of the medication,
  - Route of administration,
  - Time the medication is to be administered, and
  - The length of time (not to exceed the current school year) that medications are to be administered.

Any “biohazardous” wastes produced shall be disposed of in accordance with law, and the written instructions distributed by the administration.

New parent(s)/guardian(s) and physician written instructions and permission must accompany any change in medication, dosage, or time of administration.

## **Section 2000 – General School Administration**

2780-R Administration of Medications by School Personnel

2780-R-2

### Storage and access to medications in school

Prescription medication to be given at school must be delivered, by the parent(s)/guardian(s), in a container as prepared by a pharmacy, physician, or pharmaceutical company with a printed label specifying:

- a. The child's full name,
- b. The name of the medication and the dosage,
- c. The time of day medication should be administered, and
- d. The name of the physician.

A building administrator shall request that a pharmacy supply the oral medication in the exact dosage prescribed. Only limited quantities of a prescription medication may be kept at school, and the parent(s)/guardian(s) shall be solely responsible for any and all prescription refills. All prescription medication shall be kept in locked storage or other safe place.

The Principal of each building shall designate the school personnel authorized to administer medication to students.

A building administrator may set a reasonable designated time for the administration of medications. The parent(s)/guardian(s) shall be informed of this designated time and communicate this to the physician when he/she writes medication administration instructions. The school may request that the physician send a written explanation with the medication administration instructions to the school if an exception to the school's designated time is necessary. School personnel authorized to administer prescription medication shall be given appropriate instruction in the administration of medications. After medication is administered, students should be observed for possible reactions to the medication. This observation may occur at the site of administration or in the classroom as part of the normal routine.

## **Section 2000 – General School Administration**

2780-R Administration of Medications by School Personnel

2780-R-3

Except in the case of an emergency that threatens the life or well being of the student, all administration of medication shall be conducted in the presence of two or more adults. When necessary for a pupil to have medication administered while on a school-sponsored field trip or off-site activity, the individual designated to administer medication must carry the medication in the original container, and record the necessary information on the medication log upon return from the trip/activity.

### Staff Training

In-service training is recommended to be not less than four hours in length and include actual "hands-on" practice in identifying and dispensing medications. Individuals, with the exception of a licensed registered professional nurse, who are responsible for administering any medications that must be given by injection, by nebulizer, or administered rectally, vaginally, or into the bladder, must receive one-to-one training by a licensed health professional. Documentation that school personnel have completed the required in-service training shall be maintained by the school and made available, upon request, to a pupil's parent(s)/guardian(s), physician, licensed registered professional nurse, or by a school District official.

### Training Guidelines

Training for all individuals who are designated to administer medications to pupils in local and intermediate school Districts, public school academies, and nonpublic schools must include all of the following content and skill practice:

1. A review and discussion of all Michigan and federal laws pertaining to the administration of medications to pupils in schools, including discussion of confidentiality issues.

## Section 2000 – General School Administration

### 2780-R Administration of Medications by School Personnel

2780-R-4

2. A review and discussion of all policies and procedures relating to medications in schools including areas of responsibility of school administrators, individuals designated to administer medications (i.e., Secretaries, aides, teachers, bus drivers, parent(s)/guardian(s)), and medical professionals (i.e., physicians, physician assistants, nurses).
3. Identification of the forms related to the administration of medications in schools.
4. Safe storage and handling of medications in school including procedures for receiving and disposing of medications.
5. The use, effect, and route of administration of the most commonly prescribed medications in schools, including adverse effects.
6. Procedures for safely dispensing medications to pupils in schools, on field trips, and other off-site school activities.
7. Practice in identifying and dispensing medications to pupils.
8. Policies and procedures related to pupil self-administration and self-possession of medication in schools.
9. Review and practice recording administration of medications.
10. Review and discuss procedures for dealing with medication administration errors.  
It is the responsibility of the student to report to the appropriate school official at the time any prescription is to be taken.

#### Records

School personnel designated to administer medications shall maintain an accurate and confidential system of record keeping. The medications log shall include the following:

- a. The full name of the student,
- b. The physician instructions for administration,

## Section 2000 – General School Administration

2780-R Administration of Medications by School Personnel

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- c. A log of the date and time, dosage, name of medication, administering adult, second adult present for each administration, and the signature of the administering adult and signature of witnessing adult for each administration. (If an error is made in recording, the individual who administered the medication shall cross out, initial the error, and make the correction in the log), and
- d. Any noted effects of, or reaction to the medication.

School personnel must take care to ensure that each student is provided the proper medication in the proper dosage, and shall log each administration immediately. In the event of a mistake in administration or dosage, the building administrator shall be contacted immediately. The building administrator is responsible for reporting the medication error to the pupil's parent(s)/guardian(s) immediately. It is advised that the building administrator also contact the physician so that he/she may indicate to the parent(s)/guardian(s) that staff members are conducting the appropriate medical follow up. The school staff member shall write up the error on a District incident/accident report form and place a copy into the pupil's school record. Any adverse reaction to medication, as described on the physician's written instructions, shall be reported to the pupil's parent(s)/guardian(s) immediately.

Medications should be brought to the school by the student's parent(s)/guardian(s). School personnel, appropriately trained, shall, throughout the school year, periodically review medication instructions on file and inventory medications being stored by the school. Expiration dates on prescription medication, epi-pens, and inhalers shall be checked at least twice each school year.

Parent(s)/Guardian(s) request/permission and a physician's instructions for administration of medications shall be renewed every school year. No changes to medication dosage or time of administration will be made except by instruction from a physician.

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2780-R Administration of Medications by School Personnel

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Medications must be claimed by parent(s)/guardian(s) at the end of the school year. If this is not done, the individual who administers the medication will dispose of the medication and record this disposal on the medication log. This procedure shall be witnessed and initialed by a second adult.

Unless otherwise dictated by law, the building Principal may refuse to administer or may choose to discontinue the extra service of administering medication at his/her discretion, provided that appropriate notice is given to the parent(s)/guardian(s).

### School Administration of Medications – Non-prescription

The procedures for administering non-prescription medications to students by the District shall be identical to those for prescription medications.

### Student Self-Administration of Medications

Upon the written request of the parent(s)/guardian(s), and with directions supplied by the physician, and with the approval of the school administration, students may self-possess small quantities of medication for self-administration. Any student, however, may possess and use an inhaler or a dry powder inhaler to alleviate asthmatic symptoms, or before exercise to prevent the onset of asthmatic symptoms, at school, on school-sponsored transportation, or at any activity, event, or program sponsored by or in which the pupil's school is participating if proper approvals are on file in writing. All self-possessed medications must be labeled and prepared by a pharmacy or pharmaceutical company and include the dosage and frequency of administration.

Any “biohazardous” wastes produced by the student in the process of self-administration are to be carried back to the home by the student for proper disposal by the student/parent(s)/guardian(s).

All necessary written permission forms and physician’s directions detailed above for school administration of medications must be obtained and filed by the school prior to possession, storage, or self-administration by a student.

## **Section 2000 – General School Administration**

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### Assisting a Student in Distress

Each building shall have a plan for handling medical emergencies.

Any District staff member may assist a student in distress in self-administration of a medication (ex. Epi-pen injection, asthma inhaler, etc.). For the purpose of this policy, distress refers to any obvious and serious discomfort or threatening condition. The staff member should first confirm that the medication and dosage are proper for the student as conditions allow.

As soon as possible, the staff member shall notify the school administration, designated school medical response person, and/or the local emergency medical system. The staff member shall also complete a District incident/accident report form following the incident.

### Diabetic Emergencies

Staff shall be made aware of the symptoms of a diabetic emergency. Staff with diabetic students should know the signs of possible side effects of diabetic medications, and also, be aware which side effects are serious enough to warrant reporting to the child's parent(s)/guardian(s) or health provider.

### Management of Students with Asthma in the School Setting

Staff shall be made aware that chalk dust, animals in the classroom, strong odors (perfumes and paints), cleaning agents, pesticides, molds and numerous other substances may be asthma triggers for some children. In addition, environmental pollutants are often triggers for acute episodes of asthma. Therefore, the Superintendent will endeavor to schedule extensive building repairs or cleaning during long vacation periods or during the summer months to avoid exposing children to fumes, dust, or other irritants. Routine cleaning and maintenance of the heating/cooling and air filtration system is important for reducing amounts of dust and mold in the schools.

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Staff with asthmatic students should know the signs of possible side effects of asthma medications, and, also, be aware which side effects are serious enough to warrant reporting to the child's parent(s)/guardian(s) or health care provider. Information regarding qualified professionals in asthma management who can be contacted for staff in-service sessions on asthma may be found through the Michigan Department of Education's web site at <http://www.state.mi.us/mde>.

The "School - Based Asthma Management Plan" form and "School-Based Diabetes Management Plan" form below are to be used in all building sites. The form may be identified with the name of the individual school if desired.

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2780-R-9

This information expires on June 30, \_\_\_\_\_

**SCHOOL-BASED ASTHMA MANAGEMENT PLAN**

Endorsed by the Michigan Asthma Steering Committee of the Michigan Department of Community Health

**STUDENT INFORMATION**

Child's Name: \_\_\_\_\_ Birth Date: \_\_\_\_\_

Grade: \_\_\_\_\_ Home Room Teacher: \_\_\_\_\_

Physical Education Days and Times: \_\_\_\_\_

**EMERGENCY INFORMATION**

**TO BE COMPLETED BY THE CHILD'S PARENT(S)/GUARDIAN(S):**

Parent(s)/Guardian(s) Name(s): \_\_\_\_\_  
\_\_\_\_\_

First Priority Contact: Name \_\_\_\_\_  
Phone \_\_\_\_\_

Second Priority Contact: Name \_\_\_\_\_  
Phone \_\_\_\_\_

Doctor's Name: \_\_\_\_\_ Phone: \_\_\_\_\_

**TO BE COMPLETED BY THE CHILD'S DOCTOR:**

**WHAT TO DO IN AN ACUTE ASTHMA EPISODE:**

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_

**CALL 911 OR AN AMBULANCE IF:** Review attached "Signs of an Asthma Emergency and list any additional symptoms the child may present with:

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_

Daily Management Plan – To be completed by the child's doctor.

OVER FOR DAILY MANAGEMENT PLAN

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Child's Name: \_\_\_\_\_

Be aware of the following asthma triggers: \_\_\_\_\_

Severe Allergies: \_\_\_\_\_

**MEDICATIONS TO BE GIVEN AT SCHOOL:**

NAME OF MEDICINE	DOSAGE	WHEN TO USE

Side effects to be reported to health care provider: \_\_\_\_\_

Does this child have exercise-induced asthma? Yes \_\_\_\_\_ No \_\_\_\_\_

This child uses an inhaler before engaging in physical exercise and if wheezing during physical activity. Yes \_\_\_\_\_ No \_\_\_\_\_

Activity Restrictions (e.g., staying indoors for recess, limited activity during physical education): \_\_\_\_\_

Please check all that apply:

\_\_\_\_\_ I have instructed this child in the proper way to use his/her inhaled medications. It is my professional opinion that this child should be allowed to carry and use that medication by him/herself.

\_\_\_\_\_ It is my professional opinion that this child should not carry his/her inhaled medications or epi-pen by him/herself.

\_\_\_\_\_ Please contact my office for instructions in the use of this nebulizer, metered-dose inhaler, and/or epi-pen.

\_\_\_\_\_ I have instructed this child in the proper use of a peak flow meter. His/her personal best peak flow is: \_\_\_\_\_.

Doctor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Parent(s)/Guardian(s) Signature: \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_

# Signs of Asthma Emergency

**SEEK EMERGENCY CARE IF A CHILD EXPERIENCES ANY OF THE FOLLOWING:**

- **CHILD'S WHEEZING OR COUGHING DOES NOT IMPROVE AFTER TAKING MEDICINE (15-20 MINUTES FOR MOST ASTHMA MEDICATIONS)**
- **CHILD'S CHEST OR NECK IS PULLING IN WHILE STRUGGLING TO BREATHE**
- **CHILD HAS TROUBLE WALKING OR TALKING**
- **CHILD STOPS PLAYING AND CAN NOT START AGAIN**
- **CHILD'S FINGERNAILS AND/OR LIPS TURN BLUE OR GRAY**
- **SKIN BETWEEN CHILD'S RIBS SUCKS IN WHEN BREATHING**

Asthma is **different for every person**. The "Asthma Emergency Signs" above represent general emergency situations as per the National Asthma Education and Prevention Program 1997 Expert Panel Report.

If you are at all uncertain of what to do in case of a breathing emergency...

Call 911 and the child's parent(s)/guardian(s)

# **SIGNS OF A DIABETIC EMERGENCY**

## **LOW BLOOD SUGAR (HYPOGLYCEMIA)**

ONSET CAN BE RAPID. MOST LIKELY TO OCCUR AT PEAK INSULIN ACTION TIMES, SUCH AS BEFORE LUNCH.

### **SIGNS:**

FAINTNESS/WOOZINESS/SHAKINESS  
FATIGUE  
SWEATING  
DIZZINESS/WEAKNESS  
PALE SKIN/CLAMMY SKIN  
INAPPROPRIATE ACTIONS/CONFUSION  
IRRITABILITY/MOOD CHANGES/CRANKINESS  
DIFFICULTY FOLLOWING INSTRUCTIONS  
COMBATIVENESS  
INCOHERENT SPEECH  
UNCONSCIOUSNESS

### **SYMPTOMS**

MUSCLE CRAMPING  
HUNGER  
NERVOUSNESS  
STOMACHACHE  
BLURRED VISION/HEADACHE  
CONVULSIONS

## **HIGH BLOOD SUGAR (HYPERGLYCEMIA)**

ONSET MAY BE GRADUAL OR RAPID AND CAN LEAD TO SEVERE ILLNESS OR EVEN DEATH

### **SIGNS AND SYMPTOMS:**

EXCESSIVE THIRST AND FREQUENT URINATION  
BLURRED VISION  
DROWSINESS/FATIGUE  
ABDOMINAL PAIN  
NAUSEA  
VOMITING  
LABORED BREATHING AND  
FRUITY SMELLING BREATH

***CHILDREN AND YOUTH THAT DISPLAY THESE SYMPTOMS SHOULD BE REPONDED TO IMMEDIATELY. EACH CHILD MAY REACT DIFFERENTLY. YOU SHOULD HAVE A LIST OF SYMPTOMS EACH CHILD MAY EXHIBIT ON FILE ALONG WITH HOW TO RESPOND. FOR ANY OF THE ABOVE SIGNS & SYMPTOMS, REPORT INCIDENT TO THE CHILD'S PARENT(S)/GUARDIAN(S).***

**IF THE CHILD IS VOMITING AND IS UNABLE TO TAKE FLUIDS, CONVULSING OR BECOMES UNCONSCIOUS, OR IF YOU ARE UNCERTAIN OF WHAT TO DO CALL 911 AND THE CHILD'S PARENT(S)/GUARDIAN(S)**

The Management of Students with Diabetes in Schools Workgroup

Battle Creek Public Schools

**Section 2000 – General School Administration**

**Sample Permission Form for Prescribed Medication**

School: \_\_\_\_\_ Date form received by the school: \_\_\_\_\_

Student: \_\_\_\_\_ Date of Birth or age: \_\_\_\_\_

Grade: \_\_\_\_\_ Teacher/Classroom: \_\_\_\_\_

---

**To be completed by the physician or authorized prescriber**

Name of medication: \_\_\_\_\_

Reason for medication (Optional) \_\_\_\_\_

Form of medication/treatment:

- Tablet/capsule    Liquid    Inhaler    Injection    Nebulizer

Other \_\_\_\_\_

Instructions (Schedule and dose to be given at school): \_\_\_\_\_

Start:         date form received        Other dates: \_\_\_\_\_

Stop:         end of school year        Other date/duration: \_\_\_\_\_

Restrictions and/or important side effects:    None anticipated    Yes, Please describe:

Special storage requirements:         None         Refrigerate

---

This student is both capable and responsible for self-administering this medication

- No         Yes-Supervised         Yes-Unsupervised

This student may carry this medication:         No         Yes

Please indicate if you have provided additional information:

- On the back side of this form         As an attachment

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

---

Physician's Name: _____
Address: _____
Phone Number: _____

---

**To be completed by parent(s)/guardian(s)**

I request that (name of child) \_\_\_\_\_ receive the above medication at school according to standard school policy.

I request that (name of child) \_\_\_\_\_ be allowed to self-administer the above medication at school according to the school policy.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_ Relationship: \_\_\_\_\_

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School: \_\_\_\_\_ This information expires on June 30, \_\_\_\_\_

**SCHOOL-BASED CARE PLAN for the STUDENT with DIABETES**

Name: \_\_\_\_\_ Birth Date: \_\_\_\_\_

Address: \_\_\_\_\_

Parent(s)/Guardian(s) or Emergency Contact: \_\_\_\_\_ Home Phone: \_\_\_\_\_

Work Phone: \_\_\_\_\_ Pager/Cell: \_\_\_\_\_

**SYMPTOMS SPECIFIC TO STUDENT**

Low blood sugar

High blood sugar

1. \_\_\_\_\_

1. \_\_\_\_\_

2. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

3. \_\_\_\_\_

---

**TO BE COMPLETED BY PHYSICIAN**

The following activities will require supervision and/or assistance for \_\_\_\_\_ during the school day. Please check all that apply:

- May self test?
- Blood glucose testing Daily at \_\_\_\_\_
- Blood glucose testing as need per symptoms
- Target glucose range \_\_\_\_\_
- Low blood sugar range \_\_\_\_\_
- Intervention \_\_\_\_\_
- High blood sugar range \_\_\_\_\_
- Intervention \_\_\_\_\_
- Ketone Checks If glucose levels over \_\_\_\_\_ mg/dl
- Administer Glucagon for following symptoms \_\_\_\_\_
- Insulin administration See attached schedule
- Snack Daily at \_\_\_\_\_
- Snack As needed

Training for the above procedures will be provided by: \_\_\_\_\_

Parent(s)/Guardian(s) Signature: \_\_\_\_\_

Physician Signature: \_\_\_\_\_

Physician's Address: \_\_\_\_\_ Phone: \_\_\_\_\_

# Section 2000 – General School Administration

2780-R Administration of Medications by School Personnel

2780-R-15

## MEDICATION ADMINISTRATION DAILY LOG

(To be completed for each medication administered) School Year \_\_\_\_\_ Name of Student: \_\_\_\_\_ Gender: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Grade/Teacher: \_\_\_\_\_ Name of School: \_\_\_\_\_ Name of Medication: \_\_\_\_\_

Dosage: \_\_\_\_\_ Route(s): \_\_\_\_\_ Time Given in School: \_\_\_\_\_ Expiration Date: \_\_\_\_\_

**Directions: Initial with time of administration; a complete signature and initials of each individual administering medications shall be included below.**

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
August																															
September																															
October																															
November																															
December																															
January																															
February																															
March																															
April																															
May																															
June																															

Initial(s) of Individual Administering Medication	Signature	Initial(s) of Individual Administering Medication	Signature	Codes
1 _____	_____	7 _____	_____	(A) Absent (O) No Show
2 _____	_____	8 _____	_____	(E) Early Dismissal (W) Dosage Withheld
3 _____	_____	9 _____	_____	(F) Field Trip (N) No Medication Available
4 _____	_____	10 _____	_____	(X) No School (i.e. Holiday, weekend, snow day, etc.)
5 _____	_____	11 _____	_____	
6 _____	_____	12 _____	_____	

Use reverse side for reporting significant information (e.g. Observation of medication’s effectiveness, adverse reactions, reason for omission, plan to prevent future “no shows”). MDCH – Sample Updated 11-02

## Section 2000 – General School Administration

### Resources for Staff Training

When selecting a person to train individuals to administer medications, it is imperative that this person knows the policies and procedures of the public school Districts, intermediate school Districts, public school academies, and nonpublic schools.

1. If the school District employs a licensed registered professional nurse, he/she can conduct the training.
2. The intermediate school District or local health department may also provide licensed professional nursing services for staff training (see list of local health departments in Michigan at <http://www.malph.org/page.cfm/18/>).
3. A school District can contact the Michigan Association of School Nurses (MASN) at 734-992-2223 or through their website at [www.michiganschoolnurses.org](http://www.michiganschoolnurses.org) to see if there is a licensed registered professional nurse available to provide this training to the District.
4. A medical professional (ie: physician, nurse, physician assistant) from the community may be available to conduct training for school staff.
5. If none of the above resources for training are available, contact Patty Lawless at the Michigan Department of Education, at 517-373-1122 or by email at [lawlessp@michigan.gov](mailto:lawlessp@michigan.gov).

**Section 2000 – General School Administration**

TRAINING CHECKLIST

Date(s) of Training: \_\_\_\_\_

Trainer(s) Name and Qualifications: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Names and job titles of individuals attending the training: \_\_\_ attached

Content and Skills Taught to Training Participants Shall Include:

- \_\_\_ Review of Michigan laws governing the administration of medications to pupils in schools.
- \_\_\_ Discussion of local school policies and procedures relating to the administration of medications to pupils in schools.
- \_\_\_ Safe storage and handling of medications in schools.
- \_\_\_ Uses, effects, and routes of administration of most commonly prescribed medications for pupils in schools.
- \_\_\_ Safe dispensing procedures for medications in schools, including procedures for field trips and other off-site school activities.
- \_\_\_ Review of local school policies and procedures related to pupil self-administration and self-possession of medications.
- \_\_\_ Recording procedures for medications administered in schools.
- \_\_\_ Procedures for dealing with medication administration errors.
- \_\_\_ Opportunity for participants to ask questions regarding administration of medications to pupils in schools.

Signature of Trainer: \_\_\_\_\_

School District: \_\_\_\_\_

Date of Training: \_\_\_\_\_

## **Section 2000 – General School Administration**

### 2790 School Safety Information Policy Implementation

2790

The administrator in charge of Student Services is hereby designated as the official District Contact Person for receiving information from law enforcement<sup>1</sup>, prosecutors, and courts relative to any matters concerning school crime and violence in the Battle Creek Public School District. The Superintendent shall see that a file of all incident reports or law enforcement records is kept in accordance with law and the Statewide School Safety Information Policy.

#### Incidents to be Reported

Reportable incidents for purposes of this policy shall be those as listed in the "Index of Reportable Incidents" as found in the School Safety Response Guide published in the Statewide School Safety Policy. Incidents reported involving students of the District shall be reviewed under the District's Student Code of Conduct relative to possible disciplinary consequences up to and including expulsion.

#### Michigan Statewide Unsafe School Choice Policy

The Board directs the Superintendent to comply with the Michigan Statewide Unsafe School Choice Policy for schools that receive funds under the No Child Left Behind Act of 2001 (NCLB of 2001.) All reports mandated by the state policy shall be distributed to the Board before being forwarded to the ISD and/or the state. The Superintendent may enact rules to implement compliance with the state policy.

Should any school receiving funds under NCLB of 2001 be designated, "persistently dangerous," as defined by the state policy, the required, "corrective action plan," shall be prepared and presented to the Board for review and approval. The Superintendent shall also insure that the transfer and notice requirements found in the state policies are implemented, and that the Board is kept informed of any transfers that are made.

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<sup>1</sup> For the purposes of this policy, "law enforcement" means: A regularly employed member of a police force of a city, county, township or village, the Michigan State Police, or a Michigan Indian tribal police force, who is responsible for the prevention and detection of crime and the enforcement of the general criminal laws of this state.

## **Section 2000 – General School Administration**

2790 School Safety Information Policy Implementation

2790-2

A copy of the current Statewide Unsafe School Choice Policy shall be provided to each member of the Board, and a copy of the current policy shall be available in the District office.

### Community Meetings

It shall be the responsibility of the Superintendent to set appropriate meetings with representatives of the community regarding the implementation of the Statewide School Safety Information Policy and to call an annual meeting to review the effectiveness and review the procedures developed within this District's local School Safety Information Policy. Results of those meetings shall be shared with the Board.

Approved: August 17, 2009  
LEGAL REF: MCL 380.1308; NCLB

## Section 2000 – General School Administration

2800 Records

2800

The District shall establish and maintain a system of records as required by law and as necessary or pertinent to the performance of any function related to the operation of the District.

The Superintendent shall establish rules and procedures for the maintenance of District records.

Records shall be stored as a blend of printed, bound and electronically recorded (i.e., audio tape, video tape, micro-fiche, computer disk) material.<sup>2</sup> The securing, cataloging and storing of all records shall be the responsibility of the Superintendent.

Approved: August 17, 2009

LEGAL REF: MCL 380.601a; 380.623; 380.862; MDE Bulletin 522 – Records Retention and Disposal Schedule for Michigan Public Schools, revised Sept. 2006

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<sup>2</sup> MDE Bulletin 522 revised Sept. 2006. **Record Maintenance** Records can exist in a wide variety of formats, including paper, maps, photographs, microfilm, digital images, e-mail messages, databases, etc. The retention periods listed on this general schedule do not specify the format that the record may exist in, because each government agency that adopts this schedule may choose to retain its records using different recording media. Government agencies are responsible for ensuring that all of their records (regardless of format) are properly retained and remain accessible during this entire retention period. All records [**this includes District email records**] need to be stored in a secure and stable environment that will protect them from tampering, damage and degradation. Electronic records are dependent upon specific hardware and software to be accessed and used. It is important to understand that the original technology that is used to create electronic records will eventually become obsolete. As a result, school districts should work with their information technology staff to develop preservation plans for retaining electronic records with long-term (more than 10 years) retention requirements. Various laws (including the Records Reproduction Act, MCL 24.401-24.406) identify acceptable formats for retaining public records; agencies are responsible for understanding and complying with these laws. **Public Disclosure** Select records series that are listed on this schedule may be exempt from public disclosure, in accordance with the provisions of various state and federal laws. Please consult with your attorney if you need additional information. **Suspending Destruction** School districts must immediately cease the destruction of all relevant records (even if destruction is authorized by an approved Retention and Disposal Schedule) if they receive a FOIA request, if they believe that an investigation or litigation is imminent, or if they are notified that an investigation or litigation has commenced. If relevant records exist in electronic formats (such as **e-mail**, digital images, word processed documents, databases, backup tapes, etc.), the school district may need to notify its information technology staff. Failure to cease the destruction of relevant records could result in penalties.

## Section 2000 – General School Administration

### 2810 Public Review and Inspection of Records

2810

The Superintendent shall establish and publish rules for public inspection and copying of records in accord with the Michigan Freedom of Information Act, and shall serve as FOIA coordinator for the District. Inspection of records by the public shall be limited to the regular office hours of the building or office that houses the records. Copies of records, which are not exempt from disclosure, will be available on request.

#### Fees

The District shall charge a fee to cover actual costs of providing access to and/or copies of public records in accord with law, except that disclosure to any of the following person(s) is in the public interest and shall be exempt from the first \$20.00 of fees incurred in a school fiscal year:

- a) A news media organization for dissemination to the public;
- b) A member of the Board; and
- c) A minor for use in a school or community organization civics project (ex. Boy Scout Citizenship merit badge).

Fees, if any, for responding to a request will be assessed as follows:

- 10¢ per page for copies. Note: If the nature of duplication requires copying by an outside source, the actual cost of source.
- Actual postage cost: Mailing, shipping and handling.
- Labor costs for record search, identification, examination, separation, deletion and/or preparation:
  - Clerical: Lowest clerical wage per hour
  - Administrative: Hourly rate of administrator

Labor costs will be charged only when the request requires more than \$50 of labor. Upon receiving a request, the staff shall inform the person making the request of the estimated cost for processing the request. If the estimated cost exceeds \$50, the coordinator shall require a good faith deposit of one-half (1/2) of the estimated fee before processing the request.

## Section 2000 – General School Administration

### 2810 Public Review and Inspection of Records

2810-2

No charge for the first \$20 of a fee shall be made to an individual who proves indigence of receipt of public assistance. State guidelines for determining free and reduced cost meals to families shall be used as guidelines to determine indigence.

A record of fees paid shall be kept along with each request. A record of fees incurred shall be kept for any person making a request who is exempt from initial fees, though such fees will not be charged.

Revenue from copying records shall be deposited immediately in the general fund of the District by the Business Office.

#### Appeals

If a request for disclosure of record(s) is denied, procedures for appeal of the decision shall be provided along with the denial.

Approved: August 17, 2009

LEGAL REF: MCL 15.231 *et seq.* (Freedom of Information Act)

## **Section 2000 – General School Administration**

2810-R Public Review and Inspection of Records (Cf. 8940 *et seq.*)

2810-R

The Superintendent shall serve as FOIA coordinator for all records maintained at the central office of the District. Each building Principal shall serve as coordinator for all records maintained at the building level.

### Routine Inquiries

Routine day-to-day inquiries to the District or school for information shall be handled appropriately by District staff. The procedures under this rule shall apply to requests made under the Michigan Freedom of Information Act.

### Requests

Requests to inspect or copy public records must be made in writing (including FAX or e-mail) to the coordinator for the requested record(s) or his/her designee, and shall sufficiently describe the record to enable the coordinator to identify and locate the record. Separate requests shall be made for each record desired. Each coordinator shall file all requests and their dispositions in his/her office and make such reports as are requested by the Superintendent or the Board. Filed requests shall be held for a period of at least one year.

### Denials

The coordinator shall examine each request to determine whether the record requested is exempt from disclosure under the Michigan Freedom of Information Act. If the coordinator determines that the record is exempt from disclosure, he/she shall issue a written denial of the request after consultation with the Superintendent. Such a denial shall be made within five days of receipt of the request or as otherwise provided by law, and shall include the reason(s) for the denial and the procedures for appeal of the decision to deny the request.

Should the requested record(s) be classified as exempt but contain information, which is not exempt from disclosure, the coordinator shall delete the exempt material and release the remaining information for inspection or copying.

## **Section 2000 – General School Administration**

2810-R Public Review and Inspection of Records (Cf. 8940 *et seq.*)

2810-R-2

### Subscriptions

Written requests for a subscription to documents or records created, issued, or disseminated on a regular basis by the District such as meeting notices, agendas, minutes, and newsletters must be accompanied by appropriate payment of estimated fees at the rate of \$1 per month for a period of subscription, not to exceed six (6) months. The \$1 per month fee covers reasonable costs of printing and first-class postage. Printed or electronic news media are specifically exempted from any subscription fee. A subscription may be renewed for an additional six (6) months.

### Delays

If the nature of the request requires additional time to access the records or to make a determination on whether the request will be granted, the coordinator shall give written notice to the person making the request extending the period of response. Such an extension shall be for a maximum of ten business days in accord with law.

### Appeals

If a request to inspect or copy a record is denied by a building-level coordinator, the person making the request may appeal the decision within the District by submitting the appeal to the Superintendent in a writing which details the reason(s) for requesting reversal of the denial. The Superintendent shall respond in writing to the request as provided above.

If a request to inspect or copy a record is denied by the Superintendent, the person requesting access may appeal the decision within the District by submitting the appeal in writing to the Board for consideration at the next meeting of the Board. Such request(s) shall be submitted to the Superintendent or Board President for scheduling on the agenda of the next Board meeting.

### Fees

Fees for responding to a request shall be assessed as follows:

## Section 2000 – General School Administration

2810-R Public Review and Inspection of Records (Cf. 8940 *et seq.*)

2810-R-3

- a) Photocopying charges of seven cents per page, or if the nature of the duplication necessitates duplication by outside sources, the actual cost of employing such outside sources,
- b) Actual mailing costs,
- c) Labor costs incurred in duplication and mailing assessed at the hourly wage of the lowest paid employee of the District capable of retrieving, copying, and mailing the information necessary to comply with the request,
- d) Labor costs for search, examination, review, and deletion or separation of exempt from non-exempt information, at the hourly wage of the lowest paid employee of the District capable of complying with the request. Such labor fees shall be charged only when the request requires more than \$50 of labor. In such cases, the coordinator shall identify the nature of this unreasonably high labor cost.

Upon receiving a request, the coordinator shall inform the person making the request of the estimated cost for processing the request. If the estimated cost exceeds \$50, the coordinator shall require a good faith deposit of one-half of the estimated fee before processing the request.

No charge for the first \$20 of a fee shall be made to an individual who proves indigence or receipt of public assistance. State guidelines for determining free and reduced cost meals to families shall be used as guidelines to determine indigence.

A record of fees paid shall be kept along with each request. A record of fees incurred shall be kept for any person making a request who is exempt from initial fees as a matter of Board policy, though such fees will not be charged except those in excess of the yearly maximum.

Revenue from copying open records shall be deposited monthly in the general fund of the District.

## **Section 2000 – General School Administration**

2810-R Public Review and Inspection of Records (Cf. 8940 *et seq.*)

2810-R-4

### Safety of Records

To ensure the safety and integrity of records, access to records shall be accorded only under the direct supervision of the coordinator or designated District employee. Inspection of record(s) by the public is limited to the regular office hours of the building or office, which houses the record(s). Original school record(s) are not permitted to leave the premises except as required by law or Board policy. Copies of records not exempt from disclosure will be furnished for the appropriate fee.

### Computer Records

All new software purchased by the District to maintain records shall incorporate a feature enabling selected data to be exported in a text format for the purpose of complying with requests.

### Record Listings

Employees are prohibited from giving or selling lists of any school records to any person except as authorized by law or Board policy.

## Section 2000 – General School Administration

2850 Reports

2850

The Board may require reports from the staff concerning the operation and needs of the District.

### Types

The Superintendent shall prepare and submit to the Board an annual report summarizing the operations of the District for the preceding school year. The Superintendent shall present a monthly budget report to the Board.

The Superintendent's annual report shall be submitted to the Board after the end of the school year. In the event the Superintendent resigns or otherwise leaves the District, he/she shall complete and submit the annual report to the Board prior to final payment of compensation under his/her employment contract.

The Board delegates to the Superintendent the authority to request certain reports from the District's staff concerning the operation of the District or on any subject relating to the educational program of the District.

### Dissemination

The Board, upon request, shall receive copies of all reports submitted to the Superintendent. Copies of staff reports may be sent to staff members for their confidential use at the discretion of the Superintendent.

Approved: August 17, 2009

**3000—FISCAL MANAGEMENT**

3050	Budget Planning
3100	Annual Operating Budget
	Priorities
	Deadlines and Schedules
	Encumbrances
	Recommendations
	Preliminary Adoption Procedures
	Hearings and Reviews
3150	Budget Fund Balance
3170	Line Item Transfer Authority
3200	State and Federal Funding Proposals and Applications
3280	Borrowing and Debt Service
	Short Term Loans
	Sale of Bonds
	Debt Service
3290	Summer Property Tax Levy
3300	Investment of Funds (Cf. 3310)
3310	Reporting of Investment Risks (Cf. 3300)
3340	Fees, Payments and Rentals (Cf. 9250)
	Rental and Leasing of District Property
	Gate Receipts and Admissions
	Free Admissions
	Income and Payments from Sales and Service
	Non-Sufficient Fund Checks
3400	Depository of Funds (Cf. 1300)
3405	Electronic Transactions of Funds
	Internal Accounting
3410	Safeguarding of Monies and Equipment
3420	Monies in School Buildings
3430	Surety Bonds – Employees and Board Treasurer (Cf. 3520)
3490	Inventories – Fixed and Controlled Assets
	Fixed Asset Accounting System
3500	Audits (Cf. 3520)
3520	Fraud Prevention and Investigation (Cf. 3490, 3500, 5203, 8700)
3550	Authorized Signatures (Cf. 1300)
3570	Petty Cash Accounts
3580	Payroll Procedures and Schedules
3600	Reimbursement of Expenses (Cf. 1168, 5330)

## Section 3000 – Fiscal Management

TC-3000-2

- 3605 District Credit/Procurement Cards (Cf. 1162, 1168, 3600)
  - Issuance
  - Documentation
  - Lost Credit/Procurement Cards
  - Return of Credit/Procurement Cards
  - Payment
  - Misuse and Unauthorized Use
  - Other Provisions
- 3610 Purchasing Goods and Services
  - Purchasing from District Employees
  - Purchases through the District
  - Emergency Purchases
- 3620 Administrative Leeway (Cf. 2750, 3660)
- 3650 Cooperative Purchasing (Cf. 3660)
- 3660 Bids and Quotations Requirements (Cf. 4760)
  - Competitive Bids
  - Bid Specifications
- 3690 Local Purchasing (Cf. 3660)
- 3730 Vendor Relations
- 3750 Payment Procedures
- 3800 Fund Raising and Student Activity Fund (Cf. 8700)
  - Soliciting Funds from and by Students
  - Student Groups
  - Door-to-Door Sales
  - Specifics
  - Adult Groups
- 3900 Surplus Books, Equipment and Supplies
- 3950 Surplus Land or Buildings
- 3960 Federal Timekeeping Requirements

## **Section 3000 – Fiscal Management**

3050 Budget Planning

3050

The Superintendent and his/her designee shall be responsible for planning the District's budget. The Superintendent shall keep the Board informed during the planning process and secure input from the Board through discussions or workshops.

The Board may approve a special committee to work with the Superintendent in determining budget priorities.

Approved: August 17, 2009

LEGAL REF: MCL 141.434 (1); 141.422b (3) (c); 141.422d (1) (c) (d); 380.1133;  
380.1218; 380.1281

## **Section 3000 – Fiscal Management**

3050-R Budget Planning

3050-R

The budget development includes the following major components:

1. The Superintendent and staff will establish a reasonable and prudent District total revenue target,
2. Basic costs, to be charged and not charged directly to individual schools, will be developed,
3. Resources will be distributed among the schools by a weighted-student formula that accounts for variations in the cost of delivery of educational services,
4. Each Principal will involve staff members, parent(s)/guardian(s), and students where appropriate, in developing a budget plan for each school,
5. Principals will use a variety of methods to elicit opinions from staff, parent(s)/guardian(s), and students,
6. The Board will review the full budget at a public hearing according to law.

## **Section 3000 – Fiscal Management**

### 3100 Annual Operating Budget

3100

The District's budget shall be prepared by the Superintendent in cooperation with selected District employees and shall reflect the educational goals of the District.

The Superintendent shall prepare a detailed cost analysis study of all programs that are funded by the District's budget.

The Superintendent shall follow the adopted budget.

It shall be the goal of the Board to fund the operating budget according to approved fiscal and budgetary procedures adhered to and required by the State of Michigan. The budget shall be the vehicle by which the educational goals and objectives of the District are to be met.

#### Priorities

The Board shall establish priorities for the District on a short-term, intermediate, and long-range basis.

#### Deadlines and Schedules

In order for the District's budget preparation to proceed in an orderly fashion, the Board shall establish deadlines and time schedules.

#### Encumbrances

Encumbrances shall be made when the purchase is made or when an approved purchase order is processed. All encumbrances shall be charged to a specific fund.

#### Recommendations

Recommendations of the Superintendent and professional staff concerning the educational program of the District and related budget figures shall be presented to the Board prior to submission of the tentative draft budget.

#### Preliminary Adoption Procedures

The Superintendent, to the Board, shall submit a preliminary draft of the District's budget as the Board may require.

## **Section 3000 – Fiscal Management**

3100 Annual Operating Budget

3100-2

### Hearings and Reviews

The Board shall conduct budget hearings according to state law.

Approved: August 17, 2009

LEGAL REF: MCL 141.411; 141.421a-440a; 211.209-210; 380.1213-1214; 380.1216;  
380.1218; 388.1702

## **Section 3000 – Fiscal Management**

3100-R Annual Operating Budget

3100-R

### Preliminary Adoption Procedures

The preliminary budget shall include expenditure and revenue data for the most recently completed fiscal year and the amount of surplus or deficit that has accumulated from prior fiscal years. In addition, budget estimates should be provided for years two and three for planning purposes. The budget shall contain estimates needed for deficiency, contingency or emergency purposes. The debt fund budgets shall include the amounts needed to pay the Principal and interest from each fund for that fiscal year.

Details of expenditures and revenues for capital improvement projects from the general fund should be projected for a period of three years. An informational summary of projected expenditures and revenues for the building and site funds of the District shall be included in the budget document with a projection of such expenditures and revenues for three full years beyond the fiscal year covered by the budget.

### Recommendations

All recommendations of the Superintendent and staff shall be presented to the Board no later than the regular Board meeting in June.

### Hearings and Reviews

All budget reports, explanatory letters, and copies of the draft budget shall be available to interested patrons after being made available to the Board. The Board shall set the date, time, and location of the annual budget hearing.

### Encumbrances

The Superintendent shall make all encumbrances.

### Priorities

The Board shall make the final decision for the priority status of various budget items.

### Adoption

The Board shall approve the budget according to current law.

## **Section 3000 – Fiscal Management**

3150 Budget Fund Balance

3150

The Board realizes its responsibility under law to maintain a balanced, non-deficit, financial condition for the District so that the District does not find itself in a serious financial problem. Deficit financing is strictly prohibited by law. A budget fund balance provides flexibility in dealing with unanticipated budget emergencies such as mid-year reductions in state funding. In addition, it will help to avoid borrowing during the two-month period between the August and October State Aid payments and generate interest revenue on the available funds.

To this end, the Board will strive to maintain an unappropriated fund balance in accordance with above requirements while trying to maintain a fund balance of approximately 40% of the total annual operation expense of the District's General Fund Budget. In addition, reduction of above said percentage may need to be reconsidered due to the economic climate regarding state budget reductions as well as an amount that prevents the District from borrowing to meet the day to day financial obligations of the District.

The Superintendent is directed to bring only those budget recommendations to the Board that comply with all laws and the intent of this policy.

Approved: August 17, 2009

LEGAL REF: MCL 141.1201; 141.1231 – 1244; 141.2101; 380.1211 – 1227

## **Section 3000 – Fiscal Management**

3170 Line Item Transfer Authority

3170

The Superintendent is authorized to approve adjustments and/or transfers within line items of the Board adopted operating budget not to exceed 5% without Board approval. Such adjustments and/or transfers shall be reported to the Board at the next regular meeting of the Board. Authorization for such adjustments and/or transfers shall be included annually in the general appropriations act.

Approved: August 17, 2009  
LEGAL REF: MCL141.421a-440a

## **Section 3000 – Fiscal Management**

3170-R Line Item Transfer Authority

3170-R

Prior to any line item transfers within a building or division budget, authorization shall be received from the Superintendent. Building Principals or division/department heads must submit the request, in writing, supported by the rationale and reasons for said request.

## **Section 3000 – Fiscal Management**

### 3200 State and Federal Funding Proposals and Applications

3200

The Board shall seek and consider as many sources of revenue as possible to supplement the funds received from local taxes and state aid.

The Superintendent shall assume the responsibility for keeping the Board informed of any revenue sources that could enhance the educational program or operation of the District, and for which the District may be eligible, and make recommendations to the Board for action.

Approved: August 17, 2009

LEGAL REF: MCL 3.541; 3.542; 388.801; 380.1210

## **Section 3000 – Fiscal Management**

### **3280 Borrowing and Debt Service**

3280

#### Short Term Loans

If necessary, bids shall be solicited for all short-term loans that the Board has authorized, and funds shall be borrowed from the responsible organization offering the most favorable bid. All loans shall conform to the requirements of the State of Michigan.

#### Sale of Bonds

If necessary, the Board, upon a favorable vote of the people in compliance with the laws of the State of Michigan, may sell its bonds, if required to do so. Such bonds shall be duly advertised, prepared, and sold in conformance with the laws of the State of Michigan.

#### Debt Service

If necessary, it shall be the responsibility of the Superintendent to maintain all records as to the outstanding bonds and debts encumbered against the District. He/She shall keep this information readily available and report periodically to the Board on the condition of these accounts.

Approved: August 17, 2009  
LEGAL REF: MCL 380.1356

## **Section 3000 – Fiscal Management**

3290 Summer Property Tax Levy

3290

The Board, by passing a resolution in order to actuate this policy, shall impose a summer property tax levy.

This tax levy shall commence in the summer and continue during each subsequent summer until specifically revoked by the Board. Each summer property tax levy shall be for 50% of the District's annual school property taxes unless otherwise dictated by law.

Approved: August 17, 2009

LEGAL REF: MCL 380.1613

## **Section 3000 – Fiscal Management**

3300 Investment of Funds (Cf. 3310)

3300

Annually, the Board shall pass a resolution authorizing the Treasurer to invest surplus funds of the District. The Treasurer, with the authorization of the Board, may delegate day-to-day duties involving the investment of funds to the Superintendent.

Should the Board choose to employ an outside consultant to advise the Treasurer, or Superintendent if so delegated, that consultant, or consulting firm, shall be duly registered under the Investment Advisor's Act of 1940.

The District's investment portfolio shall be structured in such a way that the primary emphasis is on safety and liquidity of investments and preservation of the principal amount invested, as opposed to the rate of return. District cash flow needs shall be taken into account at all times when investments are contemplated.

In order to reduce the risk of losses on District investments, only "low-risk" investment instruments shall be used by the District. No District investments shall involve foreign currency risk.

This policy applies to all cash and investments under control of the Board, with the exception of funds related to debt issuance, if necessary, where other agreements or contracts are in effect for those funds.

The Superintendent may develop appropriate administrative rules to accompany this policy.

Approved: August 17, 2009

LEGAL REF: MCL 380.622; 380.1221; 380.1223; GASB Bulletin 40

## Section 3000 – Fiscal Management

3300-R Investment of Funds

3300-R

The Treasurer, or Superintendent if delegated by the Treasurer and approved by the Board, is responsible for maximizing the interest earnings of the District. Such authorized investments shall be restricted to:

1. Bonds, bills or notes of the United States, or obligations the principal and interest of which are fully guaranteed by the United States Government.
2. Certificates of deposit issued by any state or national bank organized and authorized to operate a bank in this state.
3. Commercial paper rated prime at the time of purchase and maturing not more than 270 days from date of purchase.
4. Certificates of deposit or share certificates of state or federal credit unions organized and authorized to operate in this state.
5. Securities issued or guaranteed by agencies or instrumentalities of the United States Government.
6. United States government or federal agency obligation repurchase agreements.
7. Bankers' acceptances issued by a bank that is a member of the federal deposit insurance corporation.
8. Mutual funds composed entirely of investment vehicles that are legal for direct investment by a school District.
9. Investment pools, as authorized by the surplus funds investment pool act, composed entirely of instruments that are legal for direct investment by a school District.

The Treasurer or Superintendent if duly delegated, in determining the best investment, shall combine three factors: (1) quality of commercial paper, (2) interest rate available, and (3) accessibility of funds on short notice. Only prime one or two commercial paper shall be considered.

Consideration will also be given to the spread of interest rates between commercial paper and certificates of deposit (savings deposit receipts) issued by banks, savings and loans or credit unions.

## **Section 3000 – Fiscal Management**

3300-R Investment of Funds

3300-R-2

When appropriate, banks having accounts of the District, or those from whom the District has recently secured loans, shall be given preference for the investment of funds.

The Board authorizes the Superintendent to invest available funds of general fund monies to earn interest, while not being used for operating purposes or invested otherwise. Such investments shall be used when the cash flow pattern does not permit the purchases of longer-term investments or when the rate of return is comparable or greater than is available from other investments. The Superintendent or designee, are authorized to make deposits and withdrawals from this account when necessary.

Interest from investments shall accrue to the fund from which the investment was made as determined by the Board and permitted by current law.

The Superintendent shall assume the responsibility of developing cash flow patterns for all funds in order to determine the availability of funds for investment. The Superintendent shall report monthly to the Board on the status of all investments.

## Section 3000 – Fiscal Management

3310 Reporting of Investment Risks (Cf. 3300)

3310

Although policy 3300 serves to reduce the risks associated with the investment of District dollars, the District may have deposits and investments that are subject to various levels of risk.

Statement No. 40 of the Governmental Accounting Standards Board (GASB) requires that certain deposits and investments of a local government that have the potential to result in losses be disclosed in District financial statements. The administration, in consultation with the District auditor or accounting firm as necessary, shall insure that the District financial statements comply with GASB Statement No. 40.<sup>1</sup>

The Superintendent may establish appropriate administrative rules to implement this policy.

Approved: August 17, 2009

LEGAL REF: Governmental Accounting Standards Board, *Statement No. 40*.

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<sup>1</sup> “This Statement [GASB No. 40] is designed to inform financial statement users about deposit and investment risks that could affect a government’s ability to provide services and meet its obligations as they become due.” Governmental Accounting Standards Board, *Statement No. 40*.

## **Section 3000 – Fiscal Management**

### 3310-R Reporting of Investment Risks

3310-R

The administrator responsible for Business Management shall comply with the disclosure requirements of Statement No. 40 of the Governmental Accounting Standards Board (GASB). Pursuant to the Statement, disclosures will be organized by investment type. Disclosure of risks in investments and deposits shall appear in the District financial statement, including, but not limited to, the information described in the paragraphs that follow.

#### Credit Risk

Credit risk information about investments in debt securities shall be disclosed in District financial statements by repeating the credit quality ratings of the investments made by nationally recognized rating organizations. Credit quality ratings of “...external investment pools, money market funds, bond mutual funds, and other pooled investments of fixed income securities...” must be disclosed. Obligations of the U.S. Government and obligations that may be guaranteed by the U.S. Government do not require disclosure of credit quality.

Where the investments issued by a single source constitute 5% or more of the total investment, information concerning the concentration of credit risk must be disclosed in the District’s financial statement. Information concerning the interest rate risk of investments, or the terms of investments with values that are sensitive to interest rate changes must also be disclosed, using one of the methods described in GASB Statement No. 40.

## **Section 3000 – Fiscal Management**

### 3340 Fees, Payments and Rentals (Cf. 9250)

3340

Proceeds from fees for building or equipment use or rental shall be credited to a fund specified by the Board.

#### Rental and Leasing of District Property

The Board may authorize the rental or lease of District property not used for instructional purposes.

#### Gate Receipts and Admissions

School events where admission fees are charged are a part of the District's educational program; therefore, such fees are also a part of the District's budgeting process. Thus, the administration shall be given the responsibility to set such fees. The level of the fee shall be set taking into consideration those factors which are a part of the appropriate school budget.

#### Free Admissions

Any resident of the District who is 55 years of age or older may apply for membership in the Gold Card Club. The membership card admits this member free of charge to any school activity. A fee may be levied to cover the direct cost of foods, materials, supplies, etc., involved with an activity.

#### Income and Payments from Sales and Service

Jobs or projects may be undertaken by students for private individuals or community groups. The facilities of the District may be used for such activities. All receipts shall be deposited in the appropriate fund and used as a reimbursement for materials and/or to purchase additional supplies and cover expenses of a department.

#### Non-Sufficient Fund Checks

In the event the District should receive a check for any purpose that is returned due to non-sufficient funds (NSF) the District will assess a charge of \$25.00 to the issuer of the check to cover the administrative and clerical costs of dealing with the matter.

## **Section 3000 – Fiscal Management**

3340 Fees, Payments and Rentals (Cf. 9250)

3340-2

If the issuer fails to "make good" for the amount of the original check within 10 days of the date of the check being returned for NSF, the District reserves the right to file criminal charges and to refuse checks in the future from the issuer.

Approved: August 17, 2009  
LEGAL REF: MCL 380.11a; 380.1141

## **Section 3000 – Fiscal Management**

3340-R Fees, Payments and Rentals (Cf. 9250)

3340-R

### Rental and Leasing of District Property

Prior to leasing District property, the Board shall make known the availability of such property to the patrons of the District. The lessee shall be reputable and the use of the buildings shall be compatible with community standards.

In all cases, the lessee shall be responsible for the maintenance of the property and payment of utilities. The Board annually shall be informed of the name, address and telephone number of the individual designated as liaison with the Board. The lessee shall be required to pay any taxes that may be assessed against said property.

All lease agreements shall be prepared or reviewed by legal counsel prior to Board approval. In all cases, the amount received from the lease shall cover all expenses of operation that may accrue to the District.

### Gate Receipts and Admissions

No fees shall be charged unless first approved by the Board. All special tickets, i.e., season tickets, all sports tickets, and free passes, etc. shall have prior approval of the Board.

### Free Admissions

Senior citizens, age 55 years and older may be given a guest pass, upon application to the Superintendent, which shall permit them to attend all activities of the District, including athletic events and adult education courses, free of charge.

### Income from Sales and Service

All projects undertaken by students and staff shall avoid competition with local businesses to the best extent possible.

The following rules and procedures shall apply to projects undertaken in the District's shops and facilities:

## Section 3000 – Fiscal Management

3340-R Fees, Payments and Rentals (Cf. 9250)

3340-R-2

1. Priority for Service:
  - a. Students enrolled in the course
  - b. District and school District organizations
  - c. District affiliated organizations
  - d. City public agencies and non-profit organizations
  - e. Parent(s)/Guardian(s) of students enrolled in class
  - f. Area senior citizens
  - g. Students enrolled in high school
  - h. Individuals including school District employees
2. Customers shall sign the necessary application and release forms provided by the school,
3. If an automobile is to be wrecked, the registration must be checked,
4. In auto shop, the welding of gasoline tanks and installation of glass is prohibited,
5. Tipping for services is prohibited,
6. All individuals and outside groups shall pay an estimated cost of materials and parts before the work begins. Adjustments shall be made at the time of final billing,
7. Payment for all parts or materials and services shall be made before releasing the product to the client,
8. Invoices for all charges shall be issued through the business office and all payment made to the business office or immediately submitted to said office by the person making the collection. To the extent possible, payments should be made by check, and
9. Employees or students shall not realize any financial benefit because of work projects undertaken.

## **Section 3000 – Fiscal Management**

3400 Depository of Funds (Cf. 1300)

3400

At the annual organizational meeting, the Board shall, in accordance with state law, designate, by resolution, the financial institutions<sup>2</sup> in which the funds of the District shall be deposited and the proportion of funds to be deposited in each. The Treasurer or Superintendent if delegated by the Treasurer and approved by the Board, shall deposit or cause to be deposited, funds of the District in the institutions as authorized by the Board and in the proportions authorized by the Board.

Approved: August 17, 2009

LEGAL REF: MCL 21.143; 129.12; 129.15; 380.1221-1222

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<sup>2</sup> MCL 129.15 includes credit unions as an appropriate place of deposit and uses the term “financial institutions,” not just banks or trust companies.

## Section 3000 – Fiscal Management

### 3405 Electronic Transaction of Funds

3405

The Battle Creek Public School District, through resolution of the Board, shall be a party to an Automated Clearing House<sup>3</sup> (ACH) arrangement.<sup>4</sup> The Superintendent shall be responsible for the Battle Creek Public School District's ACH agreements, including payment approval, accounting, reporting, and generally for overseeing compliance with the ACH policy.<sup>5</sup> All ACH invoices are to be approved prior to payment.

#### Internal Accounting

The Superintendent shall be responsible for development and maintenance of appropriate accounting controls to monitor the use of ACH transactions<sup>6</sup> made by the Battle Creek Public School District.

Approved: August 17, 2009  
LEGAL REF: MCL 124.301-124.305

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<sup>3</sup> “Automated clearing house” or “ACH” - a national and governmental organization that has authority to process electronic payments, including, but not limited to, the national automated clearing house association and the federal reserve system (MCL 124.301(d)).

<sup>4</sup> ACH arrangement – the agreement between the originator of the ACH transaction and the receiver of an ACH transaction (MCL 124.301(a)). Under Act 738 of 2002, MCL 124.301, an ACH arrangement is not subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101, or to provisions of law or charter concerning the issuance of debt by a local unit.

<sup>5</sup> ACH policy – the procedures and internal controls as determined under this written policy developed and adopted by the Superintendent (MCL 124.301(b)).

<sup>6</sup> ACH transaction – an electronic payment, debit, or credit transfer processed through an automated clearinghouse (MCL 124.301(c)).

## **Section 3000 – Fiscal Management**

3405-R Electronic Transaction of Funds

3405-R

For the purposes of accountability of ACH funds, the Superintendent or appropriate designee shall submit to the Board a monthly report detailing the goods or services purchased during the preceding month. The report must contain:

- 1) The goods or services purchased and their cost,
- 2) The date of the payment, and
- 3) The unit or department serviced by each payment.

This report may be maintained in the electronic general ledger software system of the District or in a separate report.

### Internal Accounting

ACH accounting methods shall follow the established and approved Battle Creek Public School District accounting procedures.

### Accounting Process

1. The Superintendent shall prepare a list of vendors authorized to be paid by ACH transaction, and provide that list to the clerk.
2. The clerk shall initiate the transaction upon receipt of an invoice included on the authorized ACH list approved by the appropriate District official. ACH invoices must be approved before payment. The clerk shall sign the ACH invoice, which then acts as the warrant.
3. The clerk shall present the warrants, a list of bills for payment, and a separate list of the electronic payments for Board approval. The Board shall approve all transactions prior to disbursement.
4. Following Board approval, the Treasurer shall sign the ACH warrant, initiate the electronic transaction with the vendor, and make the actual transfer of funds.

## **Section 3000 – Fiscal Management**

3405-R Electronic Transaction of Funds

3405-R-2

5. The Superintendent shall retain all ACH transaction documents for audit purposes.
6. The clerk shall retain all invoices for audit purposes.

**Section 3000 – Fiscal Management**

**Sample Resolution**

For the authorization of Electronic Transactions under PA 738 of 2002, MCL 124.301, the Board hereby recognizes that:

- Electronic payment of public funds are required for some federally mandated transactions involving public funds by electronic payment, debit, or credit transfer processed through an automated clearing house, and
- The Board deems that it is in the best interest of the District to make certain District financial transactions by electronic payments as described in PA 738 of 2002.

It is therefore resolved, that the Board authorizes the District to utilize electronic transactions in compliance with the written procedures and internal controls developed by the Superintendent.

Moved by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Ayes: \_\_\_\_\_ Nays: \_\_\_\_\_ Abstentions: \_\_\_\_\_

Resolution Adopted: \_\_\_\_\_

## **Section 3000 – Fiscal Management**

3410 Safeguarding of Monies and Equipment

3410

The Superintendent shall be responsible to see that administrative regulations are established and carried out so that all monies and equipment within all of the District's facilities are safeguarded and accounted for in an efficient manner at all times.

Approved: August 17, 2009

## **Section 3000 – Fiscal Management**

3420 Monies in School Buildings

3420

The Superintendent or designee shall establish procedures to permit daily deposit of monies collected which will not require monies to be left in school buildings overnight. The District will not be responsible for monies remaining in school buildings overnight.

Approved: August 17, 2009

## **Section 3000 – Fiscal Management**

3420-R Monies in School Buildings

3420-R

In order to assure the safekeeping of monies collected by employees, student Treasurer or officer of a school building, the following procedures shall be followed:

1. All monies shall be properly receipted, accounted for, and directed immediately to the proper location for deposit.
2. No money shall be left overnight in desks, lockers, or other such repositories.
3. All money left overnight in buildings shall be placed in a locked container in the school safe.
4. The Principal or designee shall arrange to make a deposit of funds after banking hours if necessary.
5. The building Principal or designee will verify all activity account deposits. A deposit slip will be prepared. The money and the deposit slip will be placed in a bank deposit bag and locked.
7. The building Principal or designee will take the locked bag to the bank.
8. The bank will unlock the bag and verify the deposit.
9. If the counted deposit is the same as the deposit slip, the bank will issue a receipt along with the unlocked bag.
10. If the counted deposit is not the same as the deposit slip, the bank teller will put the deposit slip and the money back into the bag. She/He will then lock the bag.
11. The locked bag will be returned to the building Secretary and request the deposit to be recounted.

## **Section 3000 – Fiscal Management**

3430 Surety Bonds – Employees and Board Treasurer (Cf. 3520)

3430

The Board shall purchase a surety or “blanket” policy for school employees as recommended by the Superintendent. The Board shall prescribe the amount of the policy based on the recommendation of the Superintendent after his/her consultation with the District’s accounting firm.

A surety policy for \$1,000,000.00 is required for the Treasurer of the Board.

Approved: August 17, 2009

## **Section 3000 – Fiscal Management**

### 3490 Inventories – Fixed and Controlled Assets

3490

An accounting will be made annually for property, real and personal, owned by the District in accordance with law, governmental regulations, and District rules.

#### Fixed Asset Accounting System

The administration shall maintain a fixed asset accounting system in accordance with law, governmental regulations, and the District's needs.

Approved: August 17, 2009

LEGAL REF: Governmental Accounting Standards Board, Statement No. 34

## Section 3000 – Fiscal Management

### 3490-R Inventories – Fixed and Controlled Assets

3490-R

For the purposes of accountability of school-owned property, the Superintendent, or administrator in charge of Business Services, shall develop an inventory record system. Annually, all inventory records shall be updated showing deletions and additions of District-owned property, the estimated value, estimated original cost, date of purchase, serial numbers (where available) and location and condition of each piece of property.

#### Fixed Asset Accounting System

The administration shall maintain a fixed asset accounting system in accordance with law, governmental regulations, and District needs. The fixed asset accounting system shall maintain sufficient information to permit the following:

- A. The preparation of year-end financial statements in accordance with law, governmental rules and generally accepted accounting principles,
- B. Adequate insurance coverage, and
- C. Control and accountability.

The Superintendent, or administrator in charge of Business Services, shall be responsible for the development and maintenance of the fixed asset accounting system. He/She shall develop procedures to ensure compliance with all fixed asset accounting policies, law or governmental regulation. Each building Principal shall be assigned fixed asset responsibilities.

“Fixed assets” are defined as at least 80% of those tangible assets of the District with a useful life in excess of one year and an initial cost equal to or exceeding \$5,000.00. In making this determination, the Superintendent, or administrator in charge of Business Services, generally will use the recognized and accepted “standard useful life table” as published by the Association of School Business Officials International Accounting, Auditing and Budgeting Committee, Subcommittee on GASB Statement No. 34 Implementation.

## **Section 3000 – Fiscal Management**

### **3490-R Inventories – Fixed and Controlled Assets**

3490-R-2

Additionally, the services of a professional property appraisal firm may be used to perform the asset inventory, to provide estimated historical cost information, and to give an objective estimate of the asset's useful life that will generally be acceptable to auditors.

In determining what assets are to be accounted for in District inventories, the Superintendent, or administrator in charge of Business Services, will consider the following information sources:

- Original purchase records,
- Bond documents, and
- Professional appraisal or other services, such as insurance appraisals.

The total amount of original debt issuance, where appropriate, to help determine some assets' historical cost.

Annually, the Superintendent or designee will review the estimated remaining life of specific fixed assets or groups of assets and adjust the remaining depreciable life accordingly.

Some items may be identified by the Superintendent or designee, as "controlled" assets that, although they do not meet all fixed asset criteria, will be recorded on the fixed asset system to maintain control.

Each building Principal has the responsibility of taking an inventory of District-owned property in all buildings under his/her supervision. The Superintendent, or administrator in charge of Business Services, will develop inventory forms and procedures. The custodian of records in that building will file one copy of each inventory taken in an attendance center, and one copy shall be filed in the central office.

Additional administrative regulations may be developed at the departmental level by the Superintendent, or administrator in charge of Business Services, as required to implement policy 3490. Upon request, any such rules, regulations, procedures, or forms will be shared with the Board for their information.

## **Section 3000 – Fiscal Management**

3500 Audits (Cf. 3520)

3500

The accounting records, including internal accounts, of the District shall be audited annually by an independent certified public accountant in accordance with prescribed standards and legal requirements.

The audit report shall be reviewed and approved annually by the Board at a public meeting. The management letter and recommendations of the auditor shall be brought to the attention of the Board, along with recommendations of the Superintendent as to the feasibility of implementing the recommendations. The Superintendent shall be responsible for filing the audit reports with all appropriate authorities as prescribed by law or regulation.

The auditing firms selected to conduct the annual audit shall be recommended by the Superintendent and approved by the Board at the organizational meeting. The auditing firm may be selected on a bid basis. All District employees shall cooperate fully with the auditors.

Approved: August 17, 2009  
LEGAL REF: MCL 388.1618

## **Section 3000 – Fiscal Management**

3520 Fraud Prevention and Investigation (Cf. 3490, 3500, 5203, 8700) 3520

The Board expects all employees, Board members, consultants, vendors, contractors, and other parties maintaining any business relationship with the District to act with integrity, due diligence, and in accordance with all laws in their duties involving the District's fiscal resources. The District is entrusted with public dollars and no person connected with the District should do anything to erode that trust.

The Superintendent shall be responsible for developing internal controls designed to prevent and detect fraud, financial impropriety, or fiscal irregularities within the District. Every member of the District's administrative team shall be alert for any indication of fraud, financial impropriety, or irregularity within his/her areas of responsibility.

Any employee who suspects fraud, impropriety, or irregularity shall report their suspicions immediately to his/her immediate supervisor and/or the Superintendent. The Superintendent shall have primary responsibility for any necessary investigations and shall coordinate investigative efforts with the District's legal counsel, auditing firm, and other internal or external departments and agencies, including the Calhoun County Prosecutor's Office and law enforcement officials, as the Superintendent may deem appropriate.

In the event the concern or complaint involves the Superintendent of Schools, the concern shall be brought to the attention of the Vice-President of the Board who shall be empowered to contact the District's legal counsel, auditing firm, and any other agency to investigate the concern or complaint.

The Superintendent may elect to employ the District's auditing firm to conduct a partial forensic/internal control/SAS99 audit annually or otherwise as often as deemed necessary. The Superintendent is authorized to order a complete forensic audit if, in his/her judgment, such an audit would be useful and beneficial to the District.

Approved: August 17, 2009  
LEGAL REF: MCL 14.141-145; 15.361-369; 141.421-440a; 141.2101-141.2821;  
380.1202; 380.1215; 380.1216; 380.1363; 388.1618

**Battle Creek Public Schools**

## **Section 3000 – Fiscal Management**

3520-R Fraud Prevention and Investigation (Cf. 3490, 3500, 5203, 8700) 3520-R

Fraud, financial improprieties, or irregularities include, but are not limited to:

1. Forgery or unauthorized alteration of any document or account belonging to the District.
2. Forgery or unauthorized alteration of a check, bank draft, or any other financial document.
3. Misappropriation of funds, securities, supplies, or other assets.
4. Impropriety in the handling of money or reporting of financial transactions.
5. Profiteering because of “insider” information of District information or activities.
6. Disclosing confidential and/or proprietary information to outside parties.
7. Accepting or seeking anything of material value, other than items used in the normal course of advertising, from contractors, vendors, or persons providing services to the District.
8. Destroying, removing, or inappropriately using District records, furniture, fixtures, or equipment.
9. Failing to provide financial records to authorized state or local entities.
10. Failure to cooperate fully with any financial auditors or investigators.
11. Any other dishonest or fraudulent act involving District monies or resources.

The Superintendent shall investigate reports of fraudulent activity in a manner that protects the confidentiality of the parties and the facts. All employees involved in the investigation shall be advised to keep information about the investigation confidential.

If an investigation substantiates the occurrence of a fraudulent activity, the Superintendent, or Board Vice-President if the investigation centers on the Superintendent, shall issue a report to appropriate personnel and to the Board.

## **Section 3000 – Fiscal Management**

3520-R Fraud Prevention and Investigation (Cf. 3490, 3500, 5203, 8700) 3520-R-2

The final disposition of the matter and any decision to file or not file a criminal complaint or to refer the matter to the appropriate law enforcement and/or regulatory agency for independent investigation shall be made in consultation with District legal counsel. The results of the investigation shall not be disclosed to or discussed with anyone other than those individuals with a legitimate right to know until the results are made public.

## **Section 3000 – Fiscal Management**

3550 Authorized Signatures (Cf. 1300)

3550

At the annual organizational meeting, the Board shall authorize the signatures of those persons who may sign checks upon the various accounts of the District. Facsimile signatures may be used as authorized by the Board.

Approved: August 17, 2009

## **Section 3000 – Fiscal Management**

3550-R Authorized Signatures

3550-R

- Executive Director of Financial Services
- Superintendent of Schools
- Director of Facilities & Operations
- Board Treasurer

## **Section 3000 – Fiscal Management**

3570 Petty Cash Accounts

3570

The Superintendent may establish a petty cash fund in the central office, any building or division or department in which he/she determines a need.

Approved: August 17, 2009

## **Section 3000 – Fiscal Management**

3570-R Petty Cash Accounts

3570-R

The Superintendent may establish a petty cash account not to exceed \$500.00 in the central office and in each building not to exceed \$150.00. The person in charge of the fund, on a form provided, may replenish petty cash funds only upon presentation of an itemized statement. Petty cash funds shall be reconciled monthly and such reports submitted to the Board at the regular monthly meeting. Petty cash funds shall not be used for the following purposes, by way of illustration and not limitation: Travel, meals, conference expenditures, and salaries, school supplies exceeding \$150.00, telephone, loans, or advances to staff or the cashing of personal checks.

## **Section 3000 – Fiscal Management**

### 3580 Payroll Procedures and Schedules

3580

All employees shall be paid according to a specific schedule that shall be determined annually by the Board. All salaries, supplements, and payments for extra duties shall be paid from the payroll account through the District's business office. No payments shall be made directly to any school personnel for services rendered from any supplementary school fund.

Approved: August 17, 2009

LEGAL REF: MCL 380.1224

## **Section 3000 – Fiscal Management**

3580-R Payroll Procedures and Schedules

3580-R

No employee shall be paid in advance of services rendered. Personnel receiving extra pay for extracurricular activities that are ongoing throughout the school year shall have the salary pro-rated in equal amounts in each paycheck. Personnel receiving extra pay for extracurricular activities that are seasonable shall be paid in full at the completion of the activity or on a pro-rated basis over the remaining pay periods, at the option of the employee.

A payroll deduction for organizational membership dues associated with employment may be made pursuant to a written request of an individual employee and validation by the organization involved, provided it complies with the provisions of master agreements with the employee organization.

Except for deductions for absences not covered by paid leave, required by law or contract, all salary deductions shall be subject to the Superintendent's or Board's approval. All deductions not mandated by law shall require authorization by the employee through the Superintendent's office or designee.

## **Section 3000 – Fiscal Management**

3600 Reimbursement of Expenses (Cf. 1168, 5330)

3600

District personnel, or members of the Board, who incur expenses in carrying out their authorized duties shall be reimbursed by the District to the extent approved or provided in Board policies or duly negotiated agreements upon submission of an approved voucher and supporting receipts. Such expenses may be approved and incurred in line with budgetary allocations for the specific type of expense.

Approved: August 17, 2009

LEGAL REF: MCL 15.321-330; 129.221 et. seq.; 129.241 et. seq.

## **Section 3000 – Fiscal Management**

### **3600-R Reimbursement of Expenses**

3600-R

When official travel by personally owned vehicle has been authorized, mileage payment shall be made at the rate currently approved by the Board. For employees covered by flat allowance per month or per year, the mileage rate shall apply when the employee uses his/her personal automobile on authorized school business outside the District.

#### Credit/Procurement Card

If District personnel or members of the Board are issued a District credit/procurement card for direct billing, it is the responsibility of the individual to indicate on the credit slip the kind of activity being charged. Upon returning to the District, all charge slips are to be submitted to the business office as soon as possible, along with the credit/procurement card unless the Board member or employee has been authorized to maintain possession of the credit/procurement card.

#### Spouses, Family Members, and Others

Expenses of spouses, other family members, or any non-district employees accompanying Board members or employees in discharging their official duties or performing authorized functions are not reimbursable. Board members or employees using a District credit/procurement card may incur charges for spouses, family members, or other non-District employees, but shall reimburse the District for any such charges.

#### Alcoholic Beverages and Tobacco

Neither alcoholic beverages nor any tobacco products may be charged to any District credit/procurement card, nor will reimbursement be paid for any expenditure for alcoholic beverages or tobacco products.

#### Authorization for Travel

The employee's immediate supervisor and Superintendent must approve all travel.

The appropriate forms must be completed prior to departure.

## Section 3000 – Fiscal Management

### 3600-R Reimbursement of Expenses

3600-R-2

1. A Conference Request Form must be submitted no later than five school days prior to the meeting; and
2. Estimated expenses must be within appropriate budget allocations.

An Approval of Request Form signed by the Superintendent or designee shall constitute certification for authorized travel. Certain employees shall be authorized by the Superintendent to travel locally in the performance of their duties and submit expense vouchers for reimbursement.

#### Methods of Travel

1. Travels by Common Carrier:

When a common carrier is authorized as the means of travel, the business office shall obtain reservations and tickets for the individual unless precluded by an emergency. Round-trip tickets for coach, tourist or economy class rates over the same or a permissible substitute route are to be purchased whenever they will lower the total cost, unless authorized travel to several points precludes the use of a round-trip ticket.

2. Travels by Private Automobile:

- a. Reimbursement for travel by private car should generally be authorized only under the following circumstances, with the reason indicated on the authorization form:

- 1) When common carrier service is not available without undue loss of time or unless common carrier use would be more expensive to the District. If the traveler makes the choice, maximum reimbursement shall be limited to the lower of the mileage or common carrier cost,
- 2) When two or more persons are eligible for similar authorized travel and riding together would mean a saving to the District. The Superintendent is responsible for making such a determination before approving the travel request,

## Section 3000 – Fiscal Management

### 3600-R Reimbursement of Expenses

3600-R-3

- 3) When use of an automobile will permit the traveler to make stops en route and perform his/her duties more effectively, and
  - 4) When the use of an automobile will not require the traveler to be away from his/her duties for a substantially longer period than travel by common carrier.
- b. Driving Extra Cars: Where two or more staff members could ride together on authorized travel, but choose to drive separately, any mileage reimbursement for which one of them might be eligible under (1) above, should be split among them. The toll and parking charges for the extra car or cars are not reimbursable.
3. Use of District-Provided Vehicles:
- A. Official District Travel
- When authorized, travelers shall be reimbursed for all expenses in connection with the use of District cars and trucks, provided the claim for such expenses is supported by receipts.
- B. Travel to Professional Meetings
- Approval may be given to qualified staff members for the use of District-owned vehicles for travel to professional meetings when other methods of travel are unsuitable or when the trip can be made at less expense to the District. A qualified staff member must drive.
4. Travels by Rented Vehicles:
- Under certain circumstances, the use of a rental car may be necessary. The Superintendent must approve rental car service at the site of a conference to which a person travels by common carrier. In requesting such use, rationale must be presented which will justify the necessity of such use or its advantage to the District.
5. Travels by Charter Air Service:

## Section 3000 – Fiscal Management

### 3600-R Reimbursement of Expenses

3600-R-4

The use of charter air service may be authorized when it is to the advantage of the District measured by both comparative travel costs and the time of the travelers.

#### Drivers of District-Provided Vehicles

##### Qualifications:

1. Qualified full-time staff members may drive these vehicles when engaged in official District business, provided they have a valid driver's license and have adequate experience in driving the type of vehicle assigned,
2. The staff member to whom a District vehicle is assigned is the District's representative in full charge of the trip, and
3. Students may not drive District-owned vehicles unless driving is part of driver education programs.

#### Reimbursable Expenses

Reimbursable expenses must follow District guidelines for travel.

1. Lodging (actual room cost),
2. Meals
3. Conference registration fees,
4. Parking and tolls,
5. Common carrier transportation within limitations above,
6. Use of private vehicle within limitations above,
7. Postage, telephone and fax charge for business purposes, and
8. Charge for baggage service, tips (not to exceed 15 percent).

#### Advances

Request for an advance to pay expenses at a conference shall be made at the time application is made and shall be approved by the Superintendent. A maximum of 80 percent of the estimated cost may be advanced.

## **Section 3000 – Fiscal Management**

3600-R Reimbursement of Expenses

3600-R-5

Immediately upon return, a financial accounting, including documentation, shall be made to the business office and any unused funds returned. Expenditures not documented shall not be reimbursed by the District. Petty cash funds may not be used for cash advances.

### Daily Travel

Local travel as authorized under these regulations is to be recorded on a daily basis and submitted to the business office at the end of each month for reimbursement. If such travel is less than 100 miles per semester, reimbursement may be requested at the end of the semester. Voucher must include, date, destination, purpose of travel, and number of miles for each trip.

All requests for reimbursement for travel during a fiscal year shall be submitted to the business office by June 30 of that year.

## **Section 3000 – Fiscal Management**

3605 District Credit/Procurement Cards (Cf. 1162, 1168, 3600)

3605

The Superintendent or designee shall be responsible for the issuance, accounting, monitoring, retrieval, internal controls and generally overseeing the use of District credit or procurement cards for Board members and employees.

### Issuance

A Board member may be issued a District credit or procurement card for actual and necessary expenses incurred because of attendance at Board-approved workshops, seminars, conferences, or conventions.

District employees may be issued a District credit or procurement card that shall be used solely for the purchase of goods and/or services needed for official business of the District.

### Documentation

When a Board member or employee uses a District credit or procurement card, documentation shall be provided the Superintendent or designee within 30 calendar days detailing the goods or services purchased, the cost of such goods or services, the date of purchase, and the purpose for which such goods or services were purchased.

### Lost Credit/Procurement Cards

Each Board member or employee issued a credit/procurement card is responsible for the protection and custody of District credit/procurement card. If a District credit/procurement card is lost or stolen, the Superintendent or designee shall be notified immediately.

### Return of Credit/Procurement Cards

A Board member who leaves the Board or a District employee who is no longer employed by the District shall return the credit/procurement card upon termination to the Superintendent, but no later than five calendar days after termination.

## **Section 3000 – Fiscal Management**

3605 District Credit/Procurement Cards (Cf. 1162, 1168, 3600)

3605-2

### Payment

The Board shall approve all District credit/procurement card invoices prior to payment. Such payments shall be made no later than 60 days after receipt of the initial statement date.

### Misuse and Unauthorized Use

A Board member who violates a provision of this policy shall have his/her use of that card revoked by the Board. An employee who violates a provision of this policy shall be subject to disciplinary action as determined by the Superintendent.

If the Superintendent violates a provision of this policy, he/she shall be subject to disciplinary action as determined by the Board.

### Other Provisions

The total combined authorized credit limit of all credit/procurement cards issued by the District shall not exceed 5% of the total budget of the District for the current fiscal year. Under no circumstances shall a District credit card ever be used for the purchase of alcoholic beverages, tobacco products, nor personal durable goods of any kind.

Approved: August 17, 2009

LEGAL REF: MCL 15.321-330; 129.221 et. seq.; 129.241 et. seq.; 380.1254

## **Section 3000 – Fiscal Management**

3605-R District Credit/Procurement Cards (Cf. 1162, 1168, 3600)

3605-R

The District may include in its budget and pay the balance due on any credit/procurement cards, including the annual fees and interest.

There shall be a system of internal accounting controls to monitor the use of credit/procurement cards.

The Superintendent or designee is authorized and encouraged to develop categories of the type of credit/procurement card purchases that may be made by District employees.

## Section 3000 – Fiscal Management

### 3610 Purchasing Goods and Services

3610

The Superintendent or designee shall be the sole purchasing agent for the District.

#### Purchasing from District Employees

The Board shall not purchase equipment, supplies, or services from an employee of the District, nor from a member of a household of an employee, nor from any firm in which an employee or member of his/her household holds a 10 percent or greater financial interest.

#### Purchases through the District

Board members and employees shall not make any purchase through the District for personal use. The name of the District or school, or an employee's position, shall not be used in such manner that discounts or cost preferences are given to such person. Purchasing equipment and supplies by the District for resale to employees is prohibited.

#### Emergency Purchases

Emergency purchases may be made without using the quotation or bidding process. Such emergencies may arise because of an accident or other unforeseen occurrence that could affect the life, health, welfare, or safety of the District's students or employees. A report detailing emergency purchases will be provided to the Board in a timely manner.

Approved: August 17, 2009

LEGAL REF: MCL 15.321-330; 380.1216; 380.1274

## **Section 3000 – Fiscal Management**

3610-R Purchasing Goods and Services

3610-R

In order to properly oversee the purchasing function and protect the resources of the District, the following administrative rules shall apply to policy 3610. These rules shall apply equally to all employees of the District regardless of assignment.

1. No employee has authority to sign any contract for the purchase of any goods or services, nor encumber the District with any debts or obligations beyond the amount of \$500.00 without the specific, written permission of the Superintendent of Schools. Should he/she so desire, the Superintendent might issue written authorizations annually to certain District employees that authorizes expenditures of more than \$500.00 on a limited basis and for specific reasons.
2. Any expenditure for goods or services of \$500.00 or less is authorized only if such expenditures are chargeable, specifically, to an appropriate budget line item in the budget adopted by the Board of Education.
3. The Superintendent, or a person designated specifically by the Superintendent, shall be empowered to sign lease agreements on behalf of the District regardless of duration of the lease or the amount of the expenditure. It shall be the general practice of the District that, with the exception of technology equipment, such as computers, printers, scanners, copying machines, and the like, and certain transportation equipment, no lease shall be entered into that encumbers the District and the Board for more than a two-year period.

## **Section 3000 – Fiscal Management**

3610-R Purchasing Goods and Services

3610-R-2

4. Any employee violating or attempting to circumvent these rules will be subject to disciplinary action, up to and including discharge. In addition, the Superintendent has authority to pursue any legal remedy necessary to seek restitution from the offending employee for any outstanding debts or obligations incurred by the District because of the employee's violation of these rules, subject to applicable collective bargaining agreements and law.
5. All vendors doing business with the District, or seeking to do business with the District, will be informed of these rules. Any vendor who seeks to circumvent or violate these rules might be barred, permanently, from doing business with the District.

## **Section 3000 – Fiscal Management**

3620 Administrative Leeway (Cf. 2750, 3660)

3620

In the event of an emergency such as a power failure, severe cold weather or other such natural disasters, the Superintendent or designee shall have the authority to purchase capital equipment needed to keep the schools of the District open or to reopen the schools. The Board, at a special or regular meeting as soon as possible after the purchase is made, shall approve any such purchases.

Such purchases shall not be made to circumvent the purposes of the competitive bid law.

Approved: August 17, 2009

## **Section 3000 – Fiscal Management**

3650 Cooperative Purchasing (Cf. 3660)

3650

The Superintendent or designee is authorized to consider, and recommend for Board approval, membership in cooperative purchasing organizations that would be of benefit to the District.

Cooperative purchasing also pertains to what is commonly referred to as “third party bids.” Third party bidding shall constitute a competitive bid for purposes of policy 3660 - Competitive Bids.

Approved: August 17, 2009

## **Section 3000 – Fiscal Management**

3660 Bids and Quotation Requirements (Cf. 4760)

3660

All purchases requiring competitive bids shall be made in accordance with current statutes, the creation of bid specifications, and adherence to the District's bidding procedure by the District's purchasing agent.

The purchasing agent shall develop and maintain lists of potential bidders for various types of materials, equipment, and supplies. Such bid lists shall be used in the development of mailing lists for distribution of specification and invitations to bid.

Any supplier may be included in the list upon request. The purchasing agent shall review all bid lists annually.

A copy of this policy shall be given to all bidders upon creation of bid lists and upon request.

All bids and supporting documentation shall be retained in the District office with the Superintendent for a period of one year after bids have been opened.

### Competitive Bids

No purchases shall be made of supplies, materials or equipment in a single transaction costing more than allowed under current law unless competitive bids for those goods and services are obtained and the Board approves the purchase.

### Bid Specifications

The District's purchasing agent shall write all bid specifications in a clear and concise manner. Such specifications shall include, when necessary: required performance, surety, bid and statutory bond information; compliance with preferential bid law; financial statements; the Board's right to reject any or all bids; compliance with all federal, state and local laws, ordinances and regulations; the date, time and place for the opening of bids; and other items as the Board directs.

Approved: August 17, 2009  
LEGAL REF: MCL 380.1267; 380.1274

## **Section 3000 – Fiscal Management**

### **3660-R Bids and Quotation Requirements**

3660-R

#### Non-Competitive Bid Purchases

Non-competitive bid purchases may be made when there is only one supply source provided the amount does not exceed bidding requirement limitation.

#### Informal Quotations

Verbal quotations of price on equal products or services secured in person or by telephone may be used in purchases for routine supplies used by the District.

The Superintendent shall make available to the Board, upon request, the price quotations, or competitive bids obtained from vendors for goods or services.

#### Formal Bid Quotations

The Superintendent or designee is authorized to purchase any item, or group of items in a single transaction, costing no more than allowed under current law, upon the receipt of at least three written bid quotations provided said purchase is within the approved budget. The Superintendent or designee shall use discretion in deciding whether such purchases are made based on requested quotations or through advertising for bids.

#### Competitive Bids on Building Construction, Renovation, and Repairs

Prior to commencing construction of a new building, or additions to or repair or renovation of an existing building costing more than allowed under current law, the Board shall obtain competitive bids on all material and labor to be required to complete the proposed construction, addition, repair or renovation. Repair work normally done by District employees is exempted from this bidding requirement.

The Board shall advertise for bids at least once in a newspaper of general circulation in the area where the building or addition is to be constructed, or where the repair or renovation of the building is to take place. The Board shall also post an advertisement for bids on the Department of Management and Budget's website for at least two weeks if the department has designated a website for this purpose.

## **Section 3000 – Fiscal Management**

3660-R Bids and Quotation Requirements

3660-R-2

If the Department of Management and Budget designates a school organization website for advertisement purposes, the Department shall include a link on its website to the school organization website.

Such advertisements shall include:

- The date and time that the bids must be received by the Board,
- A statement specifying that the Board will not accept late submissions,
- The date, time, and place the bids will be opened and read by the Board,  
and
- A statement specifying that each bid shall be accompanied by a sworn and notarized statement disclosing any familial relationship between the owner or employee of the bidder and any member of the Board or the Superintendent of the school district. The Board shall not accept any bids that do not contain this sworn and notarized statement.

### Procedure

All bids must be submitted to the Superintendent or designee in sealed envelopes with the name of the bidder and the date of the bid opening plainly marked in the lower left-hand corner of the envelope. All timely received bids shall be opened, read aloud, and examined by the Superintendent or designee at the public meeting specified in the advertisement for bids. No bid shall be opened, considered, or accepted before the date and time specified for bid submission in the advertisement. All bidders and other interested persons are invited to be present when the bids are opened.

Bids not involving building construction, renovation and repairs may be opened by the purchasing agent or other person designated by the Board and one other District employee shall witness such opening.

## Section 3000 – Fiscal Management

### 3660-R Bids and Quotation Requirements

3660-R-3

#### Responsible Bidder

All bids shall be awarded to the lowest responsible bidder. The Board remains the sole judge of whether or not a bidder is “responsible.” Criteria that may be used to judge “responsible,” by way of illustration and not limitation, include:

- Evidence that the contractor and its employee(s) have been tested and are licensed/certified, as required by applicable law, code or regulation, to perform the work that has been bid.
- A confirmation that all subcontractors, employees and other individuals designated to work on the Construction Project have and will maintain current applicable licenses/certifications as may be required by law, code or regulation.
- If applicable, the ratio of masters to journeypersons to apprentices proposed to be used on the Construction Project job site.
- If applicable, documentation confirming that the contractor maintains, participates in and contributes to a bona fide apprenticeship-training program.
- Documentation confirming that contractor has implemented a MIOSHA-approved safety-training program for employees to be used on the Construction Project.
- Evidence of the contractor’s Worker’s Compensation experience modification factor (EMF) and, if that EMF is greater than 1.0, an explanation regarding same.
- A list of projects completed within the past 3 years, including dates, clients, approximate dollar value and size.
- Evidence of experience with construction techniques, trade standards, project scheduling, cost control, management of projects and building codes, particular to the Construction Project.

## Section 3000 – Fiscal Management

### 3660-R Bids and Quotation Requirements

3660-R-4

- Evidence that contractor has financial resources and equipment to commence and complete the Construction Project.
- Evidence that contractor has bonding capacity equal to or greater than the value of the contractor's bid.
- A statement of the warranty offered by the contractor covering its labor and materials.
- A list of any and all litigation or arbitration proceeding involving the contractor within the past five (5) years, including an explanation of the circumstances surrounding the dispute, the remedy sought, and how the dispute was resolved or, if pending, the status of the litigation or arbitration.
- Proof of insurance, including certificates of insurance, confirming existence and amount of coverage for liability, property damage, workers compensation and any other insurances required by the proposed contract documents.
- References from individuals or entities that have received in the past 3 years, or that are currently receiving the contractor's services, including information regarding records of performance and job site cooperation.
- Evidence of a quality assurance program used by the contractor and the results of any such program on the contractor's previous projects.
- Criminal records check for each employee that will be working on the job site.
- Any unusual expertise, equipment, or ability of the contractor to perform the Construction Project, or relevant portion hereof.
- Projects involving the bidder for which performance was and/or was not delivered on time.

## Section 3000 – Fiscal Management

### 3660-R Bids and Quotation Requirements

3660-R-5

- Fines and penalties imposed by the federal, state or local agency on the bidder for any projects in the last five (5) years.
- Liens filed against the bidder in the last five (5) years.
- Suspensions or revocations of any professional license of any director, owner, officer, or managerial employee of the bidder, to the extent that any work to be performed in within the field of such licensed profession.
- OSHA violations by the bidder or bidder's subcontractors (including Michigan MIOSHA or other state occupational or constructional health and safety laws or regulations), as well as all notices of OSHA or other health and safety citations filed against the bidder, together with description and explanation of remediation or other steps taken regarding such violations and notices of violations.
- Violations of federal, state or local law within the previous five (5) years pertaining to unlawful discrimination against any employee.
- Litigation or arbitration cases in which the bidder has been a defendant or a third party related to any construction project in which it has been engaged within the previous five (5) years.
- Violations, if any, of prevailing wage laws or other wage and hour violations, including, but not limited to, child labor violations, failure to pay wages, or unemployment insurance tax delinquencies within the past five (5) years.
- Criminal conviction related to the construction business of bidder, its officers, directors, and/or managerial employees, within the past five (5) years.
- Violations, if any, within the past five (5) years or pending charges concerning federal, state or municipal laws, codes, rules and/or regulations.

## **Section 3000 – Fiscal Management**

### **3660-R Bids and Quotation Requirements**

3660-R-6

The Board may investigate the business reputation of any bidder by using information at hand to form an intelligent judgment, such as the District's architect, previous clients of the bidder, their own investigation, or an outside investigation agency.

#### **Bid Specifications**

The Board shall avoid negotiation of bid specifications after bids have been accepted and shall correct and request new bids if specifications are inadequately written.

If an error is discovered in the bid specifications, all bids shall be returned unopened and the project shall be re-bid using corrected and/or amended specifications.

Any bid submitted to the District may be withdrawn prior to the scheduled time for opening of bids.

Any bid received after the Board publicized date and time shall not be considered.

#### **Rejection of Bids**

The Board reserves the right to reject all bids and to ask for new bids. Such reservation shall be so specified in the publication or notification of bid letting.

The Board reserves the right to waive any informality in, or reject any part of, a bid.

## **Section 3000 – Fiscal Management**

3690 Local Purchasing (Cf. 3660)

3690

The Superintendent or designee shall purchase school equipment and supplies from local vendors whenever possible, providing that price, quality, and service of the local vendor compare favorably with those from non-local vendors. Bids shall be solicited from non-local vendors in order to establish a fair market price for equipment and supplies.

Local vendors shall be given preference if their bid or quoted price is within five percent of the low bid or quoted price, not to exceed a maximum of \$100.00, if all other matters are equal. Local purchases shall be divided among several local vendors when appropriate. The Superintendent or designee shall make all authorized purchases, as he/she deems best after carefully weighing all matters.

Approved: August 17, 2009

## **Section 3000 – Fiscal Management**

3730 Vendor Relations

3730

Vendors shall make contacts through the Superintendent or designee. Vendors shall not contact other administrators or school employees directly unless such contact is approved or authorized by the Superintendent.

Approved: August 17, 2009

## Section 3000 – Fiscal Management

3730-R Vendor Relations

3730-R

The Superintendent or designee shall authorize demonstrations of equipment by vendors.

No Board member or District employee shall accept gifts from any persons, group, or entity desiring to do business with the District; and all business-related gratuities are specifically prohibited except nominal value advertising items widely distributed with a market value of \$100 or less.

The Superintendent or designee shall alert vendors of the Board's policy concerning gifts.

Employees shall not endorse products or services in a manner that will identify them with the District. The Board, the purchasing department, or employees of the school shall not solicit funds from vendors however worthy the purpose.

The Board or Superintendent or designee may give written approval in advance for inspection trips or other informational trips at a vendor's expense.

Samples for evaluation, supplied free of charge by a vendor, may be accepted if:

1. The business office is notified of the acceptance and given a copy of the evaluation report,
2. No pressure, either direct or indirect, is brought on a supplier to provide such samples unless required of all suppliers as a specific provision of a bid or quotation request, and
3. All suppliers are given the opportunity to provide samples for evaluation.

## **Section 3000 – Fiscal Management**

3750 Payment Procedures

3750

Payment of bills shall be considered by the Board at regular Board meetings, upon recommendation by the Superintendent or designee.

Upon receipt of a request for payment by a District vendor, and upon receipt of all goods or satisfactory completion of all services from said vendor, the Board may authorize payment to said vendor within 30 days and full payment within 45 days.

The Board may designate one or more employees to pay bills in advance of any Board meeting in order to avoid a penalty for late payment or to take advantage of an early payment discount.

Approved: August 17, 2009

## **Section 3000 – Fiscal Management**

### **3800 Fund Raising and Student Activity Fund**

3800

#### **Soliciting Funds from and by Students**

The Board recognizes the existence of many worthwhile community and student activities that require the raising of funds by the sale of merchandise, tickets, or perhaps direct requests for money. Because of the need to safeguard students in the educational program, the Board limits participation of students to those activities that have the building Principal and/or Superintendent's approval under this policy.

It is the responsibility of the Board to provide the necessary basic texts, materials, supplies, equipment, buildings, and facilities to conduct the approved, basic educational programs of the District. Co-curricular and school-sponsored extra-curricular programs of the District, however, such as athletic programs, school-sponsored student clubs, and curriculum-related field trips or excursions may require financial support beyond the capacity of the District's capacity to provide in order to survive. Community and school fund raising organizations may contribute to the enrichment of basic programs or to co-curricular and extra-curricular activities through the contribution of funds and/or items as long as those contributions have been determined consistent with the above and approved by the Superintendent through the appropriate building or program administrator.

This policy is not to affect those regular school programs such as dramatics or musical concerts, etc., where students might be selling tickets for an activity in which they are taking part. Elementary students will not be asked to sell tickets for middle school or senior high school activities.

If a fund raising project is conducted to sponsor a specific purchase, activity or trip, the purchase or trip must be approved prior to initiation of the fund raising effort. This shall apply to school related groups as well as to school-community organizations.

Every attempt shall be made to coordinate fund raising activities among buildings and various organizations in order that excessive demands are not made upon members of the community.

## **Section 3000 – Fiscal Management**

### **3800 Fund Raising and Student Activity Fund**

3800-2

Such coordination is especially important at Christmas or other holiday times when innumerable items are available for sale by the students.

#### Student Groups

The Principal must approve all fund raising events in advance. Requests must be on an approved application form and submitted to the Principal at least 10 days prior to the proposed activity. Requests from high school student groups must first be submitted to the high school student council for its recommendation.

Only school-sponsored groups may sell or solicit in a school building and then only within the school housing the group, and only during non-instructional time.

#### Door-to-Door Sales

Students grades K-5 shall not sell school fund raising items or other school related materials door-to-door unless under the direct supervision and observation of a responsible adult (preferably parent(s)/guardian(s) or District staff member.)

School-sponsored student organizations shall not have more than two fundraising events a year, and no more than one event in a semester, that would involve going into the community through door-to-door sales or solicitations unless approved by the building Principal after consultation with the Superintendent. Cards, letters, or other identifying literature shall be provided to all students authorized for door-to-door sales in the general community.

Written parent(s)/guardian(s) permission must be signed and returned to the school before elementary students can sell door-to-door.

#### Specifics

- A. Fund raising projects for special trips or special projects should not be started until approval of the trip or project is granted. Trips covered by this policy shall include out-of-state and overnight trips, as well as trips to foreign countries. (Cf. 7490 – Field Trips)

## **Section 3000 – Fiscal Management**

### **3800 Fund Raising and Student Activity Fund**

3800-3

- B. Any sale of commercial products or the solicitation of funds in a door-to-door campaign and/or through contracts with businesses shall require approval of the building Principal before any oral commitment, written agreement, or contract is made or any advance publicity or group promotional activity is undertaken. Once approved however, before sales begin or solicitations are made, contract agreements must be signed by the building Principal.
- C. Fund raising projects shall be compatible with the school's purpose, goals, and general community expectations, and shall not conflict with local business enterprises unduly.
- D. The District shall transfer funds remaining in accounts of student organizations that have been inactive for one year or in accounts of classes that have been graduated for one year to accounts of other co-curricular organizations or to the District's general fund upon recommendation of the Superintendent or designee.

#### Adult Groups

School-related adult organizations raising funds that are to be used primarily for the improvement of the educational or athletic program must submit a written request through the Principal to the Superintendent or designee. This request should be submitted 10 days in advance and identify the date(s) and nature of the activity (ies). No fund raising activity should commence until approval has been granted. The purpose is not to limit the activities of these groups unduly, but rather to:

1. Be assured that students are not being "used" or their educational program interrupted.
2. To assist with coordination of activities so that similar activities are not in conflict with each other.

## Section 3000 – Fiscal Management

3800 Fund Raising and Student Activity Fund

3800-4

3. To be assured of the appropriateness of the activity and that all fund raising activities, and the use/expenditure of the funds raised there from, comply with local, state, and federal laws<sup>7</sup> and regulations.

Approved: August 17, 2009

LEGAL REF: *Gaincott v Davis*, 281 Mich 515; 275 NW 229 (1937); *Cook v Bennett*, 94 Mich App 93; 288 NW2d 609 (1979); Title IX (34 C.F.R. § 106.3(6)); *Title IX Athletics Investigator’s Manual*, Office of Civil Rights.

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<sup>7</sup> A school district that accepts outside financial assistance and allows vast gender differences to emerge at the hands of a third party (the private booster club) may face claims of federal Title IX violations. Title IX regulations caution that to “aid or perpetuate discrimination” by providing “significant assistance” to any organization that provides benefits or services to students is a violation of Title IX. (34 C.F.R. § 106.3 (6)). “Where [athletic] ‘booster clubs’ provide benefits and services that assist only teams of one sex, the institution shall ensure that teams of the other sex receive equivalent benefits and services.” *Title IX Athletics Investigator’s Manual*, Office of Civil Rights.

## **Section 3000 – Fiscal Management**

3800-R Fund Raising and Student Activity Fund

3800-R

### Door-to-Door Sales

#### Safety Training

Prior to any door-to-door sale or solicitation, the students involved, regardless of age, shall be given proper safety training and orientation by the staff member(s) responsible for the student group. Such training should include, by example, precautions against entering a home (even if invited), precautions against acceptance of food or drink from any homeowner or resident, instruction in evasive actions to take if a “customer” should attempt to grab or touch the student, cautions about aggressive animals that might be in or about the residence, precautions against accepting any offers of transportation, and the like.

Door-to-door solicitations or sales by students, regardless of age, shall be discontinued after nightfall or after 8:00 p.m. whichever comes sooner.

#### Expenditures and Reports

Each student activity fund shall have a District employee, recommended by the building Principal, and approved by the Superintendent or designee, in charge of said fund. The custodian of the fund shall be responsible for making reports of the student activity fund to the Superintendent or designee as requested. The report shall show opening and closing balances of each fund, the total amount of deposits, and an itemized list of expenditures and submitted to financial services within 30 days of completion of fund raiser.

All payments from student activity funds shall be made from purchase orders signed by the custodian of the fund.

The District shall assume control of all inactive activity organization funds and disburse those funds to the activity account selected or expend the funds as directed by the Board in the best interests of students.

## **Section 3000 – Fiscal Management**

3900 Surplus Books, Equipment and Supplies

3900

The Superintendent or designee is authorized to dispose of surplus, obsolete books, equipment, and supplies. An equal opportunity for any purchases shall be given to everyone.

Approved: August 17, 2009

LEGAL REF: MCL 380.11a

## **Section 3000 – Fiscal Management**

3900-R Surplus Books, Equipment and Supplies

3900-R

Annually, prior to June 30, the administrator of each building shall supply the Superintendent or designee with a list of books, equipment, or other saleable items that may be considered obsolete. The Superintendent or designee shall verify said list.

The Superintendent or designee shall determine the means of sale and provide notification of materials to be sold and the method of sale to the general public and those parties, which in his/her estimation, would be interested in such items. A public notice shall be circulated at least 10 days before the sale and the items for sale fully described. Monies realized from such sales shall be credited to the appropriate fund account.

Obsolete books, equipment, or supplies that cannot be sold may, at the discretion of the Board and Superintendent or designee, be donated to charitable organizations or discarded in an acceptable manner.

The sale of a single item or items in aggregate, whose estimated value exceeds \$500, shall be approved by the Board or designee and sold by sealed bid.

A record shall be maintained by the Superintendent or designee of all properties disposed of consistent with state and/or federal regulations.

## **Section 3000 – Fiscal Management**

3950 Surplus Land or Buildings

3950

The sale or disposal of District land or buildings shall require Board authorization. The Board shall determine the method and procedure of disposal.

Approved: August 17, 2009

LEGAL REF: MCL 380.11a

## **Section 3000 – Fiscal Management**

3950-R Surplus Land or Buildings

3950-R

Whenever any land or buildings owned by the District are placed on the market for sale, public notification shall be made and all interested parties shall be given an equal opportunity for purchase.

An appraisal of District owned property shall be requested from at least two independent appraisers. However, the Board may set a price, which in its judgment, is fair, and may reject any or all offers relative to such sale.

Before a sale is completed, the potential use of the property shall be considered, particularly as it may affect the neighborhood in which it is located. The sale of the property for educational use shall be given priority.

Money resulting from the sale of property shall be deposited in the general fund of the District unless otherwise directed by the Board or unless there is a bond issue outstanding on the facilities, in which case the receipts from the sale shall be deposited in the debt retirement fund established for that building project.

## **Section 3000 – Fiscal Management**

### 3960 Federal Timekeeping Requirements

3960

All employees whose compensation is paid, in full or in part, with federal funds must maintain time and effort records in accordance with established criteria. Employees must provide the information required on a timely basis and in accordance with all federal procedures. Time and effort records must be maintained in order to charge employee compensation costs to federal grants; thus, compliance with these procedures prevents disallowance of salary and wages charged to federal grants. Semi-annual certifications are required to be signed by all staff whose salary is charged to a federal grant.

First Reading: November 19, 2012

**4000—BUSINESS MANAGEMENT**SN Excludes fiscal management

- 4005 Employee Conflict of Interest - Purchases
- 4010 Facilities Management
- 4015 Insurance Program (Cf. 1190, 1220, 8460)
  - Liability Insurance
  - Worker's Compensation
- 4040 Safety (Cf. 8590)
  - Emergency Drills
  - Fire Prevention
  - Warning Systems
  - Safety Inspections
- 4050 Environmental Health and Safety - Employee Indemnification
  - Toxic Hazards and Asbestos
- 4060 Energy Policy
- 4080 Emergency Closings
- 4090 Traffic and Parking Controls (Cf. 8640)
- 4100 Environment
- 4110 Security
- 4120 Thefts and Vandalism (Cf. 8350)
- 4170 Records
- 4250 Printing and Duplicating Service – Copyright
  - Employee Produced Material
  - Copyright Compliance and Computer Software Copyright
- 4300 Student Transportation Management (Cf. 4350)
- 4320 School Vehicles
  - Liability
  - Safety
  - Safety Inspection
  - End of Route Vehicle Inspection
  - Records
  - Licensing of Drivers
  - School Bus Safety Program
- 4350 Student Transportation in Private Vehicles
  - Field Trips
  - Student Self-Transportation
- 4365 Special Use of Transportation Services
- 4430 Personal and Business Transportation Services
- 4450 Food Service Management
- 4460 Food Allergies (Cf. 8453)
  - Dealing with Food Allergic Students
- 4470 Bidding the Food Service Program (Cf. 3660)

- 4500 Technology - (Cf. 8940, 2810)  
SN For policies of a general nature on the generation and control of statistical and other information as desired by the District and/or required by state and federal regulations. See also “Records” and “Report,” in Index.  
New Programs  
Upgrades  
Data Management  
Education and Instruction
- 4510 Computer Network (Cf. 4520)  
Personal Accounts  
Privacy  
System Integrity  
Network Use  
District Web Page(s)  
Limiting Access  
Use of Computers in a School District Library  
SN Includes new construction as well as related activities such as acquiring sites, plant remodeling or modernizing and leasing or renting property to meet expansion needs.
- 4520 Filtering Software (Cf. 4510)
- 4601 Facilities Development Goals
- 4650 Planning - Long-Range (Cf. 4601)
- 4700 Retirement of Facilities  
Obsolescence Determination
- 4750 Naming of Facilities
- 4760 Responsive and Responsible Contractor Policy (Cf. 3660, 4770)  
Suspension or Revocation
- 4770 Selection of an Architect/Engineer/Construction Manager
- 4800 Educational Specifications  
SN Detailed, precise, expert presentation of a plan or proposal for educational facilities including equipment, classrooms, laboratories, curriculum, etc.
- 4890 Supervision of Construction (Cf. 4770)  
Change Orders
- 4900 Fair Employment Clause
- 4910 Affidavits and Guarantees (Cf. 4770)
- 4950 Board Inspection of New or Remodeled Facilities
- 4970 Public Dedication of New Facilities

## **Section 4000 – Business Management**

### 4005 Employee Conflict of Interest - Purchases

4005

Employees in a position to influence decisions on purchases shall not have a personal financial interest either directly or indirectly in purchase for the District, or benefit directly or indirectly from any financial transaction, unless that interest has been fully disclosed and the person involved has removed himself/herself from the decision-making process.

Purchases of, or use of District property, materials and manpower, by employees, shall be accomplished in accordance with good business practices, and within the framework of applicable laws, regulations, and Board policies.

The Superintendent and his/her cabinet and any other administrator deemed by the Superintendent to be in a position to influence the purchase of any goods or services, shall periodically sign and file a conflict of interest disclosure document.

Approved: August 17, 2009  
LEGAL REF: MCL 15.322-323; 380.1202

## Section 4000 – Business Management

4005-R Employee Conflict of Interest - Purchases

4005-R

### CONFLICT OF INTEREST DISCLOSURE FORM

#### BATTLE CREEK PUBLIC SCHOOLS - APPROPRIATE EMPLOYEES

Employees in a position to influence decisions on purchases or contracts shall not have a personal financial interest either directly or indirectly in any contract or purchase of the District or benefit directly or indirectly from any financial transaction or contract of the District unless that interest has been fully disclosed and the person involved has removed himself from the decision-making process.

Purchases of or use of school District property, materials and manpower by employees shall be accomplished in accordance with good business practices and within the framework of applicable laws and regulations.

The Superintendent, and any other District employee deemed by the Superintendent to be in a position to influence the purchase of any goods or services, shall sign and file the following information:

For purposes of this document, the following definitions are used:

DISTRICT: Battle Creek Public Schools

“SUPPLIER”: any person, partnership, trust, corporation, or other business entity that supplies materials, equipment, real estate, or services to the school District.

“FINANCIAL INTEREST”: means any stock, bond, or other debt, obligation, option or right to purchase stock, share in profits, investment, partnership interest, or other interest of any nature. Ownership in securities in a corporation shall not be considered to constitute a FINANCIAL INTEREST therein for this purpose provided all the following conditions are met:

- (1) The securities are traded on a national securities exchange, or regularly reported in over-the-counter quotations in the financial press,
- (2) The securities owned by you and to your knowledge or belief, owned by your near relatives do not exceed 1% of the outstanding securities of such corporation of the same class, and

**Battle Creek Public Schools**

## Section 4000 – Business Management

4005-R Employee Conflict of Interest - Purchases

4005-R-2

- (3) The market value of the securities of such corporation so owned does not exceed 50% of your gross annual income.

“NEAR RELATIVE”: means your spouse and children, the parent(s)/ guardian(s), sisters and brothers of yourself and your spouse, and the spouses of your brothers and sisters. It is not necessary to interrogate the members of your family. It is sufficient to give the facts, as you know them, or believe them to be.

Complete honesty and candor is required of all employees asked to submit this form. Section 2 of Public Act 317 makes it a misdemeanor for any public servant to:

".....directly or indirectly solicit any contract between the public entity of which he is an officer or employee and (a) himself, (b) any firm (meaning a co-partnership or other unincorporated association) of which he is a partner, member or employee, (c) any private corporation in which he is a stockholder owning more than 1% of the total outstanding stock of any class where such stock is not listed on a stock exchange or stock with a present total market value in excess of \$25,000.00 where stock is listed on a stock exchange or of which he is a Director, officer, or employee, or (d) any trust of which he is a beneficiary or trustee, nor shall he take any part in the negotiations for such a contract or the renegotiations thereof or amendment thereto or in the approval thereof, nor shall he represent either party in the transaction; except as provided in section 3.

Should you have inadvertently omitted a company in your statement and later there is a transaction involving that company to come before the Board, you have a clear obligation to make your interest in that company known. If after the statement is signed you acquire an interest in a company doing business with the Board, that interest should be made public at or before such time as a transaction involving that company comes before the Board.” Failure to reveal a conflict of interest as outlined in this policy and in the law, may subject you to disciplinary action up to and including dismissal.

**Section 4000 – Business Management**

4005-R Employee Conflict of Interest - Purchases

4005-R-3

- At any time since January 1, \_\_\_\_\_, have you, or to your knowledge and belief has any NEAR RELATIVE of yours had any direct or indirect FINANCIAL INTEREST in any SUPPLIER of the District?

Yes \_\_\_\_\_ No \_\_\_\_\_

If the answer is “yes,” attach a statement giving full details.

- At any time since January 1, \_\_\_\_\_, have you or any member of your household had a direct or indirect ownership of any business in which your ownership in such business exceeds 10% of the business' capital or the income from which represents more than 10% of your gross income?

Yes \_\_\_\_\_ No \_\_\_\_\_

If the answer is “yes,” attach a statement giving full details.

- At any time, since January 1, \_\_\_\_\_, have you been a Director, officer, sole proprietor, partner, agent, representative, employee, or the paid consultant or advisor to, or the recipient of any fee or commission from any business enterprise other than your principle employer?

Yes \_\_\_\_\_ No \_\_\_\_\_

If the answer is “yes,” attach a statement giving full details.

It is important to the District that you make accurate and complete answers to the above questions. It is not satisfactory to answer questions “same as last report”, instead, any questions that cannot be answered “yes” or “no” should be completed in whatever detail is necessary wither elsewhere on this form or by attachment.

Please sign and date below.

I declare that to the best of my knowledge and belief, the answers I have given and the statements attached are true and correct.

(Legal Signature) \_\_\_\_\_

\_\_\_\_\_  
Please Type or Print Full Name here

\_\_\_\_\_  
Date

## **Section 4000 – Business Management**

### 4010 Facilities Management

4010

All buildings and surrounding property shall be maintained and inspected by the Director of Facilities, Operations and Transportation on a regular basis. The Director of Facilities, Operations and Transportation shall develop a comprehensive program, which will ensure proper maintenance of all District-owned real property.

Approved: August 17, 2009

## **Section 4000 – Business Management**

4010-R Facilities Management

4010-R

Within each school, the Principal shall be responsible for the care and upkeep of the building and for the supervision of custodial services. Needs which cannot be handled by the building custodial staff shall be immediately reported to the Director of Facilities, Operations and Transportation.

It is the duty and responsibility of all District employees to safeguard and protect all property owned and operated by the District. Students shall be instructed to use school owned equipment in the proper way and shall be encouraged to show respect for public and private property at all times.

Community groups such as PTA's and other interested parties are encouraged to participate in the beautification of school grounds in accordance with the master plan of the school District.

The Director of Facilities, Operations and Transportations will make annual recommendations to the Board for approval of a priority list of maintenance projects to be carried out within funds so allocated in the budget. Upon Board approval, the Director of Facilities, Operations, and Transportation shall proceed to implement said projects within any specific dollar limitation imposed by the Board.

## **Section 4000 – Business Management**

4015 Insurance Program (Cf. 1190, 1220, 8460)

4015

The Board shall insure District property unless otherwise directed by the District electors. Such insurance may be obtained from companies licensed to do business in the state of Michigan. The status of the insurance program in its entirety shall be reviewed annually by the Assistant Superintendent for Student Services and Finance with specific reference to adequacy of coverage, placement of insurance, and services provided by insurance agents, their representatives, associates, or companies. Any recommended changes or improvements shall be brought to Board for action.

### Liability Insurance

Liability insurance shall be provided to cover Board members and members of the administrative staff in performance of duties relating to District business and operation.

### Worker's Compensation

Worker's Compensation insurance shall be carried for all employees as provided by law.

Except in unusual circumstances, all insurance shall be purchased based on bids, taking into consideration cost, service, potential dividends, and any other factors that may be of benefit to the District.

The Superintendent shall be responsible to develop specifications for all forms of insurance and make recommendations to the Board.

The Board shall establish a reserve fund for meeting the obligations incurred because of laws covering unemployment insurance. The amount of such funds shall be reviewed annually in relationship to obligations experienced over past years and anticipated obligations for the ensuing year.

Approved: August 17, 2009

LEGAL REF: MCL 380.1269; 380.1332; 691.1405-1409

## Section 4000 – Business Management

4040 Safety (Cf. 8590)

4040

The Board and its administrative staff shall make every effort to provide a safe environment for students to study and play and for all employees to fulfill their employment duties and responsibilities. Safety rules and practices shall be developed by the District's administrative staff. These rules shall be reviewed annually with all employees and students.

### Emergency Drills

Each building housing students will comply fully with all laws regarding required fire drills, tornado drills, and lockdown drills. The Superintendent shall report to the Board concerning the nature of legally required “lockdown” drills<sup>1</sup>. There shall be coordination with local emergency management, fire, and/or police officials in the conduct of “Lockdown” drills.

### Fire Prevention

The District's employees shall be constantly on the alert for potential fire hazards.

### Warning Systems

The Board shall seek to cooperate with local government officials, emergency preparedness authorities and other related state agencies to ensure that adequate warning systems in the event of disasters are available for use in the District.

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<sup>1</sup> MCL 29.19 (5) A minimum of 2 drills in which the occupants are restricted to the interior of the building and the building secured is required for each school year at a school that operates any of grades kindergarten to 12. A drill conducted under this subsection shall include security measures that are appropriate to an emergency such as the release of a hazardous material or the presence of an armed individual on or near the premises. The drill shall be conducted in coordination with the local emergency management coordinator appointed under section 9 of the emergency management act, 1976 PA 390, MCL 30.409, the county sheriff for the county or the chief of police or fire chief for the municipality where the school is located, or the designee of the sheriff, chief of police, or fire chief and consistently with applicable federal, state, and local emergency operations plans. The governing body of a school shall seek input from the administration of the school on the nature of the drills to be conducted under this subsection.

## Section 4000 – Business Management

4040 Safety (Cf. 8590)

4040-2

### Safety Inspections

The Superintendent or designee shall inspect building and grounds including but not limited to playgrounds, and playground equipment, boilers, bleachers and other such areas to determine whether said facilities or play areas are in adequate repair and free of harmful defects under a schedule developed by the Superintendent or designee.

Approved: August 17, 2009

LEGAL REF: MCL 29.19; 380.1288; R 340.1301-1305; Michigan Bureau of Fire Services, Fire Marshal Bulletin 2 - Fire and Tornado Drills, Revised January 2007.

## **Section 4000 – Business Management**

4040-R Safety

4040-R

### Safety Inspections

If, upon proper investigation, defects are found to exist, the individual conducting the investigation shall immediately inform the building Principal, Superintendent or Director of Facilities, Operations and Transportation in writing. The party reporting is responsible to generate a request for the work order. Necessary steps either to repair or to remove the defect shall be taken as soon as possible. Defects, which will require expenditure of money above the administrative approval threshold, shall be reported to the Board in compliance with rules regulating such circumstances. Any defects not immediately removed, repaired, or otherwise eliminated shall be blocked off with fences or other restraining devices.

### Heating and Lighting

All furnaces, boilers, and lighting fixtures shall be periodically inspected to ensure maximum safety for students, District employees, and patrons. All such devices shall meet minimum standards as regulated by state and federal agencies governing such items.

### Weather Hazards

Insofar as possible, walkways should be kept clean of snow and ice and be maintained in a safe condition for pedestrian traffic.

### Safety Glasses

Student and employee's eyes shall be protected at all times in shop classes and science classes with the use of safety glasses. Glasses for visitors shall be available at the building office.

### Accident Reports

All accidents on District grounds, or involving District vehicles, or involving employees not on District grounds but in the process of their work hours shall be reported to the Assistant Superintendent for Human Resources by any District employee.

## **Section 4000 – Business Management**

4040-R Safety

4040-R-2

### Records of Emergency Drills

Building Principals shall maintain a record of the time and date of each emergency drill held. These records are subject to review by the Superintendent or State or local officials responsible for reviewing compliance with laws.

## **Section 4000 – Business Management**

4050 Environmental Health and Safety - Employee Indemnification

4050

### Toxic Hazards and Asbestos

The Board is concerned for the safety of students, staff, and the general public and shall attempt to comply with all federal and state statutes and regulations to protect them from hazards that may result from industrial accidents beyond the control of District officials, from the presence of asbestos materials used in previous construction, and from hazardous materials present in the District.

The Board has appointed the Assistant Director of Facilities and Operations to serve as the designated person who shall carry out the requirements of the Asbestos Hazard Emergency Response Act (AHERA), the Michigan Occupational Safety and Health Act, and the Michigan Right-To-Know Rules and Regulations.

The Superintendent has appointed the Assistant Director of Facilities and Operations to develop and implement the District's approved asbestos management plan and shall develop a specific job description, which shall ensure proper compliance with federal and state laws and the appropriate instruction and in-service of staff and students.

The Board shall, through either a separate contract, a sub clause to an existing contract, or as a part of a negotiated master contract, defend, hold harmless, and indemnify current and former District employees who have been assigned the responsibilities related to the AHERA regulations from any and all demands, claims, suits, actions, and proceedings brought against those individuals as agents and/or employees of the Board, provided that any such incidents arose while those individuals were acting within the scope of their respective employment contracts and were not intentional, negligent, or criminal acts.

The Board shall attempt to maintain a secure liability insurance to help serve as a means of implementing this policy.

Approved: August 17, 2009

LEGAL REF: MCL 380.623b; 380.1256(1) (2); 380.1274b (Mercury in the schools); 388.864; 408.1001 (Michigan Occupational Safety and Health Act)

**Battle Creek Public Schools**

## **Section 4000 – Business Management**

4060 Energy Policy

4060

The Superintendent or designee shall develop and implement both short and long-range plans designed to conserve energy resources of the District.

Reports on the implementation of energy conservation measures shall be made annually to the Board and the District leadership team. Savings resulting from the energy management program shall be used to supplement the District technology plan. Members of the District staff and student body are encouraged to make suggestions to the Superintendent and building Principals, which might aid in the conservation of energy.

Approved: August 17, 2009

## **Section 4000 – Business Management**

4080 Emergency Closings

4080

The Superintendent is authorized to close the schools in case of inclement weather or other emergency, which makes it unsafe for students to attend school. The Superintendent may delay the opening of school in cases of fog or ice until such hour as it is anticipated conditions are safe for transportation. The Assistant Superintendent for Human Resources will develop a process to make appropriate information available on which to base the decision, including designating the Assistant Director for Facilities and Operations and the Director of Facilities, Operations and Transportation to conduct field conditions inspections of highways and central city walkways.

Approved: August 17, 2009

## **Section 4000 – Business Management**

4080-R Emergency Closings

4080-R

As soon as the decision to close school is made, radio and TV stations shall be informed. Parent(s)/Guardian(s) shall be informed of the station over which the announcements will be made prior to the start of school and periodically throughout the school year.

In case schools are closed for emergencies, all administrative personnel, secretaries and custodians shall report for duty at their regular assigned time unless special instructions are otherwise given by the Superintendent. If certain groups of employees are not to report, the Superintendent shall include such information in his/her school-closing announcement. Pay for days schools are closed for emergency conditions shall be according to collective bargaining agreements with the association representing the given employee.

If it is necessary to dismiss school early, employees shall remain until their regular dismissal time unless authorized otherwise by the Superintendent.

Except in extreme emergency where there is no doubt about the ability to hold school, announcement of closing shall be made in the morning of the day of closing.

The Superintendent, in consultation with the District Administrative Cabinet, and building Principals, may use his/her prerogative in scheduling activities on days schools are closed for emergency and the cancellation of activities already scheduled.

## **Section 4000 – Business Management**

4090 Traffic and Parking Controls (Cf. 8640)

4090

The building Principal with assistance from the Transportation Supervisor shall develop plans for accommodating the flow of traffic on school roadways, issue traffic regulations, and have responsibility for the assignment of parking areas to staff, students, and visitors to the schools. Convenient parking spaces shall be designated for handicapped persons based on state and federal laws.

No motorcycles, motor-driven bicycles or scooters, snowmobiles, all terrain vehicles, skateboards – manual or motorized, or motor carts may be operated on school grounds. The Superintendent may specifically authorize exceptions to this policy if such vehicles are used in connection with the District's educational program or are deemed necessary for service and maintenance of the schools.

Approved: August 17, 2009

LEGAL REF: OAG, 1989-1990, No 6657, p 372 (August 21, 1990)

## **Section 4000 – Business Management**

4100 Environment

4100

In order to establish sound environmental and ecological oriented attitudes throughout the District, the Board recognizes its obligation to consider environmental values in any decision-making or action the Board proposes to take.

The Board shall cooperate with governmental and community agencies in order to increase the awareness and knowledge of environmental problems and possible solutions.

To the extent practical, the Superintendent or designee shall develop administrative procedures relative to purchasing and use of materials, which shall consider the environmental and ecological impact of such purchases and uses. The development of bid specifications for material used by the District shall consider generally recognized and accepted environmental and ecological concepts and principles.

Primary in all considerations of product or process will be the safety of building occupants.

Approved: August 17, 2009

## **Section 4000 – Business Management**

4110 Security

4110

The Board shall attempt, through the entire staff, to ensure that staff members, students, patrons and all property owned by the District are protected at all times from possible damage or injury, outside intrusion or disturbances occurring on school grounds or in school buildings. Security devices and measures, such as, but not limited to, video cameras, motion detectors, metal detectors (stationary or portable) and alarms, may be installed in any or all District buildings, or in District vehicles to protect District personnel, students and property.

Outside lighting and/or video surveillance devices may be installed and maintained at each attendance center to provide illumination and observation of the immediate grounds. The Superintendent or designee shall designate an authorized person to establish and maintain an adequate key control system which will limit access to buildings to authorized personnel and will safeguard against the potential entrance to buildings by those not authorized. The District shall cooperate with all law enforcement agencies in enforcing security measures. (See 4120)

Approved: August 17, 2009

LEGAL REF: MCL 380.1291; 1997 National Fire Protection Association 101, Life Safety Code: 5-2.1.5.1

## Section 4000 – Business Management

4110-R Security

4110-R

### Access to Buildings

Access to school buildings and grounds outside of regular school hours shall be limited to personnel whose work requires it.

Keys shall not be loaned to anyone. Under no circumstances shall school employees have extra keys made unless specifically authorized to do so by the Superintendent or building Principal.

Students, no matter what their status, shall not be loaned (even for a short period) or given keys to any building doors or storage facilities, whether indoors or outdoors. Any student found to be in possession of such keys shall be immediately suspended for 10 school days with the possibility of a long-term suspension or expulsion. Any employee found to have loaned or given students such keys will be subject to disciplinary action up to and including discharge.

Combinations to school vaults and safes shall be changed each time there are changes in personnel who have had the combinations.

All equipment shall be stored in as safe a place as possible and employees must avoid leaving equipment and supplies where they are readily accessible to others.

Classroom windows and doors are to be locked when the teacher leaves the building.

Any employee using the building in the evening or on weekends must be certain all doors are locked after entering and upon leaving.

### Chaining of Doors

No exit doors shall be chained at any time whether or not the building is occupied. Principals, custodians and other responsible persons must be certain that all accessible exits are operable whenever a building or portion of a building is in use. However, approved security bars or devices may be used to secure outside doors when school is not in session.

## **Section 4000 – Business Management**

4110-R Security

4110-R-2

### Videotapes - Retention as Evidence

In the event a videotape from a video surveillance device contains evidence of student wrongdoing, be it a crime or a violation of the student code of conduct or bus conduct code that could result in discipline, suspension or expulsion of a pupil, the actual, original videotape will be pulled from service and not re-used or taped over for a period of not less than 3 years following the incident in question. The tape/DVD/CD must be hand carried to the office of Student Services. Should the tape be confiscated by prosecutorial authorities as evidence in the prosecution of a crime, the District shall take all steps possible to arrange for a certified copy of the tape to be retained by the office of Student Services.

In the event a videotape from a video surveillance device contains evidence of employee wrongdoing, be it a crime or a violation of the student code of conduct or bus conduct code that could result in discipline, suspension or expulsion of a pupil, the actual, original videotape will be pulled from service and not re-used or taped over for a period of not less than 3 years following the incident in question. The tape/DVD/CD must be hand carried to the office of Human Resources. Should the tape be confiscated by prosecutorial authorities as evidence in the prosecution of a crime, the District shall take all steps possible to arrange for a certified copy of the tape to be retained by the office of Human Resources.

The media recording device that may be used as evidence in an ongoing investigation concerning employee misconduct, injury in incident will be pulled from service and not re-used or taped over for a period as determined by the Assistant Superintendent of Human Resources. The media device on which the evidence is stored must be hand carried to the Human Resources/Employee Relations Office. Should the media be used as evidence in the grievance, investigation or disciplinary hearing the district shall take all steps possible to arrange for a certified copy of the media to be retained by the Human Resources/Employee Relations Office.

## **Section 4000 – Business Management**

4120 Thefts and Vandalism (Cf. 8350)

4120

The Superintendent or designee shall institute an on-going program designed to prevent thefts and vandalism. Any known or suspected damage to, or unauthorized removal from, school property, equipment or supplies, shall be promptly reported to the Superintendent, along with any information which may assist in its recovery or replacement.

Approved: August 17, 2009

LEGAL REF: MCL 600.2913

## Section 4000 – Business Management

### 4120-R Thefts and Vandalism

4120-R

Students found guilty of and/or responsible for, any form of theft or vandalism shall be disciplined in accordance with the Board's discipline policy, including possible suspension or expulsion from school.

In the case of malicious or wanton destruction of property, causing damage of \$2,500 or more, the student(s) will be suspended from regular classes and barred from District property and from all District activities for not less than 30 school days and up to 180 days. For other less serious acts of vandalism, the student(s) may be suspended for up to 10 days.

Recovery of damage and/or losses shall be sought from the person or persons involved. In the case of minors, restitution from their parent(s)/guardian(s) under the laws that hold parent(s)/guardian(s) liable up to \$2,500 for any loss or damage, may be sought.<sup>2</sup>

Upon Board approval, the Superintendent shall sign a criminal complaint in the name of the District to bring charges against perpetrators of theft or vandalism.

If arrangements for restitution for damage or losses, as established by the Board and permitted by law, are to be made by the person or persons involved within a reasonable period of time, the Superintendent, with the approval of the Board, may direct the Board attorney to commence a legal action to recover all damages, costs and legal fees associated with the incident.

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<sup>2</sup> 600.2913 Minor maliciously or willfully destroying property or causing bodily harm or injury to person; recovery of damages from parents.

Sec. 2913. A municipal corporation, county, township, village, school district, department of the state, person, partnership, corporation, association, or an incorporated or unincorporated religious organization may recover damages in an amount not to exceed \$2,500.00 in a civil action in a court of competent jurisdiction against the parents or parent of an unemancipated minor, living with his or her parents or parent, who has maliciously or willfully destroyed real, personal, or mixed property which belongs to the municipal corporation, county, township, village, school district, department of the state, person, partnership, corporation, association, or religious organization incorporated or unincorporated or who has maliciously or willfully caused bodily harm or injury to a person.

## Section 4000 – Business Management

4170 Records

4170

All records pertaining to District-wide maintenance costs shall be filed in the Facilities and Operations or other secured area. To the extent possible, a cost analysis of existing and proposed maintenance programs shall be developed by the Superintendent or designee.

Approved: August 17, 2009  
LEGAL REF: MCL 15.231 *et seq.*

## **Section 4000 – Business Management**

### 4250 Printing and Duplicating Service - Copyright

4250

The Board shall make duplicating equipment available for administrative and instructional use to the extent that is economically feasible and practical according to the needs of the District.

The extent of production of instructional materials by clerical staff shall be determined by the building Principal, who shall develop guidelines for requesting such services.

The copyright laws of the United States make it illegal for anyone to duplicate copyrighted materials without permission. Severe penalties are provided for unauthorized copying of all materials covered by the act unless the copying falls within the bounds of the “fair use,” as set forth in 4250-R.

#### Employee Produced Material

The Board has exclusive ownership and proprietary rights to publications, devices, and instructional materials prepared and produced by District employees within the scope of his or her employment. All items prepared by District employees within the scope of his or her employment including data processing programs are the property of the District. The Board may elect to copyright or patent such materials, devices or programs in the name of the District. All earnings or profits from such original materials, devices, or programs shall become assets of the District.

The Superintendent shall inform staff, through regulations, of the guidelines for use of copyright materials.

#### Copyright Compliance and Computer Software Copyright

The Board shall adhere to the provisions of the U.S. copyright laws regarding the duplication of computer software programs. The Superintendent shall develop appropriate procedures for staff to follow in this area.

Approved: August 17, 2009

LEGAL REF: 17 USCA §101, et seq. (Copyright Act of 1976)

## **Section 4000 – Business Management**

4250-R Printing and Duplicating Services - Copyright

4250-R

In accordance with Board policy 4250, the following regulations will be observed to comply with the copyright laws of the United States.

Under the “fair use” doctrine, unauthorized reproduction of copyrighted materials is permissible for such purposes as criticism, comment, news reporting, teaching, scholarship, or research. If duplicating or altering a product is to fall within the bounds of fair use, these four standards must be met for any of the purposes:

**THE PURPOSE AND CHARACTER OF THE USE:** The use must be for such purposes as teaching or scholarship and must be non-profit. Fair use would probably allow teachers acting independently to copy small portions of work for the classroom but would not allow a school system or an institution to do so.

**THE NATURE OF THE COPYRIGHTED WORK:** Copying portions of a news article may fall under fair use but not copying from a workbook designed for a course of study.

**THE AMOUNT AND SUBSTANTIALITY OF THE PORTION USED:** Copying the whole of a work cannot be considered fair use; copying a small portion may be. At the same time, however, extracting a short sequence from a 16mm film or videotape may be far different from a short excerpt from a textbook, because two or three minutes out of a 20-minute film might be the very essence of that production and thus outside fair use. Under normal circumstances, extracting small amounts out of an entire work would be fair use, but a quantitative test alone does not suffice.

**THE EFFECT OF THE USE UPON THE POTENTIAL MARKET FOR, OR VALUE OF, THE COPYRIGHTED WORK:** If resulting economic loss to the copyright holder can be shown, even making a single copy of certain materials is an infringement, and making multiple copies presents the danger of greater penalties.

## **Section 4000 – Business Management**

4250-R Printing and Duplicating Services - Copyright

4250-R-2

### Prohibited Practice

A teacher may not make multiple copies of a work for classroom use if it has already been copied for another class in the same institution; make multiple copies of a short poem, article, story, or essay from the same author more than once in a class term or make multiple copies from the same collective work or periodical issue more than three times a term; make multiple copies of works more than nine times in the same class term; make a copy of works to take the place of an anthology; and may not make a copy of “consumable” materials, such as workbooks.

### Permitted Practice

A teacher may make—for use in scholarly research, in teaching or in preparation for teaching a class—a single copy of the following: a chapter from a book; an article from a periodical or newspaper; a short story, short essay or short poem (whether or not from a collected work); a chart, graph, diagram, drawing, cartoon or picture from a book, periodical or newspaper; may make (for classroom use only and not to exceed one per student in a class) multiple copies of the following: a complete poem (if it has fewer than 250 words and is printed on not more than two pages), an excerpt from a longer poem (if the excerpt has fewer than 250 words), an excerpt from a prose work (if the excerpt has fewer than 1,000 words or 10 percent of the work, whichever is less) and one chart, graph, diagram, cartoon or picture per book or periodical.

A library may, for interlibrary-loan purposes, make up to six copies a year of a periodical published within the last five years, make up to six copies a year of small excerpts from longer works, make copies of unpublished works for purposes of preservation and security and make copies of out-of-print works that cannot be obtained at a fair price.

## **Section 4000 – Business Management**

4250-R Printing and Duplicating Services - Copyright

4250-R-3

### Guidelines for Off-Air Recording of Broadcast

#### Programming for Education Purposes

A broadcast program may be recorded off-air simultaneously with broadcast transmission (including simultaneous cable re-transmission) and retained for a period not to exceed the first 45 consecutive calendar days after date of recording. Upon conclusion of such retention period, all off-air recordings must be erased or destroyed immediately.

Off-air recordings may be used once by individual teachers in the course of relevant teaching activities and repeated once, only when instructional reinforcement is necessary, in classrooms and similar places devoted to instruction within a single building, cluster or campus, as well as in the homes of students receiving formalized home instruction, during the first 10 consecutive school days in the 45 day calendar day retention period. “School days” are school session days—not counting weekends, holidays, vacations, examination periods, or other scheduled interruptions—within the 45-calendar day retention period.

Off-air recordings may be made only at the request of, and use by, individual teachers and may not be regularly recorded in anticipation of requests. No broadcast program may be recorded off-air more than once at the request of the same teacher, regardless of the number of times the program may be broadcast.

A limited number of copies may be reproduced from each off-air recording to meet the legitimate needs of teachers under these guidelines. Each such additional copy shall be subject to all provisions governing the original recordings.

After the first 10 consecutive school days, off-air recordings may be used up to the end of the 45-calendar day retention period only for evaluation purposes by the teacher, i.e., to determine whether to include the broadcast program in the teaching curriculum. They may not be used for student exhibition or any other non-evaluation purpose without authorization.

## **Section 4000 – Business Management**

4250-R Printing and Duplicating Services - Copyright

4250-R-4

Off-air recordings need not be used in their entirety, but the recorded programs may not be altered from their original content. Off-air recordings may not be physically or electronically combined or merged to constitute teaching anthologies or compilations.

All copies of off-air recordings must include the copyright notice on the broadcast programs as recorded.

### Software

Software developed by District employees shall conform to the copyright and patent provisions prescribed in Board policy. District employees shall adhere to ethical practices when using commercially developed software for developing individualized programs to meet the District's needs.

### Software Royalties

Software marketed with private organizations or other educational agencies may produce royalties in the form of financial remuneration, equipment or other material or devices. The allocation and deposit of all royalties shall be determined by the Superintendent.

### Employee Produced Material

The Superintendent shall maintain full use, rights, and privileges on all software, manuals, devices, documents and programs and related materials developed by staff during work periods for which they are compensated.

### Computer Software Copyright

It shall be a violation of Board policy and the copyright laws of the U. S. to use “pirated” or otherwise illegally obtained computer software for use on District owned equipment, whether for instructional, administrative, or any other purpose. The use of District equipment to make unauthorized copies of District owned, privately owned, or illegally obtained computer software is prohibited.

## Section 4000 – Business Management

In an effort to discourage violations of copyright laws and to prevent illegal uses of the District's computer system:

(a) The proper use of computers will be taught through planned computer curriculum and computer related instruction for students, and staff will address the ethical and practical problems caused by software piracy.

(b) District employees shall adhere to all provisions of the U.S. copyright laws, which allow for the making of back-up copies of computer programs.

“ . . . it is not an infringement of the owner of a copy of a computer program to make or authorize the making of the copy or adaptation of that computer program provided: that such a new copy of adaptation is created as an essential step in the utilization of the computer program in conjunction with the machine and that it is used in no other manner, or that such a new copy or adaptation is for archival purposes only and that all archival copies are destroyed in the event that continued possession of the computer program should cease to be rightful.”

(c) When software is being used on a disk sharing system, efforts will be made to secure the software from copying.

(d) Illegal copies of copyrighted programs may not be made or used on District equipment.

(e) The Superintendent is the only individual who may sign license agreements for software. Each school using the software should have a copy of the signed software duplication agreement.

(f) No District employee will illegally access any database or electronic bulletin board.

(g) No District employee will encourage or allow any student to illegally duplicate computer software or access any database or electronic bulletin board.

(h) Each Principal is responsible for establishing practices, which will enforce the Board's policy at the school level. A copyright warning may be placed on computer equipment.

## **Section 4000 – Business Management**

4300 Student Transportation Management (Cf. 4350)

4300

The Board shall provide safe, economical transportation to the students of the District as required and appropriate. The use of buses by the District shall conform to state law. School bus routes shall be established by the Superintendent or designee.

Bus transportation will be provided students to and from school for those students who qualify. Transportation will be provided by the District for all District sponsored extra-class activities. Students are prohibited from driving personal automobiles to District-sponsored activities held during the school day unless student self-transportation is approved as per policy 4350.

Students must observe the rules and regulations developed by the administration governing student transportation. Students will also be subject to the school's behavior code while riding school buses. The Superintendent or designee may suspend or revoke the transportation privilege or entitlement of any student who violates any safety or administrative rules or regulations.

All such rules shall be published in the student handbook or copies given to students and parent(s)/guardian(s) at the beginning of the school year.

Bus drivers shall report any violation of said rules to the Superintendent or designee by completing a student bus conduct report. The Transportation Supervisor shall take the necessary steps to ensure that the school disciplines students according to Board policy. As a disciplinary action for violation of District rules, a student may be refused school bus transportation but required to attend school.

Approved: August 17, 2009

LEGAL REF: MCL 257.1801; 380.1321-1322; 380.1333; R 340.1702; R 340.281-282;  
Michigan Department of Education Transportation Handbook (Bulletin  
431)

## **Section 4000 – Business Management**

### **4300-R Student Transportation Management**

4300-R

District transportation equipment shall be used only for the transportation of students to and from school and school-sponsored activities. The equipment may be used to furnish transportation to senior citizen groups or other community groups when this does not conflict with school activities. Upon written authorization of the Superintendent or designee, adults may be permitted to ride school buses to school sponsored activities.

Student transportation shall be considered a privilege to be enjoyed by a student only as long as he/she accepts responsibility for his/her own conduct, carefully follows all rules and regulations, and positively responds to the directions and requests of the bus driver.

#### **Bus Routes**

Careful consideration shall be given to such conditions as safety and hazards, number and ages of students, kind and condition of roads, safe and convenient bus stops, economy of operation, possible student exposure to crime or criminal activities, and estimated time necessary to cover the routes. Routes are to be planned to keep individual riding distance and time to a practical minimum.

#### **Distance Eligibility**

Secondary students who live 1.5 miles or more from the school that they attend shall be eligible to be transported to school. Under normal conditions, elementary students shall be expected to walk up to 1/2 mile and secondary students up to 1 mile to a bus stop. The Superintendent or designee is authorized to make exceptions to these distances if safety conditions or other equally valued circumstances warrant.

Students who wish to ride a different bus for a specific purpose on a particular day may do so providing they present written permission from their parent(s)/guardian(s) to the Principal for verification of the parent(s) and/or guardian(s) name and signature. All requests for students to ride another bus must be submitted to the Transportation Department for approval. This department will inform the school if there is a seat available for the student to ride.

## **Section 4000 – Business Management**

### **4300-R Student Transportation Management**

4300-R-2

The purpose for informing the transportation department will assist in providing information to the driver about the arrangements, accountability and seating availability. Students shall not be transported to different stops for birthday parties, social events, or any programs not sponsored by the District. The same policy shall apply to a non-bus student who on a specific occasion has a justifiable reason for riding a school bus to a specific destination.

#### Handicapped Students

A person identified by an educational planning and placement (EPPC) committee to be a “handicapped person” in accordance with R340.1702, who would otherwise be unable to participate in an appropriate special education program or service operated or contracted by the Intermediate School District, shall be eligible for only that additional transportation determined by the assessment committee to be necessary for the person to participate.

#### Non-Public School Students

A student enrolled in a non-public school shall be eligible for transportation to the public school that the student would otherwise attend. This transportation shall be along the regular routes according to the same eligibility provisions and schedules in effect for public school students, except that the non-public school student shall then be eligible for transportation from the public school to the closest non-public school located in the District that the student is eligible to attend or to a point within the District from which he/she may have available transportation to the non-public school in accordance with state law.

When the District provides transportation to public school students of a given grade classification (other than for special education) attending public schools outside the District, non-public school students of the same grade classification shall then be eligible for transportation in the same general direction for approximately the same distance to non-public schools located outside the District.

## **Section 4000 – Business Management**

4300-R Student Transportation Management

4300-R-3

### Riding a Different Bus

Students who wish to ride a different bus for a specific purpose on a particular day may do so providing they present written permission from their parent(s)/guardian(s) to the Principal and receive approval. Students shall not be transported to different stops for birthday parties, social events or any program not sponsored by the District. The same policy shall apply to a non-bus student who on a specific occasion has a justifiable reason for riding a school bus to a specific destination.

### Unavailability of Buses

The Transportation Supervisor shall notify each building Principal any time it is necessary to reduce the number of buses transporting students home. The Principal shall then notify the necessary staff members and shall then insure that the school telephones be monitored for at least 45 minutes after the last bus departs.

## **Section 4000 – Business Management**

### 4320 School Vehicles

4320

School buses or other District owned or leased vehicles shall not be loaned, leased, or subcontracted to any person, groups of persons or organizations except as allowed by law and subject to Board approval.

No public funds shall be spent by the Board to hire, rent, or lease any form of transportation to be used by any student, school employee, patron, or any organization to transport anyone to or from a religious activity.

#### Liability

All school vehicles shall be adequately insured.

#### Safety

Every bus driver shall have authority and responsibility for the passengers riding in school buses.

#### Safety Inspection

All school vehicles shall be inspected annually prior to the opening of school. The results of the inspection shall be reported to the Board.

#### End of Route Vehicle Inspection

At the end of every route driven, every bus driver shall do a thorough inspection of the bus, van, or any vehicle used for transporting students for any reason, to be certain that no students or any other passengers remain in the vehicle. It shall be the responsibility of the administration to develop appropriate rules, forms, or records to ensure that this policy is implemented. Any driver failing to adhere to this policy or to the rules established by the administration shall be subject to disciplinary action as determined by the Superintendent.

#### Records

Every bus or other vehicle driver of school vehicles shall keep accurate records pertaining to each vehicle assigned to him/her. The types of records shall be developed by the Superintendent or designee.

## Section 4000 – Business Management

4320 School Vehicles

4320-2

### Licensing of Drivers

Michigan laws and regulations of the Michigan Department of Education set standards for the physical fitness, competence, experience, training, and proper licensing of school bus drivers. The Board directs the Superintendent or designee to ensure that these legal requirements and regulations are complied with strictly, and that all required documentation is available up-to-date in each employees file.

### School Bus Safety Program

The Superintendent or designee and the transportation department in conjunction with building Principals shall develop and publish school bus safety rules for bus drivers and students.

Approved: August 17, 2009

LEGAL REF: MCL 15.231 *et seq.*; 257.314; 380.1333; Michigan Department of Education, “Pupil Transportation Best Practices Bulletin”, August 10, 2006

## Section 4000 – Business Management

4320-R School Vehicles

4320-R

### Safety

Any student or other person riding in school owned vehicles that violate the rules of the District concerning such passengers shall be reported to the proper administrative official. Violations of said rules by students or other such persons may result in disciplinary action by school officials.

### Safety Inspection

Any defect found in a school vehicle shall be repaired as soon as possible. The Superintendent or designee, Assistant Director for Facilities and Operations and subordinate mechanic staff shall be responsible for keeping school vehicles in good operating condition.

### End of Route Vehicle Inspection

At the end of each route driven, every bus driver shall inspect the bus, van, or any other vehicle used to transport students to be certain that no students or other passengers remain in the vehicle. This requirement extends to mean that an inspection will occur any time a route has been run, be it a partial route interruption where the driver is “waiting” for students to return to the vehicle (such as on a field trip,) or the final run of the day or evening. In addition, an inspection of the vehicle will be done any time that the driver is to be absent from the vehicle for 10 minutes or more before the driver exits the bus whether at the end of the route or during an interruption in the route.

An “End of Route Inspection Form,” to be provided by the administration, shall be completed and submitted to the transportation office as soon as possible after the inspection but in no case later than the normal end of the driver’s shift or assignment.

## **Section 4000 – Business Management**

4320-R School Vehicles

4320-R-2

### Records

Any record developed by the District for monitoring vehicle use may include but will not be limited to the following information: miles driven each trip, gas and oil usage, purpose of the trip, destination, time departing, and time of return. Such records shall be signed by each driver at the conclusion of each trip and submitted to the person responsible for collection of said records. An annual report tabulating such data in the record shall be used in the compilation of the District's budget. A copy of said annual report may be given to the Board upon request.

### Housing of School Vehicles

All school vehicles shall be housed in areas designated by the Superintendent. Buses may be housed in the District's central storage area

District cars or vans shall be assigned to a designated employee who shall then be responsible for the proper care, maintenance, and housing of the vehicle either at a District-owned site or at the employee's private residence.

## **Section 4000 – Business Management**

### 4350 Student Transportation in Private Vehicles

4350

#### Field Trips

In scheduling transportation for field trips, the Superintendent may approve the use of private vehicles in situations in which budget or schedule restrictions make it prohibitive or impractical to use school buses.

#### Student Self-Transportation

In cases where a student is enrolled in a Board approved, shared time program, or District sponsored activity, at another school or program site (Example: An area career center, gifted and talented program, or dual enrollment program with an area junior college, college or university) parent(s)/guardian(s) of the student may request permission for their child to self-transport him/herself to and from that site, subject to rules and regulations established by the administration.

Approved: August 17, 2009

## **Section 4000 – Business Management**

### **4350-R Student Transportation in Private Vehicles**

4350-R

#### Field Trips

When private vehicles are used for field trips, the following requirements shall be met:

1. Only an adult (non-high school student) licensed driver shall be allowed to drive the vehicle. The health and driving quality of the driver shall also be taken into consideration.
2. The vehicle shall be equipped with seatbelts and the number of passengers limited to the number of seatbelts available. Seatbelts shall be used at all times by all passengers when the vehicle is in operation.
3. The vehicle shall be generally in good condition, particularly as it pertains to safety equipment such as brakes, horn, tires, lights, etc.
4. Vehicle and driver shall be insured.
5. No open-type vehicle, such as a pickup or truck, shall be used for transporting students other than in the cab of the vehicle where proper seat belts can be used.
6. Non-ownership insurance as a secondary coverage may be carried by the District either on a permanent or temporary basis as determined by the Superintendent.
7. A form verifying certain desired information to be signed by the driver of the vehicle shall be kept on file.

#### Student Self-Transportation

Parent(s)/Guardian(s) who seek permission for their son/daughter to provide their own transportation to other Board approved schools, District sponsored activities, or program sites shall file their request, in writing, with the Superintendent stating, specifically, the nature of their request. A separate form may be developed by the administration to facilitate the request.

## **Section 4000 – Business Management**

### **4350-R Student Transportation in Private Vehicles**

4350-R-2

In all cases, parent(s)/guardian(s) requesting permission for their son/daughter to self-transport shall be required to affirm and verify that:

1. The vehicle to be used is equipped with seatbelts that are operable and in good repair. Seatbelts shall be used at all times when the vehicle is in operation.
2. The vehicle shall be generally in good condition, particularly as it pertains to safety equipment such as brakes, horn, tires, lights, etc.
3. Vehicle and driver shall be insured and proof of insurance, along with a valid Michigan Driver's License, shall be presented prior to permission being given for student self-transport.
4. No other student "passengers" may be carried by the student under this policy and these rules without specific permission of the Superintendent or designee. Students found to be transporting other students, without having permission to do so, will have their permission for self-transportation revoked immediately.
5. The student shall maintain a driving record free of violations or infractions of the Michigan Vehicle Code. Violations such as tickets for speeding, reckless or careless driving, driving while intoxicated or the like, shall result in immediate suspension of the permission to self-transport.
6. The Board of Education shall be held harmless from any claims, suits, liabilities, causes of action or responsibility of any type for any accidents, injuries or death connected with the permission for student self-transport, it being specifically understood that the parent(s)/guardian(s) and student involved assume total and complete responsibility for all liabilities connected to the permission for student self-transport.
7. A form verifying certain desired information to be signed by the driver of the vehicle shall be kept on file.

## **Section 4000 – Business Management**

### **4365 Special Use of Transportation Services**

4365

Transportation service equipment and personnel shall be used primarily to transport to and from school during the day those public and non-public school students eligible for such transportation.

Transportation service equipment and personnel may be used secondarily to provide transportation for field trips for curricular and extracurricular activities, which are part of the educational program.

Transportation equipment and personnel shall not be used for any purpose or activity that is not directly connected with and a part of the regular educational programs within the District. Exceptions may be granted to governmental agencies sponsoring approved programs for youth in the community as approved by the Board. “For profit” organizations are prohibited from using school transportation equipment by law (MCL 380.1333.)

The Superintendent or designee shall be authorized to approve the use of buses for field trips for curricular and extracurricular activities upon submission of requests from building administrators, classroom teachers, or faculty sponsors of extracurricular activities.

No fees shall be charged for transportation for field trips which are mandatory or which are a part of the regular classroom or curricular program of the schools.

Fees to cover expenses of non-mandatory and non-credit extracurricular field trips may be charged according to rules promulgated by the State Board of Education or as set by the Board.

Only students enrolled in the District and chaperones authorized by the school shall be allowed to ride buses on curricular or extracurricular field trips. The Superintendent or designee may authorize parent(s)/guardian(s) and/or other residents of the community to ride buses to school sponsored activities if sufficient space is available. In all cases, students shall come first.

## **Section 4000 – Business Management**

4365 Special Use of Transportation Services

4365-2

Use of transportation by governmental agencies sponsoring approved programs for youth in the community may be granted upon the approval of the Board.

Approved: August 17, 2009

LEGAL REF: MCL 257.1865; 257.1867; 380.1332-1333

## **Section 4000 – Business Management**

4430 Personal and Business Transportation Services

4430

The Board recognizes the needs of the District to own or lease vehicles to carry out the instructional program and the business of operating the schools. The Superintendent is authorized to determine the extent to which District owned vehicles might be used for official school business. Such vehicles shall not be used for personal travel unless expressly approved by the Board. Drivers of school owned vehicles shall be properly licensed.

Approved: August 17, 2009

## **Section 4000 – Business Management**

4430-R Personal and Business Transportation Services

4430-R

The Superintendent or designee must approve in writing the use of privately owned vehicles for school business. The permission may be a standing permit for those who use their own cars regularly for school purposes.

Employees who use their privately owned vehicles for school business shall be required to maintain minimum insurance coverage for liability and property damage, which shall be the primary coverage. The school non-ownership insurance shall provide the secondary coverage. School non-ownership coverage shall not apply unless the employee has been given the authorization described above.

Reimbursable mileage shall be according to a rate approved by the Board and the driver shall possess a valid Michigan driver's license before any reimbursement shall be made. In no instance shall mileage reimbursement be claimed for travel for any purpose other than for District business.

Employees are forbidden to transport students for school purposes without authorization by the Superintendent or designee. A student shall not be sent on school errands with his/her motor vehicle, an employee's motor vehicle, or a District-owned motor vehicle.

No teacher or other employee shall be authorized to drive a van or bus to transport students unless properly licensed and qualified to drive a bus as determined by the Michigan Department of Education.

When District-owned vehicles, which are equipped with seatbelts, are used to transport students, it is required; that the number of passengers is limited to the number of seatbelts available and that seatbelts shall be used when the vehicle is operative.

## **Section 4000 – Business Management**

### **4450 Food Service Management**

4450

A school breakfast, lunch, or supplemental milk program shall be made available to all full time students enrolled and in regular attendance in the school District.

A food service Director will be hired by the Board to oversee the District's lunch services.

The Board shall participate in the surplus foods program operated under the U.S. Department of Agriculture. The Superintendent shall determine the extent of participation based upon need and economic feasibility.

A system of accounts shall be designed and be operative which sets forth separately all revenues and disbursements of the food service operation as required by law and for management information purposes.

It should be the financial objective of the food service program to maintain fiscal operations on a profit basis. Daily breakfast and lunch fees shall be set by the Board to cover actual costs of providing meals, milk, and accessories, including supervision, less the amount of food and financial assistance received from federal, state, and other sources for meals and milk.

Free and reduced price breakfasts and lunches shall be provided to eligible students according to standards as prescribed by the U.S. Department of Agriculture. The Superintendent shall make provisions to ensure that information contained in the application for eligibility is kept confidential, and that students receiving free or reduced price breakfasts, lunches or milk are not discriminated against.

Students eligible for free or reduced price breakfasts and lunches shall not be required to work in the lunch program to an extent more than other students in the school.

The Superintendent shall provide avenues for parent(s)/guardian(s) and student participation in the planning and evaluating of school breakfasts, lunches and other foods dispensed upon school premises.

## **Section 4000 – Business Management**

4450 Food Service Management

4450-2

The control of students using the cafeteria shall be the responsibility of the building Principal.

The Board will ensure that the District complies with USDA regulations as they pertain to competitive food services and the sale of Foods of Minimal Nutritional Value (FMNV).

Approved: August 17, 2009

LEGAL REF: MCL 380.1272-1272d; 42 USC 1779(b); 7 CFR 210.11; 7 CFR 220.12

## **Section 4000 – Business Management**

4450-R Food Service Management

4450-R

### Administration

Building Principals shall be responsible for developing rules and regulations in their buildings in order to administer the food service program effectively. Procedures for collection of money, controlling students, and reporting shall be established on a building level in accordance with requirements established by the Superintendent.

### Development of Menus

The food service Director is responsible for preparing a nutritionally adequate menu in compliance with state and federal regulations at least one week in advance and having it published in the District's newspaper. The menu for each day must be served as published except in extreme emergencies.

### Food Purchasing

Since food service purchasing is a daily operation, the person in charge of the food service program shall be permitted to order on a predetermined basis as needed.

Bids will be taken on all items possible in compliance with Board policy and administrative regulations on purchasing. Bids shall be taken annually on milk and bread. (Cf. 3660)

The food service Director shall be responsible for supplying the business office with minimum quantities for all items to be bid and for developing specifications for each item.

An inventory of food and supplies shall be taken by the 30th of each month and sent to the business office within the first two days of the following month.

Once the provision of an item has been awarded to a vendor for a specific period, all purchases of that item shall be made from that vendor unless said vendor cannot supply the item.

## **Section 4000 – Business Management**

4450-R Food Service Management

4450-R-2

The Superintendent will ensure that materials that have been declared by the USDA to be Foods of Minimal Nutritional Value (FMNV); such as but not limited to, soft drinks, hard candies, gum, non-juice popsicles, are not available for sale or distribution to students in the identified school food service areas during school breakfast and lunch periods. Machines that dispense FMNV and are located in an identified school food services area shall be inoperable during the school breakfast and lunch periods. FMNVs are not to be included as part of the reimbursable breakfast or lunch unit.

District funds may be used from the school food service account (SFSA) to purchase FMNV for sale outside a meal period or outside a food service area during meal periods, however, such purchases must be self-sustaining.

## **Section 4000 – Business Management**

4460 Food Allergies (Cf. 8453)

4460

### Dealing with Food Allergic Students

The Battle Creek Public School District takes food allergies seriously. We understand that food allergies can be life threatening. Recognizing that the risk of accidental exposure to foods can be reduced in the school setting, we are committed to working with students, parent(s)/guardian(s), and physicians to minimize risks and provide a safe educational environment for food-allergic students.

Accordingly, the Superintendent or designee shall direct the person in charge of food service programs to act affirmatively and work closely with parent(s)/guardian(s) to assure that the dietary needs of food-allergic students are taken into consideration in menu planning for the District's food service programs.

Approved: August 17, 2009

LEGAL REF: The Food Allergy & Anaphylaxis Network's (FAAN) School Food Allergy Program.

## Section 4000 – Business Management

4460-R Food Allergies (Cf. 8453)

4460-R

### Administrative Regulations

In order to help assure that the needs of food-allergic students are met in the District's food service programs, the Superintendent and person in charge of the District's food service programs shall:

1. NOTIFY PARENT(S)/GUARDIAN(S) OF THEIR RESPONSIBILITY TO:
  - Notify the school of their child's allergies.
  - Provide written medical documentation, instructions, and medication as directed by a physician. Include a photo of the child on written form.
  - Work with the school team to develop a plan to accommodate the child's needs to include time in the classroom and cafeteria, as well as an emergency action plan.
  - Replace medications after use or upon expiration.
  - Educate the child in the self-management of their food allergy including:
    1. Safe and unsafe foods
    2. Strategies for avoidance of exposure to unsafe foods
    3. Symptoms of allergic reactions
    4. How and when to tell an adult they may be having an allergy-related problem
    5. How to read food labels (if age appropriate)
  - Review policies after a reaction has occurred.
2. ASSURE THAT THE DISTRICT HAS TAKEN ALL NECESSARY STEPS TO:
  - Review the health records submitted by parent(s)/guardian(s) and physicians.
  - Not exclude students from school activities solely based on child's food allergy.

## Section 4000 – Business Management

4460-R Food Allergies (Cf. 8453)

4460-R-2

- Identify a core team of, but not limited to, school nurse or appropriate designated school personnel, teacher, Principal, cafeteria manager, and counselor\* to work with parent(s)/guardian(s) to establish prevention policies. All policy decisions about food allergy management should be made with core team participation. (\*If available)
- See to it that everyone who interacts with the student on a regular basis understands food allergies, can recognize common symptoms, knows what to do in an emergency, and works with other District personnel to work toward eliminating the use of food allergens in the allergic student's classroom as educational tools, arts and crafts projects, or incentives.
- Cooperate with the school nurse or appropriate designated school personnel to be sure medications are appropriately stored, see that an emergency kit is available, that contains a physician's standing order and epinephrine, and that medications are kept easily accessible to designated staff.
- Designate school personnel who can administer medications.
- Always be prepared to handle a reaction and ensure that a staff member is available who can administer medications during the school day regardless of time or location.
- Review policies after a reaction has occurred.
- Work with the administrator in charge of transportation to see that school bus driver training includes symptoms awareness and what to do if a reaction occurs.
- Recommend that all buses have communication devices in case of an emergency.
- Enforce no eating on school buses.
- Discuss field trips with family to decide how to handle them.

## Section 4000 – Business Management

4460-R Food Allergies (Cf. 8453)

4460-R-3

- Follow State/District guidelines regarding sharing medical information about the student.
3. SHALL INFORM PARENT(S)/GUARDIAN(S) AND DISTRICT STAFF THAT:
- Parent(s)/Guardian(s) are discouraged from bringing or offering “homemade” or “home baked” foods for classroom parties or school/classroom fund raising events. Parent(s)/Guardian(s) shall be encouraged to bring or offer non-food “treats” or “prizes” such as may be purchased at a “Dollar Store” for children's birthday celebrations in lieu of offering or bringing “food” treats to the school. The danger of complications with food allergies, discrimination against students with a diabetic condition, and the general requirement that students be served only those foods that are commercially prepared and packaged and/or that are prepared in an “approved and licensed kitchen” makes this rule necessary.
  - Teachers are encouraged to avoid using food items such as candy, cookies, or other snack items as a “reward” for classroom behavior or accomplishments. Reward items other than food are to be used in such instances.
  - To get suggestions that are more detailed for implementing these objectives and creating a specific plan for each individual student in order to address his or her particular needs, they should refer to The Food Allergy & Anaphylaxis Network’s (FAAN) School Food Allergy Program.
  - The School Food Allergy Program has been endorsed and/or supported by the Anaphylaxis Committee of the American Academy of Allergy Asthma and Immunology, the National Association of School Nurses, and the Executive Committee of the Section on Allergy and Immunology of the American Academy of Pediatrics.

## **Section 4000 – Business Management**

4460-R Food Allergies (Cf. 8453)

4460-R-4

- Inform parent(s)/guardian(s) and staff that FAAN can be reached at: 800/929-4040.

## **Section 4000 – Business Management**

4470 Bidding the Food Service Program (Cf. 3660)

4470

The Board shall contract with a reputable food service management company and/or supplier(s) to provide food supplies within the District.

Said service shall be advertised for bid at least every three years. The agreement with the successful bidder shall continue for one year with options for the yearly renewal of the contract not to exceed two additional years.

Awards shall be made by the Board and shall be based upon the fees charged, experience, reputation, and financial stability of the bidder as well as compliance with the format, terms and conditions of the Invitation to Bid. The procedure for bids shall be the same as outlined in policy 3660.

Approved: August 17, 2009

LEGAL REF: MCL 380.1272

## **Section 4000 – Business Management**

4500 Technology (Cf. 8940, 2810)

4500

The Board encourages the application of technology to any District function where efficiency, reliability, or student learning will be improved.

### New Programs

New technologies or new applications of technology within the District shall be implemented only after careful and thorough planning on the part of administrative staff. Whenever possible, the administrative staff should establish pilot project(s) and evaluate their effectiveness prior to implementing a new technological program on a school-wide or District-wide level. District support shall be given only to those new technologies that substantively improve efficiency, reliability, or learning beyond current or “traditional” practice.

Whenever the Board or a District administrator allocates funds for the purchase of new technological hardware or software, an appropriate portion of the funds allocated shall be designated for the training of staff and the development of necessary supplementary materials and documentation.

### Upgrades

The Board recognizes the need for ongoing upgrading of technological resources within the District, and shall implement a plan and a budgeting process that ensures the regular replacement of aging equipment and software.

The Superintendent or designee shall develop and submit to the Board annually a plan for upgrading the District's technology resources based on a replacement cycle of 4 years or less. The plan shall include recommendations for expansion of resources where appropriate, based on the evaluation of pilot programs, and shall include provisions for staff training and curriculum/materials development. The plan shall be considered by the Board as a part of the annual budgeting process.

## **Section 4000 – Business Management**

4500 Technology (Cf. 8940, 2810)

4500-2

### Data Management

The Superintendent or designee shall provide for the orderly acquisition of data base software, information processing equipment, networks, and support materials to best use computer technology in support of District administrative functions. A student database shall be maintained which contains student administrative and instructional information.

The Superintendent or designee shall establish procedures, which ensure the security, safety, and confidentiality of District or Personally Identifiable Information (PII) data. Access to District or PII data in any form, including use of the database by students, staff, and volunteers, shall be limited in accord with the Board policies on District and student records. District databases shall be implemented in such a way as to facilitate access to subsets or aggregates of the data, which are not confidential.

### Education and Instruction

The Superintendent or designee shall ensure that all staff and students are informed and instructed on the ethical uses of data and computer technology.

Approved: August 17, 2009  
LEGAL REF: MCL 15.231 *et seq.*

## Section 4000 – Business Management

4500-R Technology

4500-R

### New Programs

Pilot technology programs may be generated by students, teachers, administrative staff, Board members, or members of the community at large. Prior to consideration of a pilot project, the person(s) desiring to lead the project must submit to the Superintendent or building Principal a detailed project proposal and plan, which must include the following:

- The need for the project, its rationale, and goals.
- A description of the project, including participants, with representation from the technology staff, and anticipated benefits or outcomes.
- An itemized list of District support required (financial and otherwise), including hardware and software needs, classroom requirements, staffing, parent(s)/guardian(s) support, in-service and training expenses.
- A list of other Districts, schools, or business that have implemented a similar project successfully and who may be used as a resource.
- A plan for evaluation and monitoring of the project.
- A preliminary plan for expanding the pilot project into a regular District program or offering, including “ballpark” cost estimates.

Upon submission of a pilot proposal, the administrator shall review the proposal and its alignment with District goals and objectives, suggest modifications, and make a recommendation to the Superintendent, who may in turn make a recommendation to the Board.

## Section 4000 – Business Management

4500-R Technology

4500-R-2

In establishing pilot programs, cooperation with outside agencies, especially local universities, is encouraged. Project leaders should consider the cost-effectiveness of using outside consultants for in-service training and support.

When a project is substantially in place and has been demonstrated successful at another school or District, the Superintendent may choose to recommend the implementation of the program without an in-District pilot, provided substantive and complete materials from the other school or District are available along with consultation and support.

### Upgrades

District computer equipment shall be depreciated over no longer than a 4-year schedule. Each year, the District shall replace at least one-fourth of its computer hardware by installing new equipment in critical areas requiring current hardware, and moving older equipment to other applications in the District as appropriate. Additional funds may be allocated to expand computer resources in accord with pilot studies.

District computer software shall be depreciated over no longer than a 3-year schedule. Each year, the District shall order upgrades of software as appropriate and necessary for school operations, and shall allocate funds for the purchase of new software in line with District objectives. Generally, a third of the funds allocated to technology upgrades and improvement should go to hardware and a third to software; the remainder should be allocated for training and development of curriculum and support materials.

The Superintendent or designee shall develop a process for preparing the annual technology plan to present it to the Board in advance of the preparation of the general budget. The process shall consider the recommendations of District system administrators, administrative and support staff, students, and community members. The technology plan for the current year must provide flexibility to deal with rapid changes in the field, and should project District needs for 3-5 years into the future.

## Section 4000 – Business Management

4500-R Technology

4500-R-3

### Data Management (Cf. 2810, 8940)

The acquisition, upgrade, and necessary support of District data management facilities shall be included in the development of the annual technology plan submitted to the Board. Any new database software or hardware must provide for appropriate security, and must offer a simple mechanism for the export of subsets and summaries of the data in a text format, in accord with Board policies on records. Where possible, the person(s) setting up a database should offer preset forms for excising confidential information fields from records during export, to facilitate District responses to requests for records. Student records database(s) maintained by the District shall include record fields that allow for the recording of non-District personnel requesting access to a student's records, in accord with Board policy on student records and Michigan law.

The system or database administrator at each site is designated custodian for electronic records. All District database records shall be secured by a multi-level password system or equivalent, which allows the system administrator to control who has read-only, read-write, and full control over records and/or features in the database. Persons authorized to access a database shall be informed of proper security procedures with regard to passwords, and shall be required to change their password on a regular basis. Requests by a staff member, for access to specific data outside of what is required for that staff member's day-to-day job must be directed to the system administrator. At no time shall a person who is not a regular employee of the District be given a password or otherwise allowed to access any District database directly. Persons who knowingly allow non-employees, including volunteers or students, to use their password for database access may be subject to discipline.

Each custodian for electronic records shall secure the records by making and maintaining back-up copies of the data on an ongoing basis.

## **Section 4000 – Business Management**

4500-R Technology

4500-R-4

Data, which is updated frequently, should be backed up at the end of each day, and the daily backups made should be retained for two weeks before being re-used to insure against data corruption, that is not detected immediately. In addition to the daily backups, two full backups should be made on a weekly or biweekly basis, with one backup stored off-site to guard against fire or theft loss. Automatic server-based backup systems are encouraged where practical.

### Education and Instruction

All District introductory computer classes, media center computer orientations, and classroom computer orientations shall include instruction on the ethics of computer use as an integral part of the curriculum or orientation. Such instruction shall include explanation and familiarization with the District's policy on computer and network use, and may include a computer code of ethics or other statement of ethical expectations of students. Examples or ethical case studies are highly recommended to help students develop good judgment when confronted by choices during their use of District technology.

### Personal Equipment and Software

Equipment essential in accomplishing job duties is often expensive and may be difficult to replace. When using District technology equipment, students and employees are expected to exercise care, notify technology staff of the need to perform required maintenance, and follow all operating instructions, safety standards, and guidelines. The District employs technology staff to purchase, install, support, and maintain all aspects of technology relating to the business function of the District. The District prohibits students or employees from using or installing personal equipment in or on the network, computer desktops, laptops, or communication lines. If technology related equipment is needed to perform a job duty, a request should be made along with written approval from a technology manager or other appropriate supervisor and submitted to authorized technology staff.

## Section 4000 – Business Management

4500-R Technology

4500-R-5

All technology equipment purchases shall be approved by authorized technology staff only. Students or employees are not permitted to install or configure hardware, software, or peripherals without proper permission and approval from the technology department. All technology purchases shall fit within the District's technology guidelines and plan. Equipment installed that does not fit these guidelines will be removed. The District prohibits the use of District equipment and facilities by any student or employee for private, personal gain or commercial use without written authorization from the Superintendent or designee that states the limited purpose and timeframe of using the District's equipment and facilities. Authorization will not be granted for any use that is contrary to the purposes, goals, policies, or administrative rules of the District. The use of the District's equipment and facilities by a student or employee contrary to these rules can result in disciplinary action, up to and including long-term suspension from school for students or discharge for employees.

### Games

Commercial arcade-style games where success is substantially related to physical skill, coordination, and reaction time are not permitted on school computer equipment. Students who as a personal or class programming assignment write an arcade-style game, however, may use school equipment for programming, testing, and debugging at the discretion of the system administrator. Games written by students, or commercial games that are substantially dependent on reasoning skills, problem solving, strategy, critical thinking, or knowledge may be allowed on school equipment as long as their use is not disruptive to the learning environment.

At all times, students and staff who have need of school technology for work related to a class assignment or other curricular project shall have priority over all other users. Staff, and students who are pursuing personal academic research, shall have priority over persons using games.

## Section 4000 – Business Management

4500-R Technology

4500-R-6

### A Technology Code of Ethics

1. I shall never copy and use software, videos, music, or anyone else's work, which is normally sold for money unless it has justly been paid for. I shall never copy or use anyone else's work (including software, videos, etc.) without his or her permission.
2. I shall never use technology to distort the truth, to lie, or to misrepresent someone else.
3. I shall never use technology intentionally to harm or harass anyone.
4. All of my chats, my e-mail, my newsgroup and forum postings, my electronic drawings, photographs, videos and music, and everything I publish on the web will be things to which I am proud to sign my name and show to my parent(s)/guardian(s) and teachers.
5. I shall never use my skills for unjust personal gain, to access the private files of others, or to illegally access or damage any computer system.
6. I shall abide by the rules of those whose systems and equipment I use.
7. When I discover an error, a bug, or a weakness in any system, I will report it to someone so that it may be corrected.
8. I shall be patient and helpful toward those who do not understand a technology as well as I do, and I shall never take advantage of their lack of understanding.
9. I shall work diligently to guard the rights and freedoms of all technology users, and shall report and attempt to stop anyone who would use technology unjustly.
10. I shall be mindful of the needs of other users, and refrain from monopolizing equipment, bandwidth, storage space, or any other shared resource.

## **Section 4000 – Business Management**

4510 Computer Network (Cf. 4520)

4510

The Board authorizes the Superintendent to develop services linking computers within and between buildings in the District, and to provide access to the international computer network (Internet) for students, staff and, if requested, members of the Board of Education. All computer network implementation shall be in line with the Board policy on technology and the District's educational goals.

Use of the computer network(s) as a part of any class or school assignment shall be consistent with the curriculum adopted by the District. The District's general rules for behavior and communications shall apply when using any computer equipment.

### Personal Accounts

The Board authorizes the Superintendent to provide personal accounts for students, staff, and, if requested, members of the Board, access to the District computer network and the Internet, including electronic mail and file server space for developing and publishing material on the world wide web or other networked computer media. Such access shall be provided in furtherance of the District's educational mission, to enhance student knowledge and familiarity with technology, and to facilitate communication, innovation, and sharing of resources. To ensure the integrity of the educational process and to guard the reputation of the District, student and staff expression in public electronic media provided by the school may be subject to review, comment, editing, and/or removal by school officials.

Personal accounts and all use of District computer resources are considered a privilege, not a right, and are subject to the District's rules and policies.

## Section 4000 – Business Management

4510 Computer Network (Cf. 4520)

4510-2

Student electronic mail and electronic storage space, which does not contain material made public by the student, shall be subject to the District's policy and rules on student records.

A fee may be charged by the District to defray the cost of personal accounts. However, if use of personal accounts is required for a core curricular class, no fees may be charged of a student for the duration of that class.

### Privacy

The School District may collect and store Personally Identifiable Information (PII). In the event PII is collected, all information shall be secured in accordance with Board policies 5180 - Unauthorized Release of Information and 8940 - Student Records.

### System Integrity

The Superintendent shall designate person(s) trained in computer technology (“system administrators”) at the building and/or District level to implement the District's rules and regulations and to provide computer support for students, staff and Board members. The Superintendent in concert with the system administrators shall employ hardware and software security to ensure the integrity of the system and to prevent unauthorized access to District and school records.

### Network Use

The Superintendent shall develop rules and procedures for computer and network use, and shall see to it that rules are published annually for students, parent(s)/guardian(s), staff, and Board members.

The District's computer and network use rules shall be consistent with the following requirements:

- Users may not use District equipment to perform or solicit the performance of any activity that is prohibited by law.

## Section 4000 – Business Management

4510 Computer Network (Cf. 4520)

4510-3

- Users may not use the system to transmit or publish information that violates or infringes upon the rights of any other person, or information that is abusive, obscene, or sexually offensive.
- District computer equipment shall not be used for commercial purposes by any user, or for advertisement or solicitation without prior written approval from the Superintendent.
- Except with prior authorization from a system administrator or the owner of the record in question, users may not access or attempt to access the records or files of other users, or of the District, nor delete, alter, or otherwise interfere with the integrity of computer-based information or resources.
- Users may not use the electronic mail facility to send unsolicited, bulk, chain, harassing, anonymous, or other messages which are an annoyance to the recipient or which may cause a degradation of system performance.
- Users may not use the network facility to access or bring into the school environment material that is inconsistent with the educational goals of the District, including but not limited to material which is defamatory, abusive, obscene, profane, sexually explicit, threatening, racially offensive, illegal, or which aids or advocates illegal activity other than non-violent civil disobedience.

### District Web Page(s)

Any and all Web pages representing the District shall be carried and posted only on the District's server and shall be designed and published in accordance with rules promulgated by the Superintendent or designee.

### Limiting Access

The administration may make use of technology, which attempts to block access by individual users to networked computers, data, or services that provide content, which, in the opinion of the administration, is not in keeping with the educational aims of the District pursuant to state statute.

## **Section 4000 – Business Management**

4510 Computer Network (Cf. 4520)

4510-4

The administration is encouraged to pursue such technology for the personal accounts of elementary school children where practical.

Complaints about content of networked information or access to blocked sites shall be handled in accordance with the District's policy and procedures for complaints about library and instructional materials.

### Use of Computers in a School District Library

The Board, pursuant to state statute, requires when a school District library offers use of the Internet or a computer, computer program, computer network, or computer system to the public, that access to minors be restricted in the following manner:

Utilize a system or method that is designed to prevent a minor from viewing obscene matter or sexually explicit matter that is harmful to minors. To accomplish this, a library may use passwords and/or filters that restrict Internet access for those less than 18 years of age.

The Superintendent or designee will develop rules concerning library Internet access in compliance with state law.

Approved: August 17, 2009  
LEGAL REF: MCL 397.606

## Section 4000 – Business Management

4510-R Computer Network

4510-R

Planning and funding for computer networking in the District shall be handled in accord with the District's policy and rules on technology.

### Supervised Use

Teachers are encouraged to use the District network in researching material for classes, collaborating with colleagues, developing innovative approaches, or otherwise enhancing their background, skills and teaching. Teachers are encouraged to make use of the District network in their classes when the use of the network enhances the students' education, is appropriately supervised, and is consistent with District goals and objectives. School administrators shall monitor technology use in the curriculum to ensure its effectiveness and develop ideas for further in-service instruction of staff.

School libraries and media centers will provide networked computers for students and staff to use for research purposes. Library/Media center staff shall make every attempt to assist users to monitor the content of material being accessed. Academic assignments have priority over personal research.

Any staff member who becomes aware of student network use in violation of the District's acceptable use rules may refer the incident to the system administrator for action, and may remove the student from the computer.

### Personal Accounts

No student, staff, or Board member network account shall be activated until the individual has submitted an acceptable usage agreement for network access contract and been notified of the District rules for acceptable use of the network. Upon receipt of the contract, the system administrator will provide account, password, and other log-on information and instruction, including an initial disk space allocation where appropriate. Users may request additional disk space, which may be provided by the system administrator according to availability and priority of the use.

## **Section 4000 – Business Management**

4510-R Computer Network

4510-R-2

### Violations of Conditions

Upon receiving notification of a violation of District rules or policies, the system administrator may suspend or terminate a staff member or student's personal account when directed by the Superintendent or designee. The system administrator may access all relevant files of the user in attempting to determine the veracity and/or the extent of the violation.

### System Integrity and Security

Computer file servers containing student records, employee records, or other sensitive administrative documents shall be maintained on an independent network separated by an electronic “firewall” from unauthorized access by outside entities, including student users. If dial-in access is permitted to this equipment, that number will not be published.

## Section 4000 – Business Management

4510-R Computer Network

4510-R-3

All users, particularly staff, shall be instructed in password security. Passwords should not be based on information, which is readily associated with the user (addresses, phone number, favorite flower, etc.). The system administrator may require a user to change a password if it fails to meet these criteria, or may issue randomly generated passwords to all users.

All users are expected to safeguard data integrity and should promptly report any suspected breach of security or data integrity to the system administrator.

### District Web Page(s)

Guidelines for Construction of Battle Creek Public Schools WWW pages:

Purpose: District web pages should promote a positive image of the District and its programs. Web pages should facilitate and enhance the communication and educational goals of the District in a timely and professional manner.

Responsibility: The administrator in charge of technology is responsible for overseeing the content and design of all District web pages.

## Section 4000 – Business Management

4510-R Computer Network

4510-R-4

A Web Page Committee with a membership selected by the administrator in charge of technology and the building Principal(s) is/are responsible for developing guidelines and acting in an advisory capacity regarding all aspects of web page design and content.

Guidelines: These guidelines have been developed to ensure consistent quality and appropriate content of Battle Creek Public Schools' web pages.

1. District web pages will be posted only on the server used by the District providing Internet access to the District as negotiated by the administrator in charge of technology. No "personal" or private web pages representing the District shall be allowed. (Example: A school "club" or individual classroom that might wish to post a web page via twisted pair telephone lines or through a "private/personal" home page would be disallowed.) Any staff member or students violating this rule shall be subject to disciplinary action.
2. The home page of each school and/or school program will present a consistent appearance. Contents, menus, background colors, heading styles, fonts, point sizes, buttons, icons, page sizes, and other graphic, and design elements should create unity within the array of the District's building and program pages.
3. Web pages will strive for high standards of professionalism with current and accurate information; correct grammar and spelling; and with no inappropriate reference to; race, gender, religion, politics, alcohol, drugs, firearms, or sex.
4. District web pages shall be free of all advertising and/or promotion of causes inappropriate to a public school educational setting.
5. No copyrighted text, graphics, or sound files will be used on District web pages without the express consent of the originator. It must be assumed that everything is copyrighted unless otherwise stated.

## Section 4000 – Business Management

4510-R Computer Network

4510-R-5

6. All updated and new pages must be proofread by someone other than the author/typist prior to uploading. Making sure the information is proofread is the responsibility of the person doing the uploading.
7. All links must be verified by someone other than the author/typist prior to uploading. This verification is the responsibility of the person doing the uploading.
8. Web pages linked from District web pages must have educational or school related value and be free of inappropriate references as stated in 3 and 4 above.
9. Permission of the parent(s)/guardian(s) must be on file prior to using a student's photo, name, and/or original work on the Internet (See attached form). Directory information of students (address, telephone number, and other personal information) will not be indicated on District web pages or used, in any form, on any District web page.
10. District pages that provide links to off-site web sites will include a disclaimer:

"The Battle Creek Public Schools makes every effort to provide a high quality web site with information and links that facilitate the accomplishment of our educational mission. Because of the unpredictable nature of the Internet however, we cannot be responsible for the content of pages not directly linked to this web site."

## **Section 4000 – Business Management**

4510-R Computer Network

4510-R-6

### Limiting Access

School servers may incorporate blocking and filtering software. Sites are blocked by category of content. Sites may be blocked by the system administrator in response to a complaint by a student, staff member, Board member, or parent(s)/guardian(s) in accord with the District's procedures on controversial material.

E-mail sites, which deposit unsolicited, bulk, chain, or offensive messages on the District server, will be blocked. System administrators may also block e-mail following a complaint from any user. Time permitting; an effort will be made by the system administrator to notify the offending system operator of the violation and the District's desire not to be contacted in the future. The system administrator shall refer repeated violators, along with any case of solicitation for child abuse or other illegal act, to the Superintendent for action in concert with law enforcement authorities.

## **Section 4000 – Business Management**

4520 Filtering Software (Cf. 4510)

4520

The Superintendent or designee shall be responsible for directing appropriate District technology staff, or technology consultant staff, to bring all computers used by children into full compliance with all federal requirements regarding Internet filtering software to assure that District discounts under the federal e-rate program are not jeopardized.

Student Internet activities will be monitored by the District to ensure that students are not accessing inappropriate sites. Each District computer with Internet access shall have a filtering device or software program that blocks access to visual depictions that are obscene, pornographic, inappropriate for students, or harmful to minors.

Approved: August 17, 2009

LEGAL REF: H.R. 4577, December 2000 Omnibus Spending Bill; 47 U.S.C. Section 254(h)

## **Section 4000 – Business Management**

4520-R Filtering Software

4520-R

Any District computer used by students shall have Internet filtering software in place either on the computer itself, or on the server through which the computer accesses the Internet.

District staff shall not allow students to use any computer in the District with Internet capability that does not have Internet filtering software. This includes any computer, laptop, or desktop, in the District's Libraries or media centers, classrooms, laboratories, or offices where students are, for any reason, allowed to use a computer, or any other such device, with Internet access.

Staff members violating these rules are subject to disciplinary action up to and including discharge.

## **Section 4000 – Business Management**

### **4601 Facilities Development Goals**

4601

The Board shall provide the best facilities possible within financial resources available to meet the educational needs of the students in the District. Such efforts shall not only encompass new construction and expansion when deemed necessary, but also renovation and remodeling of existing facilities to serve specific educational needs of specific groups of students. It is also necessary, in declining enrollment periods, to determine how facilities may be used and/or the interim use of facilities not needed at a given time.

Decisions pertaining to the planning, construction, renovation, and elimination of educational facilities shall be made only after sufficient attempts have been made to consider the viewpoints and needs of students, teachers, parent(s)/guardian(s), taxpayers, and appropriate members of the administrative staff.

In determining facility needs and/or elimination of facilities, priority shall be given to plans that benefit the largest number of students in the District but consider important matters such as safety, equal opportunity for students enrolled and the economic implications to the District.

Approved: August 17, 2009

## **Section 4000 – Business Management**

4650 Planning - Long Range (Cf. 4601)

4650

The Board and the Superintendent shall, at all times, keep in mind the future building needs of the District and give due consideration to the acquisition of school sites well in advance of need.

Approved: August 17, 2009

## **Section 4000 – Business Management**

4650-R Planning - Long Range

4650-R

The Superintendent shall submit an annual report to the Board, which sets forth building and facilities use, needs for the ensuing school year as well as long-term projections of potential use and needs.

The report shall consider needs and use based upon new programs, enrollment changes, and worn out facilities. Not only shall the report include projected needs for new facilities or renovations to provide improved educational services and/or programs, but also the closing of facilities and the possible alternate use or disposal of such facilities. The report shall also include enrollment projections to support recommendations based upon the best information available that may affect enrollment changes in the District.

In completing this responsibility, the Superintendent may, with Board approval, engage the services of educational or architect/engineer/construction manager consultants and confer with citizens of the community and members of the District staff.

## **Section 4000 – Business Management**

4700 Retirement of Facilities

4700

### Obsolescence Determination

The administration is responsible for assessing the use of school facilities and other resources to identify schools that might be discontinued as attendance centers for educational programs. Once a school that can be closed is identified, an appropriate recommendation will be made to the Board for action.

Approved: August 17, 2009

## Section 4000 – Business Management

4700-R Retirement of Facilities

4700-R

### Procedures

1. Alternatives to closing a school shall be considered. These may include:
  - a. Changing of boundaries, effect upon enrollments in schools affected by changes,
  - b. Shifting of programs from one building to another, and
  - c. Housing of new program(s) in building under consideration.
2. Factors that shall be examined when considering a school for closing include the following:
  - a. Enrollment and program
    - 1) Enrollment size in relation to that needed to provide quality of educational programs and services,
    - 2) Enrollment projections indicative of continued small student population, taking into account both neighborhood students and others,
    - 3) Effect upon programs for students in all schools affected by the closing,
    - 4) Relationship to integration efforts,
    - 5) Proximity of the school to community resources, and
    - 6) Relationship to sector plan for special education and feeder plan for regular attendance centers.
  - b. Community considerations
    - 1) Attitudes toward reducing the number of attendance units and reducing costs,
    - 2) Hardships and/or benefits to parent(s)/guardian(s) and/or students resulting from closure; distance from where students reside to schools where assignments would be made,
    - 3) Reactions on the part of parent(s)/guardian(s) and other school patrons, and

## Section 4000 – Business Management

4700-R Retirement of Facilities

4700-R-2

- 4) Effect upon the neighborhood in the event of closure.
- c. Building characteristics
  - 1) Age and condition of building including whether or not building is energy efficient,
  - 2) Adequacy of building for programs; existence of a multi-purpose room and/or other special areas; feasibility of replacement or additions, if needed,
  - 3) Suitability of the building for other uses, and
  - 4) Capacity of buildings in adjacent attendance areas; space to house additional students.
- d. Environmental factors
  - 1) Adequacy of the building in terms of student health and safety,
  - 2) Frequency of vandalism and amount of damage,
  - 3) Location and size of site, and
  - 4) Traffic hazards and/or serious deterrents to learning in the surrounding community.
- e. Financial considerations
  - 1) Staffing requirements,
  - 2) Food service and student transportation requirements and expenses resulting from closure,
  - 3) Comparative per student operating costs related to *status quo*,
  - 4) Value of property for other uses, and
  - 5) Saving which might accrue by reducing the number of attendance units.
3. Parent(s)/Guardian(s) and other school patrons shall be involved early in discussions pertaining to possible school closings and program relocation.
4. Use may be made of outside consultants when considering school closings.

## **Section 4000 – Business Management**

4700-R Retirement of Facilities

4700-R-3

5. An orderly procedure, including the provision of information to all who will be affected, shall be used when closing a school. Parent(s)/Guardian(s) shall be informed in advance regarding recommendations and possible Board action.
6. Boundaries shall be realigned when a school is to be closed, taking into account distances from other schools, traffic patterns, building capacities, enrollments, and programs.
7. Time shall be provided for adequate preparation for closing and reassignment of students and staff members.
8. Alternate use of the building or disposition of the property shall be considered in light of current and projected needs.

## **Section 4000 – Business Management**

4750 Naming of Facilities

4750

Whenever the Board approves a new District facility, immediate steps shall be taken to name the facility. The Board may name existing facilities after staff or community members after one year following the person's leaving the District through retirement or the person's death.

Approved: August 17, 2009

## **Section 4000 – Business Management**

4750-R Naming of Facilities

4750-R

In order to facilitate the naming of a facility, or a room or portion of a building, the Superintendent and the Board of education shall appoint a committee that should include citizens, students, teachers, administrators, union representatives, and representatives from the Board of education. The Superintendent shall serve as the chair of the naming committee and be considered a member thereof. The committee shall solicit and consider names for the facility and submit a list of not less than three names for the Board's consideration. The Board shall make the final selection from the list submitted by the committee. Every effort should be made to name a new facility prior to beginning construction, and a timetable shall be established in an attempt to accomplish this objective.

In general, the Board shall name facilities or portions of facilities after staff or community members only after at least one year following the person leaving the District through retirement or death. Further, the Board will not be influenced in its decisions by personal bias or favoritism, political pressure, temporary popularity or highly emotional situations in choosing names for school facilities or portions thereof.

The Board shall not change the name of any facility without giving the opportunity for those living in the community to have input and shall deliberate over a period of at least three meetings of the Board.

Proposals or petitions for naming or renaming facilities or naming portions of facilities shall be presented to the Board through the Superintendent after which it shall be placed on the agenda as a discussion item with action deferred to a later meeting. In no case, will the Board act immediately on a request or petition to name or rename a facility or portions thereof.

The Board may refer the renaming of a facility or the renaming of a portion of a facility to a committee similar to that prescribed for naming new buildings.

## Section 4000 – Business Management

4760 Responsive and Responsible Contractor Policy (Cf. 3660, 4770)

4760

In order to be selected as the successful bidder to construct or renovate buildings in the Battle Creek Public School District, construction firms must be exemplary in their construction techniques and business practices. The purpose of this policy is to assure the Board that the District's construction and renovation projects utilize the specified materials and equipment, and employ qualified team members. The District can refuse to hire any contractor who does not meet the requirements of this policy.

The Board may reject any bid proposals that, in the Board's opinion or findings, contain inaccurate information.

The Districts criteria in selecting a contractor(s) for school construction projects shall be determined from the lowest responsive bid(s) on the construction project(s) that meet the responsible requirements of law, this policy, and the administrative rules for this policy developed by the Superintendent or designee. The School Board reserves the right to accept or reject a bid or combination of bids.<sup>3</sup> The criteria and procedures for rejecting a bid or combination of bids shall be included in the construction bid documents.

### Suspension or Revocation

The Board may, for good cause, suspend a contractor for a specified period or revoke the contract according to rules and criteria developed by the Superintendent. A contractor whose contract with the Board has been suspended or revoked shall be given the benefit of reconsideration and appeal.

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<sup>3</sup> School districts have significant discretion in awarding contracts, even when they are required to seek competitive bids, and this discretion allows school district to award a contract to a bidder other than the lowest monetary bidder so long as they have a reasonable and rational basis for such an award.

Michigan Courts have held that only the public, and not the disappointed bidders, has standing to object to the awarding of a contract. *Heaney General Contracting, Inc. v Clinton Community Schools Board of Education*, 2000 Mich App Lexis 405 (unpublished); *G.P. Graham Construction Co. v Chesaning Union Schools*, 2002 Mich App Lexis 695 (unpublished); *Malan Construction Corp. v Board of County Road Commissioners*, 187 F Supp 937 (ED Mich 1960). The reservation of the right to reject any and all bids, as contained in the competitive bid statutes for school districts, gives the public authority power to award the contract to any bidder and to reject the others, even though the one securing the contract is not the lowest bidder, provided the public authority acted in good faith in the exercise of an honest discretion. *Leavy v City of Jackson*, 247 Mich 447 (1929.)

## **Section 4000 – Business Management**

4760 Responsive and Responsible Contractor Policy (Cf. 3660, 4770)

4760-2

The Superintendent shall promulgate appropriate administrative rules to implement this policy.

Approved: August 17, 2009

LEGAL REF: MCL 129.201 – 212; 380.1263; 380.1267; 388.851 – 855a; OAG 6789, 1994.

## Section 4000 – Business Management

4760-R Responsive and Responsible Contractor Policy (Cf. 3660, 4770) 4760-R

In order to implement policy 4760, the administration hereby sets forth the following definitions and administrative rules:

### Definitions

Construction Project – the labor and material necessary for the construction, renovation, repair, or improvements to real property that requires solicited bids so that the work, when complete, shall be ready for service for its intended purpose and shall require no other work to be a completed system or component.

Lowest Responsive Bidder – is defined as a bid or a proposal submitted by a qualified contractor (bidder) that meets the requirements and specifications of the construction project(s) from

Responsible Contractor – If selected by the Board as the lowest qualified bidder for work to be performed, the prime contractor (bidder) shall, upon request by the Board, establish his or her qualifications from the list of criteria outlined below before a contract is let. All required contractor financial and privileged information shall be kept from public disclosure unless otherwise required by law.

- Evidence that the contractor and its employee(s) have been tested and are licensed/certified, as required by applicable law, code or regulation, to perform the work that has been bid.
- A confirmation that all subcontractors, employees and other individuals designated to work on the Construction Project have and will maintain current applicable licenses/certifications as may be required by law, code or regulation.
- If applicable, the ratio of masters to journeypersons to apprentices proposed to be used on the Construction Project job site.
- If applicable, documentation confirming that the contractor maintains, participates in and contributes to a bona fide apprenticeship-training program.

## **Section 4000 – Business Management**

4760-R Responsive and Responsible Contractor Policy (Cf. 3660, 4770) 4760-R-2

- Documentation confirming that contractor has implemented a MIOSHA-approved safety-training program for employees to be used on the Construction Project.
- Evidence of the contractor's Worker's Compensation experience modification factor (EMF) and, if that EMF is greater than 1.0, an explanation regarding same.
- A list of projects completed with the past 3 years, including dates, clients, approximate dollar value and size.
- Evidence of experience with construction techniques, trade standards, project scheduling, cost control, management of projects and building codes, particular to the Construction Project.
- Evidence that contractor has financial resources and equipment to commence and complete the Construction Project.
- Evidence that contractor has bonding capacity equal to or greater than the value of the contractor's bid.
- A statement of the warranty offered by the contractor covering its labor and materials.
- A list of any and all litigation or arbitration proceeding involving the contractor within the past three (3) years, including an explanation of the circumstances surrounding the dispute, the remedy sought, and how the dispute was resolved or, if pending, the status of the litigation or arbitration.
- Proof of insurance, including certificates of insurance, confirming existence and amount of coverage for liability, property damage, workers compensation and any other insurances required by the proposed contract documents.
- References from individuals or entities that have received in the past three (3) years, or that are currently receiving the contractor's services, including information regarding records of performance and job site cooperation.

## Section 4000 – Business Management

4760-R Responsive and Responsible Contractor Policy (Cf. 3660, 4770) 4760-R-3

- Evidence of a quality assurance program used by the contractor and the results of any such program on the contractor's previous projects.
- Criminal records check for each employee that will be working on the job site.
- Any unusual expertise, equipment, or ability of the contractor to perform the Construction Project, or relevant portion hereof.
- Projects involving the bidder for which performance was and/or was not delivered on time.
- Fines and penalties imposed by the federal, state or local agency on the bidder for any projects in the last three (3) years.
- Liens filed against the bidder in the last three (3) years.
- Suspensions or revocations of any professional license of any director, owner, officer, or managerial employee of the bidder, to the extent that any work to be performed in within the field of such licensed profession.
- OSHA violations by the bidder or bidder's subcontractors (including Michigan MIOSHA or other state occupational or constructional health and safety laws or regulations), as well as all notices of OSHA or other health and safety citations filed against the bidder, together with description and explanation of remediation or other steps taken regarding such violations and notices of violations.
- Violations of federal, state or local law within the previous three (3) years pertaining to unlawful discrimination against any employee.
- Litigation or arbitration cases in which the bidder has been a defendant or a third party related to any construction project in which it has been engaged within the previous three (3) years.
- Violations, if any, of prevailing wage laws or other wage and hour violations, including, but not limited to, child labor violations, failure to pay wages, or unemployment insurance tax delinquencies within the past three (3) years.

## **Section 4000 – Business Management**

4760-R Responsive and Responsible Contractor Policy (Cf. 3660, 4770) 4760-R-4

- Criminal conviction related to the construction business of bidder, its officers, directors, and/or managerial employees, within the past three (3) years.
- Violations, if any, within the past three (3) years or pending charges concerning federal, state or municipal laws, codes, rules and/or regulations.

### Selection Criteria

The District may qualify contractors and subcontractors selected for construction projects in order to construct or renovate schools in accordance with the following guidelines:

Before a contract is let, contractors and subcontractors selected as the companies to provide services may be required to provide:

1. General information about the contractor's company, its principals, and its history, including state and date of incorporation.
2. Trade categories and information regarding the state and local licenses and license numbers, where required by law, held by the applicant.

### Substantially Low Bid Review

In the event the amount of the lowest bidder's bid appears disproportionately low when compared with estimates undertaken by or on behalf of the local school District and/or compared to other bids submitted, the school Board reserves the right to inquire further of the apparent lowest bidder to determine whether the bid contains mathematical errors, omissions, and/or erroneous assumptions, and whether the apparent lowest bidder has the capability to perform and complete the contract for the bid amount.

### Suspension or Revocation

The school Board may, for good cause, suspend a contractor for a specified period or revoke the contract.

Causes for suspension or revocation shall include, but not be limited to, one or more of the following:

1. Inaccurate or misleading statements on the contractor's qualification statements.

## **Section 4000 – Business Management**

4760-R Responsive and Responsible Contractor Policy (Cf. 3660, 4770) 4760-R-5

2. Declared to be in default by the Board.
3. Adjudged to be bankrupt.
4. Performance, in connection with contract work, becomes unsatisfactory to the Board, based on the Board asserting and recovering liquidated damages in an action against the contractor.
5. Contractor's license becomes suspended or revoked.
6. The contractor's insurance lapses.
7. The contractor fails to provide documentation as required (staff training, employee licenses, safety program, etc.)

### Appeal

A contractor whose contract with the Board has been suspended or revoked shall be given the benefit of reconsideration and appeal as follows:

1. The aggrieved contractor may, within ten (10) days after receiving notification of such action, request reconsideration in writing. The contractor may submit additional information at the time of appeal.
2. The Board shall act upon the contractor's request within thirty (30) calendar days after the filing and shall notify the contractor of its action to adhere, to modify, or reverse its original action. The Board may require additional information to justify the reconsideration.

## **Section 4000 – Business Management**

4770 Selection of an Architect/Engineer/Construction Manager

4770

The Board shall comply with current law for the selection of an architect/engineer/construction manager for the District's building plans.

Contacts will be made by the Superintendent or designee with qualified architectural, engineering, or construction management firms requesting a submission of information concerning their firms if they wish to be considered.

Approved: August 17, 2009

LEGAL REF: MCL 388.851-855a; OAG, 1991-1992, No 6734, p 185 (October 12, 1992); OAG 1994 – 1995, No 6789 (March 3, 1994)

## **Section 4000 – Business Management**

4770-R Selection of an Architect/Engineer/Construction Manager

4770-R

A committee of not more than three administrators and the Superintendent shall be appointed to screen the applicant firms.

When the list has been reduced to three or four, each remaining candidate shall be invited to make a formal presentation to the committee after which the committee shall make a recommendation to the Board. The Board will then approve the selection. A contract will be prepared and signed with the architect/engineer/ construction manager. The school District legal counsel shall review the contract and give his/her approval before it is signed by the Superintendent or Board representatives.

Among criteria considered in the selection of an architect/engineer/construction manager shall be the following:

1. Training and experience, including that of partners and associates,
2. Planning ability and know how in interpreting educational specifications,
3. Promptness and ability to meet deadlines,
4. Specification writing, accuracy, and sufficiency of detail,
5. Imagination in design, appearance, and utility of work,
6. Adequacy of supervision and inspection of previous jobs,
7. Integrity of firm,
8. Relations with contractors and demand for quality performance,
9. Experience with government agencies,
10. Adequacy of staff for the building to be designed,
11. General business procedures of firm,
12. Examples of previous plans, specifications and construction,
13. Willingness to work with a coordinated construction plan if such is the desire of the Board,
14. Assumption of responsibility to follow up on any problems that surface after construction and during periods, in which performance and material guarantees are in effect,

## **Section 4000 – Business Management**

4770-R Selection of an Architect/Engineer/Construction Manager

4770-R-2

15. Responsibility for correction of faulty or ineffective design, and
16. Economic factors, such as demonstrated ability to design and provide adequate, well-constructed buildings at a reasonable cost.

Selection criteria should follow the Board nepotism policy.

## **Section 4000 – Business Management**

### 4800 Educational Specifications

4800

The Superintendent or designee shall assume the responsibility of working with staff to determine educational specifications for all new or renovated construction. These specifications shall be approved by the Board and then discussed in conferences with the architect/engineer/construction manager. Such specifications shall include:

1. Information concerning the plan of the school organization and estimated enrollment in the proposed building,
2. A description of the proposed curriculum and the teaching methods and techniques to be employed,
3. A schedule of space requirements, including the indications of relative locations of various spaces,
4. A desired layout of special areas and the equipment needed for such areas,
5. An outline of mechanical features and special finishes desired,
6. A description of standard codes and regulations (school District, city, county, and state) affecting the particular planning, and
7. Any other details, which may be needed or recommended relative to the specific project.

Approved: August 17, 2009

## **Section 4000 – Business Management**

4890 Supervision of Construction (Cf. 4770)

4890

Supervision of construction projects shall be primarily the responsibility of the Construction Management Team (Director of Facilities, Operations and Transportation, Architect/Engineer/Construction Manager, any appropriate Administrative Cabinet members and the Superintendent). The Construction Management Team shall hold periodic, but not less than monthly, progress meetings during which all contractors concerned should be present. Progress reports shall be issued periodically by the Construction Management Team and in sufficient quantities to supply each member of the Board.

### Change Orders

After a contract is accepted, all change orders exceeding \$50,000.00 shall be brought to the Board for approval.

Change orders shall be accompanied by justification by the Construction Management Team and/or the Superintendent when being presented to the Board.

Approved: August 17, 2009

## **Section 4000 – Business Management**

4900 Fair Employment Clause

4900

It shall be the intent of the Board to award all contracts in excess of \$10,000.00 to qualified contractors and subcontractors who do not discriminate against any employee or applicant for employment because of age, sex, race, color, religion, creed, age, physical handicap, ancestry, national origin, height, weight, or marital status. Contractual provisions shall assure compliance with this policy.

Prior to awarding a bid or purchase order for construction, materials, and services, a firm shall comply with all state and federal laws, and verify it. The Superintendent shall review and evaluate all such plans and his/her approval or disapproval shall be subject to review by the Board. A bidder has five working days to appeal the decision of the Superintendent.

The above policy shall not apply to those contractors employing less than five persons.

Approved: August 17, 2009

LEGAL REF: MCL 37.1101-1606 (Person's with Disabilities Civil Rights Act);  
37.2101-2804 (Elliott-Larsen Civil Rights Act)

## Section 4000 – Business Management

4910 Affidavits and Guarantees (Cf. 4770)

4910

All contractors shall submit proof of their coverage of liability and workers compensation insurance as required by Michigan law to the business office. All bids on construction projects shall stipulate that the contractor shall provide liability coverage, which will total at least \$2,000,000.00

All contractors submitting proof of insurance requirements must also provide for the Battle Creek Public Schools as “Additional Insured”.

The general contractor shall provide a Labor and Material Performance Bond equal to 100% of the contract amount to protect the District from the failure of the contractor or contractors to perform the terms and conditions of the contract.

The architect/engineer/construction manager shall assume the responsibility that all product guarantees, warranties, and workmanship guarantees for materials and performance of services are duly executed and that signed documents are delivered to the District.

Approved: August 17, 2009

LEGAL REF: MCL 129.201-212 (Contractor’s Bond for Public Buildings or Works);  
418.101, *et seq.* (Worker’s Disability Compensation Act)

## **Section 4000 – Business Management**

### **4950 Board Inspection of New or Remodeled Facilities**

4950

A building project shall be accepted by the Board only after all details are complete and the Construction Management Team has certified to the Board that the project has been completed, along with a written approval by the Senior Lead Architect for occupancy certifying the approval of all state and local authorities where required. The Construction Management Team and the Building Principal shall complete a preliminary inspection, after which the Board shall inspect the building and give its formal approval and acceptance.

Students until so authorized by those state and local authorities where approvals for occupancy are required shall occupy no new or renovated building or addition.

Final payments to contractors will be withheld until such a time as all of the members of the Construction Management Team have “signed off”.

Approved: August 17, 2009

## **Section 4000 – Business Management**

### 4970 Public Dedication of New Facilities

4970

The Board may sponsor open houses or dedication programs for new facilities appropriate to the nature and type of the facility.

The Superintendent or designee shall assume the responsibility for recommending to the Board appropriate dedication programs or activities. The Superintendent or designee shall work with the appropriate administrators, staff, students and parent(s)/guardian(s) in planning such program or activity, once it has been approved.

Approved: August 17, 2009

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  - SN Scope of category determined by actual agreements in force.
  - See Handbook.
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- 5500 Teaching Staff Probation and Tenure
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- 5560 Resignation of Professional Staff
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- 5645 Consulting
- 5650 Tutoring for Pay
- 5685 Arrangement for Substitutes (Cf. 7840)
- 5695 Ethics (Cf. 5230)
  - SN An information category since ethics are usually determined by a profession and not imposed upon it.

5710	Compensation Guides and Contracts – Non-Certified Staff
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5725	Qualifications and Duties-Non-Certified Staff
	SN <u>Job descriptions listed and coded job-by-job</u>
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## Section 5000 – Personnel

### 5000 Service Animals

5000

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

#### A. Definition

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

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

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

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

## Section 5000 – Personnel

### 5000 Service Animals

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#### B. Admission of Service Animals

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

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

#### C. Inquiries

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

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

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

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

#### D. Charges, Fees, and Liability

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

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

## Section 5000 – Personnel

### 5000 Service Animals

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#### E. Care and Supervision of Service Animal

The person with a disability or the service animal's handler is responsible for the care and supervision of the service animal at school, including, toileting, feeding, grooming, veterinary care, and exercising. The District is not responsible to supervise or otherwise care for a service animal unless required by law.

#### F. Control of Service Animal

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

#### G. Exclusion of Service Animal

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

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

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

#### H. Allergies

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

## Section 5000 – Personnel

5000 Service Animals

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### I. Denial of Access and Grievance

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

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

### J. Non-Service Animals

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

Approved: January 27, 2020  
LEGAL REF: 28 CFR 35.136; MCL 287.291

## **Section 5000 – Personnel**

### 5010 Goals and Objectives

5010

The goals of the personnel policies set forth in this policy and rule section are to create the best possible educational climate for the students of the District. To this end, these personnel policies are designed to prevent misunderstanding by District personnel about their duties and privileges. In order to develop, further, a climate of trust and understanding, the Board seeks the involvement of all personnel in the development of policies affecting their positions.

Approved: August 17, 2009

## Section 5000 – Personnel

5020 Equal Employment Opportunity

5020

The Board shall be an equal opportunity employer. The objective of the Board is to attract and retain individuals qualified and/or trainable for the positions in the system by virtue of job-related standards of education, training, experience, and personal qualifications.

The Superintendent is responsible for ensuring compliance and continued implementation of this policy.

Approved: August 17, 2009

LEGAL REF: 42 USCA 2000e-8, 2000e-12; 44 USCA 3501 *et seq.*; 42 USCA 12117 (The Equal Employment Opportunities Act); 29 USCA §§627, 630 (Age Discrimination in Employment Act); 42 USCA §1981 *et seq.* (Civil Rights Act); 28 FCR §4241; 28 CFR §42.405 (Title VI of the Civil Rights Act); 42 USCA §2000e, *et seq.* (Title VII of the Civil Rights Act); 20 USCA §1681; 34 CFR §106.8; 34 CFR §106.9 (Title IX of the Education Amendments); MCL 37.1101-1607 (Person's with Disabilities Civil Rights Act); 37.2101-2804 (Elliott-Larsen Civil Rights Act); Michigan Constitution Article I, §2

## Section 5000 – Personnel

5030 Non-Discrimination and Complaint Procedure (Cf. 2450, 8015)

5030

The District will not discriminate against any person based on sex, race, color, national origin, religion, height, weight, marital status, handicap, age, or disability. The Board reaffirms its long-standing policy of compliance with all applicable federal and state laws and regulations prohibiting discrimination including, but not limited to, Titles VI and VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d. et seq.; and 42 U.S.C. §§ 2000e, et seq.; Title IX of the Educational Amendments of 1972, 20 U.S.C. §§ 1681, et seq.; Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794; The Americans With Disabilities Act of 1990, 42 U.S.C. §§ 1210, et seq.; The Persons with Disabilities Civil Rights Act, MCL §§ 37.1101, et seq.; and The Elliott-Larsen Civil Rights Act, MCL §§ 37.2101, et seq.

The Superintendent or designee is appointed the Civil Rights Coordinator regarding complaints of 1) disability/handicap discrimination involving educational services, programs and activities and 2) complaints made by students (grades Pre-K through 12) and/or their parent(s)/guardian(s), and involving sex, race, color, national origin, religion, height, weight, age, or marital status.

The Assistant Superintendent of Human Resources is appointed the Civil Rights Coordinator regarding all other complaints of discrimination.

In the event the complaint is against the Superintendent of Schools, the Vice-President of the Board of Education is appointed the Civil Rights Coordinator.

Inquiries or complaints by students and/or their parent(s)/guardian(s) related to discrimination based on disability/handicap should be directed to:

Assistant Superintendent of Educational Support Services  
Battle Creek Public Schools  
3 Van Buren St. W  
Battle Creek, MI 49017  
Phone: 269-965-9500

## **Section 5000 – Personnel**

5030 Non-Discrimination and Complaint Procedure (Cf. 2450, 8015)

5030-2

Inquiries or complaints made by students and/or their parent(s)/guardian(s) related to discrimination based on sex, race, color, national origin, religion, height, weight, age, or marital status should be directed to:

Assistant Superintendent of Educational Support Services  
Battle Creek Public Schools  
3 Van Buren St. W  
Battle Creek, MI 49017  
Phone: 269-965-9500

In the event a complaint is against the Superintendent of Schools, the complaint should be directed to:

The Vice-President of the Board of Education  
Battle Creek Public Schools  
3 Van Buren St. W  
Battle Creek, MI 49017  
Phone: 269-965-9500

All other inquiries related to discrimination should be directed to:

Assistant Superintendent of Human Resources  
Battle Creek Public Schools  
3 Van Buren St. W  
Battle Creek, MI 49017  
Phone: 269-965-9500

The Civil Rights Coordinators, as specified herein, are designated to receive and resolve complaints from any person who believes that he/she may have been discriminated against in violation of this policy. Any person who believes he/she has been discriminated against in violation of this policy should file a written complaint with the appropriate Civil Rights Coordinator within ten (10) calendar days of the alleged violation. The Civil Rights Coordinator will take, then, the following action: First, cause an investigation of the complaint to be commenced. Second, arrange for a meeting to occur with the complainant, which may include school District staff who are knowledgeable of the facts and circumstances of the particular complaint or who have particular expertise that will assist in resolving the complaint.

## Section 5000 – Personnel

5030 Non-Discrimination and Complaint Procedure (Cf. 2450, 8015)

5030-3

Third, complete the investigation of the complaint and provide, in writing, a reply to the complainant. If the Civil Rights Coordinator determines that a violation has occurred, he/she shall propose a fair resolution of the complaint and deliver the determination to the complainant and the Superintendent. In the event the complaint is against the Superintendent, a copy of the determination shall be delivered to the President of the Board of Education. The complainant may appeal the Civil Rights Coordinator's determination to the Superintendent, or, in the case of a complaint against the Superintendent, to the President of the Board, by so notifying the Superintendent or Board President in writing within the (10) calendar days of the Civil Rights Coordinator's determination. The Superintendent or Board President may conduct additional investigation of the facts and circumstances surrounding the complaint.

The Board Vice-President or President may elect to secure the services of an outside party to investigate the facts and circumstances surrounding any complaint against the Superintendent.

The Superintendent, or Board President in the case of a complaint against the Superintendent, shall affirm or reverse the Civil Rights Coordinator's decision and, if warranted, implement the Civil Rights Coordinator's proposed resolution or a modification thereof. The Superintendent or Board President's decision shall be final.

Upon completion of, or at any point in, the grievance process, complainants have the right to file a complaint with the Office for Civil Rights, US Department of Education, Washington, D.C. 20201. The complainant should first be directed to the following address:

Office for Civil Rights  
600 Superior Avenue, Suite 750  
Cleveland, OH 44114  
(216) 522-4970 phone  
(216) 522-2573 fax

Approved: August 17, 2009  
LEGAL REF: Included in Text

## Section 5000 – Personnel

### 5035 Discriminatory Harassment of Employees or Applicants

5035

Sexual or discriminatory harassment of School District elected officials, employees, or applicants for employment by Board of Education Members, School District employees, vendors, contractors or other doing business with the School District, students, parents, guardians, invitees, volunteers or guests will not be tolerated.

Discriminatory harassment means any harassment, intimidation, ridicule, disparagement, purposeful embarrassment, or chiding of any person because of their race, color, national origin, age, religion, height, weight, marital status, or handicap/disability.

“Sexual harassment” is prohibited and is defined as: unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct or communication of intimidating, hostile or offensive sexual nature.

Sexual or discriminatory harassment shall not be tolerated by this District when:

- Submission to such conduct or communication is made either explicitly or implicitly a term or condition to obtain employment, or
- Submission to or rejection of such conduct or communication by an employee/applicant is used, explicitly or implicitly, as a basis for decisions affecting such employee/applicant’s employment, or
- Such conduct or communication has the purpose or effect of unreasonably interfering with an employee’s employment, or creating an intimidating, hostile, or offensive employment environment, or otherwise adversely affects an employee’s employment opportunities.

Any employee or applicant who believes that he or she has suffered any form of harassment for any reason shall immediately report the incident(s) to:

Superintendent of Schools  
Battle Creek Public Schools  
3 Van Buren St. W  
Battle Creek, MI 49017  
Phone: 269-965-9500

## **Section 5000 – Personnel**

### **5035 Discriminatory Harassment of Employees or Applicants**

5035-2

The School District guarantees that an employee or applicant for employment, reporting an incident of sexual or discriminatory harassment will not suffer any form of reprisal.

In determining whether the alleged conduct constitutes sexual or discriminatory harassment, the totality of the circumstances, the nature of the harassment and the context in which the alleged incident(s) occurred will be investigated. The Superintendent has the responsibility of investigating complaints of sexual or discriminatory harassment of employees or applicants. In cases where the alleged harassment involves a member of the Board of Education, the School District will appoint outside legal counsel to investigate the complaint. The results of an investigation and any action taken thereon will be communicated to the complaining person.

In the event the complaint is against the Superintendent, the Vice-President of the Board shall be automatically designated as the recipient and investigator for such complaints. The Vice-President of the Board may, at his/her sole discretion, elect to employ District legal counsel or other qualified, independent investigators to assist him/her in the investigation. Results of the Vice-President's investigation will be turned over to the President of the Board.

The School District considers harassment on the basis of religion, race, color, national origin, age, sex, height, weight, marital status, handicap or disability to be a major offense, which will result in disciplinary action of the offender. Disciplinary action against a School District employee may include termination of employment. Disciplinary action against a student may include expulsion. Disciplinary action against a Board of Education member may range from Board of Education public censure to removal of the Board Member from an officer position he/she may hold.

## Section 5000 – Personnel

5035 Discriminatory Harassment of Employees or Applicants

5035-3

### Notification

Notice of this policy will be periodically circulated to all school buildings and departments within the District, and incorporated in teacher, student and parent/guardian handbooks. All new hires of the District will be required to review and sign off on this policy and its related complaint procedure.

All new employees will be provided sexual and discriminatory harassment training. Training sessions on this policy and the prevention of sexual and discriminatory harassment shall be held periodically for all Board members, administrators, teachers and employees of the District. In addition, students will have available as part of their curriculum and instructional program, sessions on this policy and the prevention of student-to-student discriminatory and sexual harassment.

See Appendix A of this section for specific examples of sexual harassment.

Approved: August 17, 2009

LEGAL REF: MCL 37.2101 *et seq.*, (Elliott-Larsen Civil Rights Act); 380.11a; 20 USCA §1681; 34 CFR §106.8; 34 CFR §106.9 (Title IX of the Education Amendments)

## Section 5000 – Personnel

5035-R Discriminatory Harassment of Employees or Applicants

5035-R

### Federal Title Programs

If any person believes the District or an employee of the District has inadequately applied the principles and/or regulations of a federal Title program or believe they have been discriminated against, that person may make a complaint to the local Title coordinator at the following address:

Assistant Superintendent for Curriculum & Instruction  
Battle Creek Public Schools  
3 Van Buren St. W  
Battle Creek, MI 49017  
Phone: 269-965-9500

The person who believes they have a valid basis for the complaint shall discuss the matter informally and verbally with the local Title coordinator, who shall investigate the complaint and answer the complaint within two business days. If this reply is not acceptable to the complainant, the complainant may initiate formal procedures according to the following steps:

#### **Step I:**

A written statement of the complaint signed by the complainant shall be submitted to the local Title coordinator within five business days of receipt of answers to the informal complaint. The coordinator shall further investigate the complaint and reply in writing to the complainant within ten school days.

#### **Step II:**

If the complainant wishes to appeal the decision of the local Title coordinator, that person may submit a signed appeal to the Superintendent within five business days after receipt of the local coordinator's response. The Superintendent shall meet with all parties involved, attempt to arrive at a solution, and respond in writing to the complainant within five school days.

## **Section 5000 – Personnel**

5035-R Discriminatory Harassment of Employees or Applicants

5035-R-2

### **Step III:**

If the complainant remains unsatisfied, the complainant may appeal in a signed, written statement to the Board within five business days of receipt of the Superintendent's response in Step II. The Board shall meet with the concerned parties and their representatives within 15 days of receipt of the appeal. A copy of the Board's disposition of the appeal shall be sent to each concerned party within ten business days of the meeting.

### **Step IV:**

Upon completion of, or at any point in, the grievance process, complainants have the right to file a complaint with the Office for Civil Rights, US Department of Education, Washington, D.C. 20201. The complainant should first be directed to the following address:

Office for Civil Rights  
600 Superior Avenue, Suite 750  
Cleveland, OH 44114  
(216) 522-4970 phone  
(216) 522-2573 fax

### **Sexual Harassment and Intimidation**

Any person who alleges sexual harassment by a Board member, staff member or student in this District, may use the procedure detailed in the appropriate faculty handbook, or student handbook, or may complain directly to his/her immediate supervisor, building Principal, school counselor, District Title IX coordinator or grievance officer. Filing a grievance or otherwise reporting sexual harassment will not reflect upon the individual's status, nor will it affect future employment, grades, or work assignments.

## Section 5000 – Personnel

5035-R Discriminatory Harassment of Employees or Applicants

5035-R-3

The right to confidentiality, for both the accuser and the accused, will be respected, to the greatest extent possible, consistent with 1) the District's legal obligations 2) the necessity to investigate allegations of misconduct and 3) the necessity to take corrective action when this conduct has occurred.

### Grievance Procedure

Upon completion of, or at any point in, the grievance process, complainants have the right to file a complaint with the Office for Civil Rights, US Department of Education, Washington, D.C. 20201. The complainant should first be directed to the following address:

Office for Civil Rights  
600 Superior Avenue, Suite 750  
Cleveland, OH 44114  
(216) 522-4970 phone  
(216) 522-2573 fax

Any Board member, employee, or student in the District who believes that he/she has been subjected to discriminatory and/or sexual harassment shall report the incident(s), in the case of an employee, to the Superintendent, immediate supervisor, Title IX coordinator, or grievance officer; in the case of a student, to the building Principal, guidance counselor, Title IX coordinator or grievance officer; in the case of a Board member, to the Superintendent, Title IX coordinator, or grievance officer.

Should a building or central office administrator be the subject of the immediate complaint or have an apparent conflict of interest in relation to it, he or she will not participate in any way in the investigation of or the decision regarding the complaint.

Upon the filing of a complaint, the grievance officer shall conduct a prompt and complete investigation. The officer shall attempt to resolve the problem through the following steps:

1. Interview the complainant and document the interview.
  - a. Request that the complaint be put in writing, if possible.

## Section 5000 – Personnel

5035-R Discriminatory Harassment of Employees or Applicants 5035-R-4

- b. Obtain the names of witnesses who can be contacted to substantiate the charges being made and secure permission of the complainant to interview them.
2. Interview the accused and document the interview.
  - a. Re-emphasize the Board’s policy regarding insult, intimidation, and harassment without making judgments at this stage.
  - b. Keep the identity of the complainant confidential, if possible.
3. Interview all witnesses identified by the parties and document the interview.
4. Review the personnel files or student records/files of the complainant and the accused for any history of problems.
5. Make a determination on the merits of the complaint.
- **If the investigation shows that the complaint is without merit, the following action will be taken:**
  1. The investigation will be closed.
  2. The grievance officer’s findings and reasons for them will be discussed with the complainant.
  3. Consideration will be given to disseminating the results of the investigation to employees or students who have knowledge of it.
  4. All references to the complaint will be removed from the accused party’s personnel file.
  5. The Board’s policy regarding discriminatory and/or harassment and the mechanism for complaint resolution will be reiterated to all employees or students involved in the investigation.

## Section 5000 – Personnel

5035-R Discriminatory Harassment of Employees or Applicants

5035-R-5

6. All documentation regarding the complaint and the investigation will be maintained in a separate confidential file in the event that litigation is commenced or a charge is filed with the Equal Employment Opportunity Commission or the Michigan Department of Civil Rights.

■ **If the investigation shows that the complaint has merit, the following action will be taken:**

1. The investigation will be closed.
2. The grievance officer will confer with the Board and Superintendent to determine what action is necessary to resolve the complaint and prevent recurrence.
  - a. The complainant should be made whole: in the case of an employee, for any lost earnings, employment opportunities, personnel records should be corrected; in the case of a student, lost educational opportunities, extracurricular opportunities, student records updated; in the case of a Board member; lost opportunities of public service, such as chair of special committees, appointments or professional development opportunities.
  - b. The potential for continuing problems should be alleviated by reassignment where possible.
3. The parties will be advised of the results of the investigation and the actions to be taken.
4. Appropriate discipline will be imposed, as required by the strength of the evidence, the severity of the incident, and the position and prior record of the offender.
5. All actions will be documented and a record placed in the offender's permanent personnel file or student discipline records.
6. The Board's policy regarding discriminatory and/or sexual harassment and the mechanism for complaint resolution will be reiterated to all Board members, employees, or students involved in the investigation.

## Section 5000 – Personnel

5035-R Discriminatory Harassment of Employees or Applicants

5035-R-6

7. All documentation regarding the complaint and the investigation will be maintained in a separate confidential file in the event that litigation is commenced or a charge is filed with the Equal Employment Opportunity Commission or the Michigan Department of Civil Rights.

All complaints, interviews, and investigations will be treated with the strictest confidentiality and utmost discretion. Only those Board members, employees, or students whose participation in the investigation of a complaint was essential to its resolution will be informed of it.

The Board reserves the right to contact outside investigators for sensitive and/or extensive complaints of harassment.

### Sanctions

- a. A substantiated charge against a staff member in the District shall subject that staff member to disciplinary action, up to and including discharge.
- b. A substantiated charge against a student in the District shall subject that student to disciplinary action, which may include suspension or expulsion, consistent with the student discipline code.
- c. A substantiated charge against a Board member in the District shall subject that Board member to any legal and disciplinary action allowed under current law.

## Section 5000 – Personnel

### 5040 Retaliation and Whistle-Blowing

5040

Employees are encouraged to report suspected illegal activity to appropriate School District administrators, or the Board of Education. The Board of Education will not tolerate any form of reprisal, retaliation, or discrimination against:

- Any employee, or applicant for employment, because he/she opposed any practice that he/she reasonably believed to be made unlawful by federal or state laws prohibiting employment discrimination on the basis of sex, race, color, national origin, age, religion, height, weight, marital status, handicap or disability,
- Any employee, or applicant for employment, because he/she filed a charge, testified, assisted or participated, in any manner, in an investigation, proceeding or hearing under federal or state laws prohibiting employment discrimination on the basis of sex, race, color, national origin, age, religion, height, weight, marital status, handicap or disability or because he/she reported a suspected violation of such laws according to this policy, or
- Any employee or applicant because he/she reported, or was about to report, a suspected violation of any federal, state or local law or regulation to a public body (unless the employee knew that the report was false) or because he/she was requested by a public body to participate in an investigation, hearing or inquiry held by that public body or a court.

An employee or applicant for employment who believes that he/she has suffered reprisal, retaliation, or discrimination in violation of this policy shall report the incident(s) to the Superintendent or designee. The Board of Education guarantees that no employee or applicant for employment who makes such a report will suffer any form of reprisal, retaliation, or discrimination for making the report.

## **Section 5000 – Personnel**

5040 Retaliation and Whistle-Blowing

5040-2

The Board of Education considers violations of this policy to be a major offense that will result in disciplinary action against the offender, regardless of the offender's position within the School District.

Approved: August 17, 2009

LEGAL REF: MCL 15.361 - 369, "The Whistleblowers' Protection Act."

## **Section 5000 – Personnel**

5160 Qualifications and Duties

5160

A job description for each classification of employees shall be developed by the Superintendent. Such job description shall be on file in the central office and not incorporated within the Board policy handbook.

Approved: August 17, 2009

## **Section 5000 – Personnel**

5170 Recruitment

5170

The Superintendent or designee shall have the authority to establish a procedure for the recruitment of well-qualified personnel to staff the schools. The Superintendent or designee may request building Principals or other staff members to assist in this effort.

### Identity and Employment Status

All potential employees of the District shall verify their identity and employment status to the Superintendent or designee.

The Superintendent or designee shall maintain a file on all of the District's employees hired after November 6, 1986, proving that each employee has verified his or her identity, employment status, U.S. citizenship, or legal alien status to the Superintendent's satisfaction. Evidence to be used to verify identity, employment status, U.S. citizenship, or legal alien status should include at least two of the following documents, one of which contains a current photo of the employee: U.S. birth certificate, social security card, and a current driver's license; a state or military identification card; or one of the following: U.S. passport, certificate of U.S. citizenship, certificate of naturalization, unexpired foreign passport, or resident alien card.

### Non-Discrimination

The Board shall not discriminate in its policies and practices with respect to compensation, terms or conditions of employment because of such individual's race, color, religion, sex, national origin, height, weight, age, marital status, political belief, disability, or handicap which does not impair an individual's ability to perform adequately in that individual's particular position or activity.

The Superintendent or designee shall have in place all appropriate procedures relative to the Americans with Disabilities Act. This statement of non-discrimination shall be published and disseminated to all students, parent(s)/guardian(s), employees, applicants and the public in a manner determined by the Superintendent.

## Section 5000 – Personnel

5170 Recruitment

5170-2

### Title I Compliance

The Superintendent shall ensure that the District complies with the provisions of Title I, the No Child Left Behind Act. Manuals and handbooks shall comply with federal law as to the qualifications for instructional personnel. Notice of professional qualifications shall be provided to parent(s)/guardian(s) of students in Title I schools and staffing pattern reviews as required by law shall be conducted annually and reported to the Board.

Approved: August 17, 2009

LEGAL REF: 42 USCA §1981 *et seq.* (Civil Rights Act); 42 USCA 2000e-8, 2000e-12; 44 USCA 3501 *et seq.*; 42 USCA 12117 (The Equal Employment Opportunities Act); 42 USCA §2000e, *et seq.* (Title VII of the Civil Rights Act); 20 USCA §1681; 34 CFR § 106.8; 34 CFR §106.9 (Title IX of the Education Amendments); 42 USCA 12116 (The Americans with Disabilities Act); MCL 37.1101-1607 (Person's with Disabilities Civil Rights Act); 37.2101-2804 (Elliott-Larsen Civil Rights Act); 20 USCA 6311(h)(6)(A) (No Child Left Behind Act)

## Section 5000 – Personnel

5170-R Recruitment

5170-R

The Superintendent or designee will ensure that all employee manuals or handbooks comply with federal law and include:

- The education and experience required of all new instructional employees,
- Any credentials that current instructional employees must acquire,
- A timetable for the satisfaction of any new requirements,
- The consequences for employees who fail to comply.

All employees are to be advised of the revisions of the handbooks or manuals and of any implications for existing personnel.

The Superintendent or designee will ensure that the Board and parent(s)/guardian(s) of students in Title I schools are informed of their right to know the professional qualifications of their child's teacher and will describe where and how this information may be obtained. The Superintendent or designee will monitor Title I schools to ensure that parent(s)/guardian(s) of all students are notified when those students are taught for 4 or more consecutive weeks by a teacher who is not highly qualified as defined by law.

The Superintendent or his/her designee, will monitor the workforce to ensure that qualified persons are placed in positions that require specialized training and/or experience, and that to the extent permitted or required by law, diversity is achieved.

## Section 5000 – Personnel

### 5175 Criminal History and Background Checks

5175

#### Criminal History Checks

Upon an offer of initial employment by the Board or upon assigning an individual to regularly and continuously work under contract for services as specified by law in any of the District's schools, the individual shall have undergone both a criminal history and records check performed by the State Police and FBI. The results shall be received and reviewed before the individual is employed unless, under the guidelines in current law, the person may be employed prior to the results being received. The results shall be received and reviewed before authorizing the assignment of a contracted worker.

No later than July 1, 2008, the Board shall have requested both a criminal history and records check through the State Police and the FBI for all individuals, as of January 1, 2006, employed by the District or assigned to regularly and continuously work under contract in any of the District's schools.

Only those persons who have been offered a position or contract, or contracted service, by the Board and/or Superintendent must undergo a criminal history and records check, not all applicants.

No individual shall be employed, in any capacity, who has been convicted of a listed offense under the Michigan Sex Offenders Registration Act.<sup>17</sup>

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<sup>17</sup> A listed offense includes any of the following:

- 1) Accosting or soliciting a child for immoral purposes (MCL 750.145a-c);
- 2) Sodomy if the victim is an individual less than 18 years of age (MCL 750.158);
- 3) A third or subsequent violation of any combination of the following:
  - a. Being engaged in indecent or obscene conduct in a public place (MCL 750.167(1)(f))
  - b. Indecent exposure (MCL 750.335a)
  - c. A local ordinance of a municipality substantially corresponding to the above;
- 4) Except for a juvenile disposition or adjudication, gross indecency between males, females, or between a male and female, if the victim was under 18 years of age (MCL 750.338-338b);
- 5) Kidnapping (MCL 750.349);
- 6) Kidnapping under age 14 (MCL 750.350);
- 7) Soliciting and accosting (MCL 750.448);
- 8) Pandering (MCL 750.455);
- 9) 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> degree criminal sexual assault, and second or subsequent offenses (MCL 520b-e);
- 10) Assault with intent to commit criminal sexual assault (MCL 750.520g);
- 11) Sexually delinquent persons (MCL 750.10a);
- 12) The attempt or conspiracy to commit any of the above offenses;
- 13) Any other violation of a law of this state or a local ordinance of a municipality that by its nature constitutes a sexual offense against an individual who is less than 18 years of age; and (Continued next page)
- 14) Any offense substantially similar to the above offenses under a law of the United States, any state, or any country or under tribal or military law.

## Section 5000 – Personnel

### 5175 Criminal History and Background Checks

5175-2

An individual shall not be employed, in any capacity, who has been convicted of a non-listed felony, unless the Superintendent and the Board specifically approve the work assignment in writing.

If the District obtains notice from an authoritative source that an individual has been convicted of a listed offense, the individual shall not be employed, in any capacity, or allowed to work regularly and continuously under contract in any of the District's schools.

If the District is notified or learns that a teacher employed with the district has been convicted of a crime listed in MCL 380.1535a(1)-(2), the Superintendent or Board President shall notify the State of Michigan superintendent of public instruction within 15 days after learning of the conviction.<sup>18</sup>

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<sup>18</sup> MCL 380.1535a(1) includes a conviction for *any felony* and any of the following misdemeanors: 1) criminal sexual conduct in the fourth degree or an attempt to commit criminal sexual conduct in the fourth degree; 2) child abuse in the third or fourth degree, or any attempt to commit child abuse in the third or fourth degree; 3) a misdemeanor involving cruelty, torture, or indecent exposure involving a child; 4) a misdemeanor violation of Section 7410 of the Public Health Code (concerning distribution of marijuana to minors near school property); 5) a violation of section 115, 141a, 145a, 335a, or 359 of the Michigan Penal Code (concerning breaking and entering; consumption or possession of alcohol by minors, or controlled substances at social gatherings; soliciting a child for immoral purposes; indecent exposure; and damage to vacant buildings); or a misdemeanor violation of section 81, 81a, or 145d of the Michigan Penal Code (including assault and battery; domestic assault; assault and infliction of serious injury; and using the Internet to commit a crime against a minor); 6) a misdemeanor violation of Section 701 of the Michigan Liquor Control Act (concerning the prohibition of liquor sales to minors); 7) any misdemeanor that is a listed offense; and 8) a violation of a substantially similar law of another state, of a political subdivision of this state or another state, or of the United States – as amended by 2005 PA 130.

MCL 380.1535a(2) includes the following offenses:

- a) Criminal sexual conduct in any degree, assault with the intent to commit criminal sexual conduct, or an attempt to commit criminal sexual conduct in any degree;
- b) Felonious assault on a child<sup>18</sup>, child abuse in the first degree, or an attempt to commit child abuse in the first degree;
- c) Cruelty, torture, or indecent exposure involving a child;
- d) A violation of section 7401(2)(a)(i), 7403(2)(a)(i), 7410, or 7416 of the Public Health Code (concerning unlawful manufacture, delivery, or possession of controlled substances or controlled substance analogues; distribution of marijuana to minors near school property; and recruiting or inducing a minor to commit a felony);
- e) A violation of section 83, 89, 91, 145a-c, 316-17, 350, 448, 455, or 529 of the Michigan Penal Code (concerning assault with intent to commit murder or to steal while armed; attempt to murder; consumption or possession of alcohol by minors, or controlled substances at social gatherings; first and second degree murder; armed robbery; and using the Internet when committing a crime against a minor);
- f) A violation of section 158 of the Michigan Penal Code if the victim was an individual less than 18 years of age (concerning crimes against nature or sodomy);
- g) Except for a juvenile disposition or adjudication, a violation of section 338, 338a, or 338b of the Michigan Penal Code if the victim was an individual less than 18 years of age (concerning gross indecency between males, females, and between males and females);
- h) A violation of section 349 of the Michigan Penal Code if the victim was an individual less than 18 years of age (concerning kidnapping);
- i) An offense committed by a person who was, at the time of the offense, a sexually delinquent person – any person whose sexual behavior is characterized by repetitive or compulsive acts which indicate a disregard

## Section 5000 – Personnel

### 5175 Criminal History and Background Checks

5175-3

Criminal history and records checks shall be used for employment purposes only. No Board member or employee shall disclose the report or its content, except a felony conviction or a misdemeanor conviction involving sexual or physical abuse, to any person other than those directly involved in evaluating the applicant's qualifications for employment.<sup>19</sup>

#### Background Checks - Employment History - Unprofessional Conduct

Upon an offer of initial employment by the Board, all persons shall have undergone an unprofessional conduct background check. A staff person may be hired prior to the results of the unprofessional conduct background check following the guidelines in current law.

The Superintendent or designee will promulgate appropriate administrative rules regarding the procedures to be followed in obtaining criminal history and background checks.

Approved: August 17, 2009

LEGAL REF: MCL 380.1230; 380.1230a; 380.1230b; 380.1230c; 380.1535a(9)

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of consequences or the recognized rights of others, or by the use of force upon another person in attempting sex relations of either a heterosexual or homosexual nature, or by the commission of sexual aggressions against children under the age of 16;

- j) An attempt or conspiracy to commit an offense listed in (a) or (e-i);
- k) A violation of a substantially similar law of another state, of a political subdivision of this state or another state, or of the United States; Any crime listed in 1535(1), if the superintendent of public instruction determines the public health, safety or welfare requires emergency action based on the circumstances underlying the conviction.

<sup>19</sup> Any person that violates this policy may be found guilty of a crime.

## **Section 5000 – Personnel**

### **5175-R Criminal History and Background Checks**

5175-R

All applicants, employees, and individuals who may be assigned to work under contract in any of the District's schools regularly and continuously shall give written consent for the District to request a criminal history and records check from both the State Police and the FBI.

The Superintendent or designee shall make all requests for criminal records checks on a form and in a manner prescribed by the State Police.

If it is necessary to hire an individual during the school year or within 30 days before the beginning of that school year, the District may employ the individual without first receiving a criminal history or records check from the State Police if:

1. A criminal records check is requested before conditionally employing the individual; and
2. The individual signs a statement identifying all crimes for which he or she has been convicted, and agreeing that if the criminal history and records check is not consistent with the statement, the employment contract is voidable.

No later than July 1, 2008, the Superintendent or designee shall do both of the following for each individual who, as of January 1, 2006, is either a full- or part-time employee of the District, or is assigned to regularly and continuously work under contract in any of its schools:

1. Request a criminal history check on the individual from the State Police.
2. Request a criminal records check through the FBI.

An individual shall be required to submit his or her fingerprints to the State Police for purposes of obtaining these reports. The State Police may charge a fee for conducting the criminal records check.

## **Section 5000 – Personnel**

5180 Unauthorized Release of Information (Cf. 5185)

5180

Employees of the District may have ongoing opportunities to access confidential information or records that are only available to the public on a limited review basis. Much of the information processed by District employees is confidential, and law governs its release; for example, driver record and vehicle registration information, confidential student records, criminal history background check information, information obtained pursuant to Family Independence Agency intervention, and professional misconduct background checks.

It is the policy of the Board that employees are prohibited from divulging information contained in the records and files of the District, except to other, authorized employees who may need such information in connection with their duties and to authorized persons in accordance with law, District policies, and administrative rules.

If an employee is approached to provide information inappropriately, the employee must refuse to release the requested information unless authorized by his/her supervisor or otherwise required to release the information under law or court order. In all cases, the employee's immediate supervisor shall be informed, immediately, of any requests.

Any employee who inappropriately releases information, or uses confidential information obtained in the course of his/her employment with the District for personal reasons or private gain, will be disciplined in accordance with Board policies, collective bargaining agreements, and District procedures. Disciplinary action may include severe penalties, up to, and including, discharge.

The District shall apply the requirements set forth in this policy, equally, to any subcontractor employed. Subcontractors shall, as a condition of their contractual agreement with the District, be required to adopt this, or a similar policy, regarding their own employees.

## **Section 5000 – Personnel**

5180 Unauthorized Release of Information (Cf. 5185)

5180-2

The Superintendent or designee shall promulgate appropriate administrative rules to help assure the confidentiality of records and, particularly, those records obtained through electronic means.

Approved: August 17, 2009

LEGAL REF: Federal Driver Privacy Protection Act of 1994 (18 USC 2721 et seq.);  
MCL 257.208c - 208d; MCL 257.903; MCL 380.1230

## Section 5000 – Personnel

5180-R Unauthorized Release of Information

5180-R

### Employee Competence

1. The District will take steps, through the interview, selection, assignment, and hiring process, to see that any employee, or subcontractor employee, if any, who is authorized to access driver, vehicle and related records, or who has access to information regarding criminal background checks or unprofessional conduct checks and related records will:
  - 1.) Be adequately trained to access such records,
  - 2.) Be competent to perform that task, and
  - 3.) Conduct each record inquiry in accordance with the standards of technical competency that are generally recognized in the data service industry.

### Security of Data

The District will implement the following security requirements whenever and wherever records and/or information obtained through any means, electronic or otherwise, is accessed, stored or disseminated:

1. Use software and hardware that is technologically adequate to prevent unauthorized access to the information.
2. Establish operational programs to prohibit unauthorized inquiries from any terminal or other access site.
3. Institute operational programs to detect unauthorized attempts to penetrate the District's system of electronic records.
4. Provide for the physical security of the District's computer system, with procedures and devices designed to protect against the theft of records and information.

## **Section 5000 – Personnel**

5180-R Unauthorized Release of Information

5180-R-2

5. Secure from each employee (or Subcontractor employee) a signed and approved System Access Request form (or other equivalent form) that grants authority and permission to access driver, vehicle, criminal, or related records directly.

## Section 5000 – Personnel

5185 Social Security Number Confidentiality (Cf. 5180)

5185

### Purpose

The Battle Creek Public Schools (District) recognizes that it collects and maintains social security numbers of employees in the ordinary course of business. The District’s Social Security Number Privacy policy is enacted to ensure that the necessary procedures, awareness, and enforcement mechanisms are in place to safeguard confidential information and documents and ensure compliance with the Michigan Social Security Number Privacy Act (the “Act”), MCL445.81 *et. seq.*

Any questions concerning Social Security Number Privacy Requirements should be directed to the Assistant Superintendent of Human Resources. Pursuant to the Act, this policy will be published in the District’s relevant employee work rules, handbooks and manuals.

### Definitions

- A. “**Act**” means the Social Security Number Privacy Act, MCL445.81 *et. seq.*
- B. “**Covered Individual**” means all District’s employees, students, vendors, contractors, or other associated individuals.
- C. “**District**” means Battle Creek Public Schools. This policy shall be implemented by the Superintendent of Schools or his/her designee.
- D. “**Mailed**” means delivered by United States mail or other delivery service that does not require recipient’s signature of actual receipt.
- E. “**Public Display**” means to exhibit, hold up, post, make visible, or set out for open view, including, but not limited to, open view on a computer device, computer network, website, or other electronic medium or device, to members of the public or in a public manner.

## Section 5000 – Personnel

5185 Social Security Number Confidentiality (Cf. 5180)

5185-2

F. **“Secure Fashion”** means in the context of storage or destruction of paper and electronic documents, a method that defeats both casual and deliberate attempts at theft. This includes but is not limited to the shredding of documents containing social security numbers, or the use of “confidential” recycling or wastepaper bins. For electronic documents, destruction shall include either the explicit deletion of documents or storage on device protected by a password security system.

### Guidelines

All covered individuals must safeguard the confidentiality of an individual’s social security number (“SSN”) by limiting collection, access, or disclosure of a SSN, except where necessary in the ordinary course of business or required by state/federal law or regulation. All covered individuals are prohibited from using all or more than four sequential SSN digits of an employee in the following circumstances:

- (1) Publicly displaying an individual’s SSN;
- (2) Using a SSN as a primary account number;
- (3) Visibly printing a SSN on an identification card, badge, permit or license;
- (4) Requiring an individual to use or transmit a SSN over the internet or computer network unless the connection is secure or the transmission is encrypted;
- (5) Requiring an individual to use a SSN to gain access to an internet website or computer system or network unless the connection is secure, the transmission is encrypted, or another unique personal identification number is also required to gain access to the computer system or network;
- (6) Mailing a document where a SSN is visible without manipulation from the outside of a mailing envelope or package;

## Section 5000 – Personnel

5185 Social Security Number Confidentiality (Cf. 5180)

5185-3

- (7) Including a SSN in any document or information mailed to a person unless:
- (a) A state or federal law, rule, regulation authorizes, permits or requires inclusion of the SSN;
  - (b) The document is part of an application or enrollment process initiated by the individual to whom the document is being mailed;
  - (c) The document relates to the individual's health insurance benefits and directly relates to that individual's health insurance contract, policy, or employee health insurance benefit;
  - (d) The document is a public record mailed in compliance with the Michigan Freedom of Information Act;
  - (e) The document or information is a copy of a vital record recorded as provided by law and is mailed to a person entitled to receive that record;  
or
  - (f) The document or information is mailed by or at the request of an individual or his/her parent guardian, where the individual's SSN appears in the document or information.

### Exceptions

Covered individuals may use all or more than 4 sequential digits of a SSN under the following circumstances:

- (1) A use authorized or required by state or federal statute, rule, or regulation, by court order or rule, or pursuant to legal discovery or process;
- (2) Administrative use of a SSN in the ordinary course of business, by an entity or one of its vendors or contractors to:

## Section 5000 – Personnel

5185 Social Security Number Confidentiality (Cf. 5180)

5185-4

- (a) Verify an individual's identity related to the individual's employment; or do another administrative purpose related to an account, proposed account, transaction, product, service, or employment;
  - (b) Verify an individual's claim, credit, criminal or driving history;
  - (c) Detect or deter theft or another crime;
  - (d) Lawfully pursue or enforce a person's legal rights; or
  - (e) Provide or administer employee health insurance or retirement benefits or programs.
- (3) Continue the use of the social security number as a primary account number, provided that the use began prior to March 1, 2005, and that the use is ongoing, continuous and in the ordinary course of business. Once this use is stopped, it cannot be reinstated.

### Storage and Destruction of Documents

All covered individuals shall ensure that any paper or electronic documents containing a SSN will be stored and/or disposed of in a secure fashion.

### Access to Social Security Numbers

Only those covered individuals with a legitimate business reason shall have access to records or documents containing SSN's. The Assistant Superintendent of Human Resources shall determine which personnel have a legitimate reason to access SSN's in the ordinary course of business.

### Enforcement

Any covered individual found to have violated this policy or unlawfully disclosed an individual's SSN in violation of the Act will be subject to discipline up to and including discharge. Certain violations of the Act carry criminal and/or civil sanctions.

## **Section 5000 – Personnel**

5185 Social Security Number Confidentiality (Cf. 5180)

5185-5

The District will cooperate with appropriate law enforcement or administrative agencies in the apprehension and prosecution of any person who knowingly obtains, uses or discloses SSN's for unlawful purposes.

Approved: August 17, 2009

LEGAL REF: MCL 445.81 et seq.; 18 USC 1028; 5 USC 552a (The Privacy Act of 1974)

## **Section 5000 – Personnel**

### 5190 Staff Development Opportunities

5190

The Board supports the concept of professional development for the staff and to this end, may authorize funding for various activities in its budget.

Professional development opportunities shall follow any guidelines found in the current negotiated master contract(s).

#### In-Service Education

The Superintendent or designee, in consultation with various groups of the District's staff, shall develop programs of in-service education that will promote the continuous development and improvement of on-the-job performance of its personnel.

#### Technology

The Board requires that any staff member who uses a computer or an advanced piece of technological hardware or software be provided in-service training in its utilization. The Board shall appropriate funds to this end.

Approved: August 17, 2009

LEGAL REF: MCL 380.1254; 380.1525; 380.1526

## **Section 5000 – Personnel**

5190-R Staff Development Opportunities

5190-R

### Technology

Whenever possible, District staff shall be provided appropriate in-service activities on the use of technology. Such in-service may include: on-site in-service from the manufacturer or vendor, regional in-service from the manufacturer or vendor, travel reimbursement for in-service training, contracted in-service training from individuals or organizations, and in-service training among the District's staff.

## **Section 5000 – Personnel**

### 5200 Staff Conduct

5200

All staff members have the responsibility to become familiar with, and abide by, federal laws and the laws of the state of Michigan as they affect their work, the policies of the Board, and the administrative regulations designed to implement them. All staff members shall be expected to carry out their assigned duties, support and enforce Board policies and administrative regulations, submit required reports, protect District property, oversee students, abide by reasonable and legal directives of their supervisors, and contribute to the education and development of the District's students. Any employee who fails in these responsibilities will be subject to disciplinary action as determined by the Superintendent or designee and as conditioned by applicable collective bargaining agreements.

The Superintendent or designee and building Principals shall assume the major responsibility for interpreting and enforcing this policy.

#### Federal Compliance

All employees will be provided with an explanation of both their responsibilities and their rights under law in terms of the actions they may take to maintain order, discipline, and an appropriate educational environment. Training will be provided that defines approved actions, and informs employees that they may be liable for harm when they engage in criminal, grossly negligent or reckless conduct, or act with flagrant indifference to the rights and safety of another person who suffers harm as a result. The Superintendent or designee will develop rules that prescribe the circumstances under which the District administration and/or parent(s)/guardian(s) are to be notified of actions taken, any written documentation of actions taken that is necessary, and other appropriate procedures including staff training.

## **Section 5000 – Personnel**

5200 Staff Conduct

5200-2

### Staff Appearance

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

Approved: August 17, 2009

LEGAL REF: NCLB

## Section 5000 – Personnel

5203 Use of District Equipment, Supplies, Property, and Materials (Cf. 9250) 5203

Permission must be gained from the appropriate building Principal or immediate supervisor before any District equipment, supplies or materials may be removed from school grounds.

The building Principal or immediate supervisor may authorize staff members to utilize District-owned equipment, supplies, office/classroom space, and materials to develop software and associated documents outside of their work assignment, provided the development of the software is in the best interests of the District. Staff using District equipment, supplies, materials, and software shall comply with all copyright laws. Staff members authorized to use District equipment assigned to them for use off school grounds (such as, but not limited to, laptop computers, cellular telephones, printers or the like) shall assume responsibility for said equipment. Unless specifically authorized otherwise, all such equipment issued to teachers or administrators shall be returned to the District at the end of their annual work year.

Unless there is a specific written agreement to the contrary, physical and intellectual products created within the scope of the employment relationship, shall be the property of the Board of Education.

In no case shall employees be authorized to borrow, remove, or utilize District equipment, materials, office/classroom space, or supplies in connection with any outside employment or any other personal interest. Violations of this policy will result in disciplinary action up to and including discharge and/or the filing of criminal charges.<sup>20</sup>

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<sup>20</sup> MCL 19.141 Care, preservation, and protection of state buildings and property. The Department of Education, among others named in the act, may prescribe rules and regulations for the care, preservation, and protection of buildings and property dedicated and appropriated to the public use and the control and conduct of those coming upon the property. The act authorizes those having control over property and buildings to file a misdemeanor complaint against those who misuse the property. MCL 750.362 - Larceny by conversion. Any person to whom any money, goods or other property, which may be the subject of larceny, shall have been delivered, who shall embezzle or fraudulently convert to his own use, or shall secrete with the intent to embezzle, or fraudulently use such goods, money or other property, or any part thereof, shall be deemed by so doing to have committed the crime of larceny and shall be punished as provided under the Michigan Penal Code. (Underlining added.)

## **Section 5000 – Personnel**

5203 Use of District Equipment, Supplies, Property, and Materials (Cf. 9250) 5203-2

Recognized bargaining units may use District equipment as provided for in the current negotiated master contract.

Approved: August 17, 2009

LEGAL REF: MCL 19.141; MCL 750.362

## Section 5000 – Personnel

5205 Possessing, Transporting or Transmitting Dangerous Weapons (Cf. 8300) 5205

No person shall possess, transport or transmit a dangerous weapon on school District property, property used by the school District for a school-related purpose, or in a motor vehicle used for a school District-related purpose unless: (a) Prior permission has been granted by the Superintendent, (b) The person is an on-duty law enforcement officer or, if off duty, the officer is otherwise required by the law enforcement agency to carry a weapon; or (c) as otherwise allowed by law.<sup>21</sup>

A dangerous weapon, within the meaning of this policy, shall include, by way of description, such things as a firearm, knife, black jack, baton, iron bar, brass knuckles, martial arts devices, and incendiary and/or explosive devices. Pursuant to federal law, the term firearm includes, but is not limited to, any weapon designed to expel a projectile by the action of an explosive, the frame, or receiver of any such weapon, a muffler or silencer for such a weapon, or destructive device.<sup>22</sup> Any person, including a student, who violates this policy, will be reported to law enforcement authorities. Employees who violate this policy will be severely disciplined, up to and including discharge.

The administrative rules prohibiting students from possessing dangerous weapons is contained in the Student Code of Conduct. The District, pursuant to state law, shall expel students who violate the weapons laws and rules unless one of the statutory exceptions is established.<sup>23</sup> To comply with federal law, any such exception shall be reduced to writing.

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<sup>21</sup> **28.425o. added Premises on which carrying concealed weapon prohibited; violation.** Sec. 5o. (1) An individual licensed under this act to carry a concealed pistol, or who is exempt from licensure under section 12a(f), shall not carry a concealed pistol on the premises of any of the following: (a) A school or school property except that a parent or legal guardian of a student of the school is not precluded from carrying a concealed pistol while in a vehicle on school property, if he or she is dropping the student off at the school or picking up the child from the school. As used in this section, “school” and “school property” mean those terms as defined in section 237a of the Michigan penal code, [1931 PA 328](#), MCL [750.237a](#).

<sup>22</sup> Pursuant to federal law, the term destructive device means: any explosive, incendiary, or poison gas: bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or device similar to any or the devices described in the preceding clauses.

<sup>23</sup> To establish a statutory exception, state law requires clear and convincing evidence that: 1) The object or instrument possessed by the pupil was not possessed by the pupil for use as a weapon, or for direct or indirect delivery to another person for use as a weapon, or 2) the weapon was not knowingly possessed by the pupil, or 3) the pupil did not know or have reason to know that the object or instrument possessed by the pupil constituted a dangerous weapon, or 4) the weapon was possessed by the pupil at the suggestion, request, or direction of, or with the express permission of, school or police authorities.

## **Section 5000 – Personnel**

5205 Possessing, Transporting or Transmitting Dangerous Weapons (Cf. 8300) 5205-2

### Facsimile Weapons

The Board will not tolerate employee possession of any facsimile or “look alike” weapon on school property at any time. It shall be a violation of this policy for any employee or other person to carry, display, or brandish any facsimile of a dangerous weapon with the intent to scare, terrify, alarm, threaten, or intimidate any other person.

Any employee in possession of a replica or facsimile of a dangerous weapon, in violation of this policy will be placed under immediate suspension, pending an investigation of the incident by the appropriate school or legal authorities. In accordance with applicable law and collective bargaining agreements, the Superintendent or designee is authorized to discipline any employee who violates this policy.

Approved: August 17, 2009

LEGAL REF: MCL 380.1311; 750.237a; 18 USCA 921; 20 USCA 7151 (No Child Left Behind Act)

## **Section 5000 – Personnel**

5210 Staff Complaints (Cf. 5030, 5040)

5210

The Board recognizes the need to provide for the orderly resolution of disagreements or complaints arising out of alleged misapplication and/or misinterpretation of a Board policy. Such disagreements or complaints should be resolved at the lowest possible administrative level. The Superintendent or designee shall assure the procedures may be utilized without fear of reprisal.

The procedure established for resolution of grievances in the master contracts negotiated with recognized employee organizations shall apply only to grievances as defined by the particular agreement.

This policy covers any item not covered by a negotiated master contract or subject to negotiations under the Public Employee Relations Act and does not apply to any complaints based upon alleged discriminatory practices.

Approved: August 17, 2009

## **Section 5000 – Personnel**

5210-R Staff Complaints (Cf. 5030, 5040)

5210-R

Complaints by staff members concerning Board policies relating to employment or their implementation shall be resolved by the following procedures:

1. The complaint or grievance shall be discussed informally with the employee's immediate supervisor within 14 workdays of submitting the complaint, in an attempt to resolve the problem.
2. If the problem is not solved at the informal session, the employee shall formally file the complaint in writing with their immediate supervisor who shall answer in writing within five school days.
3. If the employee is not satisfied with the proposed solution he/she shall, within five school days, file the complaint in writing with the Superintendent or designee. The Superintendent or designee shall investigate the problem and arrange to meet with the employee (and if deemed advisable, a joint meeting with the employee and immediate supervisor), in an attempt to bring about a satisfactory solution. The Superintendent or designee shall answer the employee in writing within ten school days.
4. If the employee is still not satisfied he/she may request the Superintendent, within five school days, to arrange for a meeting with the Board at which time he/she may present the complaint or concern to the Board. The Superintendent shall schedule a meeting with the Board within ten school days.
5. The Board shall answer the employee, in writing, by the Board's next regularly scheduled meeting, and the Board's decision shall be final. The Board reserves the right to extend the time for a written response as its needs dictate.

## Section 5000 – Personnel

5220 Staff-Student Relations

5220

All District employees are expected to maintain relationships with members of the student body that are nothing but positive in their intent, conducive to an effective educational environment, do not violate appropriate staff/student interactions under law, or the policies of the Board, and do not create possible liabilities to the employee or the District. Employees are reminded that a “friendly” approach to students must be tempered by the fact that employees are, and should remain, authority figures in the eyes of students. All District employees are responsible for the regulation of student conduct.

### Threats to Students

Any District employee who threatens to inflict, inflicts, or causes to be inflicted, deliberate physical pain by any means to any student, may be disciplined according to provisions which may be found in the current negotiated master contract or as prescribed by the Board.

Employees found to be in violation of this policy by the Board may be subject to: a letter of reprimand, suspension – either with or without pay as allowable by law or collective bargaining agreements, and/or termination of employment.

Approved: August 17, 2009  
LEGAL REF: MCL 380.1312

## **Section 5000 – Personnel**

5230 Conflict of Interest (Cf. 4005, 5695)

5230

District employees are prohibited from engaging in activities which may be construed as a conflict of interest and detract from the effective performance of their duties. No employee shall attempt, during the school day or on school property, to sell or endeavor to influence any student to buy any product, article, instrument, service, or other such item, which would benefit said school employee directly or indirectly. (See policy 4005-R Conflict of Interest Disclosure Form).

Any District employee shall report alleged violations of the conflict of interest policy to the Superintendent or designee. The Superintendent or designee shall make an initial investigation to determine whether said policy has been violated.

Approved: August 17, 2009  
LEGAL REF: MCL 15.321 – 323

## **Section 5000 – Personnel**

5230-R Conflict of Interest

5230-R

Annually, the Superintendent and any other District employee, deemed by the Superintendent to be in a position to influence the purchase of any goods or services, shall sign and file the "Conflict of Interest Disclosure Form" as found in 4005-R.

## Section 5000 – Personnel

5235 Nepotism

5235

### Purpose

This Prohibition On Supervising Relatives policy is adopted to avoid conflicts of interest, the possibility or appearance of favoritism, morale problems, and the potential for emotional interference with job performance.

### Application

This policy applies to all full-time and part-time non-union employees, temporary employees, contractual employment, including independent contractors, MARTC interns, and personal service contracts. This policy also applies to all applicants for employment regardless of whether the position applied for is union or non-union.

### Definitions

- A) As used in this policy, the term “relative” is defined to include spouse, child, parent, brother, sister, grandparent, grandchild, first cousin, uncle, aunt, niece, nephew, brother-in-law, sister-in-law, daughter-in-law, son-in-law, mother-in-law, and father-in-law, whether natural, adopted, step or foster.
- B) As used in this policy, the term “administrator” is defined to include the highest level administrator or director of a district program who functions under the general direction of the Superintendent of Schools such as the Assistant Superintendent of Human Resources and other members of the administrative cabinet of the Superintendent.

### Prohibitions

- a) Employees. Relatives of employees shall not be employed, whether by hire, appointment, transfer or promotion in the school district where one person has direct supervisory authority over the other.

## Section 5000 – Personnel

5235 Nepotism

5235-2

- b) Should two employees become relatives by reason of marriage or other legal relationship after employment, if possible, one employee should be required to transfer to another program or school building within the school district if the transfer would eliminate the violation of this policy. If a transfer is not possible, or if the violation cannot be eliminated, one employee shall be required to resign. The affected employees may make the decision as to which employee shall transfer or resign. If the employees fail to decide between themselves within 30 days of becoming relatives, the employee with the least seniority shall be required to transfer or resign.

### Required Submissions

If any person, whether employed by hire, appointment, or other manner, contemplates the creation of a contractual relationship that may implicate this policy, whether directly or indirectly, the proposed contract shall be submitted to the Superintendent of Schools for review to insure compliance with this policy.

### Required Disclosure

All current employees, including persons who are not appointed, shall disclose in writing to the Superintendent's office, the existence of any familial relationship as described in this policy within thirty (30) days of the issuance of this policy or creation of the relationship, whichever is sooner. The Human Resources Department will forward to each employee a familial relationship acknowledgement form and direct the employee to read, complete, sign and return the form to Human Resources.

## **Section 5000 – Personnel**

5235 Nepotism

5235-3

### Affected Employees

This policy shall not apply to any person who is an employee of the school district on April 15, 2002, except that from April 15, 2002, forward, no person shall be transferred or promoted or enter into a nepotism relationship in violation of this policy.

Approved: August 17, 2009

## **Section 5000 – Personnel**

5245 Political Activities

5245

Staff members who intend to become candidates for political office are asked to notify the Superintendent within five days of the date on which the declaration of candidacy is filed to discuss the compatibility of the office regarding continued employment with the District.

Approved: August 17, 2009  
LEGAL REF: MCL 15.401-407

## **Section 5000 – Personnel**

### 5250 Employee Use of Electronic Communications Devices

5250

The Board recognizes that employees may carry electronic communications devices either District-issued or personally owned and hereby adopts this policy.

#### District-Issued Communications Devices

The District may elect to issue certain communications devices to employees in order to increase the efficiency of District operations. Issuance and use of District equipment shall be subject to rules promulgated by the Superintendent or designee.

#### Personally Owned Communications Devices

Employees may carry and use personally owned cellular telephones or pagers/beepers on school property subject to rules and regulations promulgated by the Superintendent or designee.

#### Personal Use of District Cord, Cordless and Cell Telephone

The District provides to some employees a desk telephone, cell telephone and other electronic communication devices so said employees can conduct business at or away from their respective work stations. The District, in the case of cell telephones, contracts for a number of minutes of use each month. The monthly use number is set by the business office and reviewed from time to time. It is understood that each administrator may use the assigned cell phone for receiving and sending personal calls without charge by or reimbursement to the District with the understanding that all charges for minutes in excess of the number of monthly minutes purchased by the District will be the full 100% responsibility of the employee. The employee will reimburse the District within 10 days of the business office's demand for payment of charges.

Approved: August 17, 2009  
LEGAL REF: MCL 380.1303 (PA 132 of 2003)

## **Section 5000 – Personnel**

### 5250-R Employee Use of Electronic Communications Devices

5250-R

While employees are allowed to possess and carry electronic communications devices on school property, such possession and use are subject to the following administrative rules:

#### District-Issued Communications Devices

Communication devices issued by the District may include, for example, cellular telephones, walkie-talkies, personal digital assistants (PDA's) or laptop computers with "beaming capabilities," citizens band radios, either installed in vehicles or hand-held, and pagers/beepers.

Employees in receipt of District-issued equipment shall be held responsible for the safekeeping of the equipment and exercise reasonable efforts to see that the equipment is not lost, stolen, or damaged. Reckless or irresponsible use of District equipment, resulting in loss or damage may result in the employee having to reimburse the District for any associated costs of replacement or repair. Usage of district owned communication devices will be used in accordance with District guidelines.

Personal and/or district-issued equipment shall be used in a manner that does not disrupt instruction and should not be used during school-sponsored programs, meetings, in-services, or other events where there exists a reasonable expectation of quiet attentiveness unless there is a reason of personal health or safety involved.

Any District-issued equipment is to be surrendered back to the District immediately upon request.

#### Personally Owned Electronic Communications Devices

Employees may possess and carry cellular telephones, pagers/beepers, and PDA's or laptops with "beaming capabilities" during the school day on school property.

## **Section 5000 – Personnel**

### **5250-R Employee Use of Electronic Communications Devices**

5250-R-2

Personally owned hand-held citizens band radios, portable police scanners, and long or short-range walkie-talkies should not be used or carried by employees on school property during the school day unless by specific permission of their immediate supervisor. Cellular telephones and pagers/beepers should not be used during the employee's normal duty times to send or receive messages of a personal nature, but such use is allowable during normal break times, lunch times, preparation times, or emergencies. Use of cellular telephones or audible pagers/beepers should be curtailed during instructional time or at school-sponsored programs, meetings, in-services, parent(s)/guardian(s) conferences, or any other time when there would be a reasonable expectation of quiet attentiveness.

Employees operating a school bus, or any other District owned or leased vehicle, are prohibited from operating the vehicle while using a cellular telephone, whether personally owned or District issued, except: (1) during an emergency situation, (2) to call for assistance, after stopping the vehicle, if there is a mechanical breakdown or other mechanical problem, (3) when the vehicle is stopped and where a cellular telephone is owned by the School District and used as a digital two-way radio, and (4) when the school bus or other vehicle is parked.

Any employee violating the above rules may be subject to disciplinary action.

## Section 5000 – Personnel

5300 Personnel Records

5300

One, official personnel file shall be maintained by the District for each employee. Personnel files kept by the District concerning employees shall be kept in a secured location and under the custodianship of the Human Resources department. Complete personnel files of employees who have left the District shall be similarly kept, but in an inactive file, for not less than seven years. A permanent record of the employee's years of work, assignments, and salary/wage paid shall be kept in perpetuity.

There are two types of personnel files; confidential and regular.

Approved: August 17, 2009

LEGAL REF: MCL 15.231 *et seq.*; 423.501-512

## **Section 5000 – Personnel**

5300-R Personnel Records

5300-R

Employee files shall include, but not be limited to: Application, recommendations, college or educational credentials, transcripts, correspondence, anecdotal notes, and evaluation reports.

The Board may have access to personnel files of employees when such access is deemed necessary by the Board in the employee-employer relationship. Individual Board members shall not have access to personnel files or records except as may be allowed by law and accorded to any other citizen.

Administrators or supervisors in the course of conducting their duties shall have access to the personnel files of employees.

Additional provisions regarding employee personnel files may be found in a current copy of the negotiated master contract.

Permanent records of an employee's years of work; assignments and salary/wages paid may be retained on the appropriate medium.

## **Section 5000 – Personnel**

5330 Travel Expenses (Cf. 1168, 3600)

5330

The Board shall provide reimbursement for expenses incurred in travel related to the performance and duties of the District's employees when approved in advance by the Superintendent or his/her designee.

Approved: August 17, 2009

## **Section 5000 – Personnel**

5330-R Travel Expenses (Cf. 1168, 3600)

5330-R

Receipts for transportation, parking, hotels or motels, meals and such other expenses for which receipts are ordinarily available shall be attached to expense vouchers. For the authorized use of a personal car, staff members shall be reimbursed at a mileage rate established by the Board. Authorization for travel expenses will follow the District established procedure as established by the Superintendent and Board of education.

## Section 5000 – Personnel

5335 Health Records - HIPAA

5335

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) grants individuals the right to receive notice of the uses and disclosures of their protected health information (PHI) that may be made by the District, and sets forth the individual's right's and the District's legal obligations with respect to PHI. The District declares itself a hybrid entity under the law.

The District will maintain all PHI in accordance with law. Protected health information does not include information contained in student education records covered by the Family Educational Rights and Privacy Act (FERPA) or employment records held by the District in its role as an employer.

Protected health information will only be available to designated employees who need to have access to those records in their employment capacity with the District and with other authorized entities. Employees will not disclose or use PHI unless an appropriate written consent/authorization exists, an actual emergency exists, or unless otherwise authorized by law. The District will train all employees who may have contact with protected health information on the law and the District's policies and procedures as necessary and appropriate for the employee's position. Any employee failing to comply with District policies, procedure, or law may be disciplined or terminated.

The District will not intimidate, threaten, coerce, discriminate against or take other retaliatory action against any individual for exercising his or her rights; participating in any process; filing a complaint; testifying, assisting or participating in an investigation, compliance review, proceeding or hearing; or in good faith opposing any act or practice the individual believes is unlawful, in accordance with law. The District's privacy official is:

Assistant Superintendent of Human Resources and Employee Relations  
Battle Creek Public Schools  
3 Van Buren St. W  
Battle Creek, MI 49017  
269-965-9500

## Section 5000 – Personnel

5335 Health Records - HIPAA

5335-2

The District privacy official's duties include but are not limited to:

- Developing and implementing the District's policies and procedures regarding protected health information,
- Receiving and evaluating requests for amendments of protected health information,
- Answering questions regarding privacy issues,
- Providing training to District employees, and
- Reviewing and deciding appeals concerning complaints initially decided by the contact person.

The District's contact person and security official is:

The Assistant Superintendent of Human Resources and Employee Relations  
Battle Creek Public Schools  
3 Van Buren St. W  
Battle Creek, MI 49017  
269-965-9500

The District contact person/security official's duties include, but are not limited to:

- Receiving and reviewing complaints,
- Determining whether a violation of policy or procedure has occurred, determining the potential harmful effects, and deciding upon an action to minimize the harm,
- Referring violators to appropriate administrators for possible discipline,
- Providing information about matters covered in the District's privacy notices,
- Insuring that notices of privacy practices are distributed as required by law,
- Developing and implementing the District's security policies and procedures, and

## Section 5000 – Personnel

5335 Health Records - HIPAA

5335-3

- Performing tests and assessments of technology safeguards at the direction of the Superintendent.

Approved: August 17, 2009

LEGAL REF: 20 U.S.C. § 1232g (FERPA); Health Insurance Portability and Accountability Act (HIPAA), 42 USCA § 210 *et seq.* (P.L. 104-191 of 1996); 45 C.F.R. §§ 160.101 *et seq.*; 164.102 *et seq.*

## **Section 5000 – Personnel**

5340 Staff Health and Safety (Cf. 5370)

5340

The Board shall attempt to ensure staff health, safety, and protection during working hours.

The Board shall comply with the provisions of the federal and Michigan Occupational Safety and Health Act as they apply regarding the employee's right to know of hazardous conditions or materials. The Superintendent or designee shall develop appropriate procedures for informing staff.

Approved: August 17, 2009

LEGAL REF: Michigan Constitution Article VIII, §3; MCL 408.1001-1094 (Michigan Occupational Safety and Health Act)

## **Section 5000 – Personnel**

5340-R Staff Health and Safety (Cf. 5370)

5340-R

### Staff Protection

An employee who has suffered assault in connection with employment shall immediately report the incident, in writing, to the employee's immediate supervisor and/or the Superintendent or designee, and shall make such supplemental written reports as needed.

The Board, upon recommendation of the Superintendent, shall reimburse an employee when the employee's personal property, except for automobile, is soiled, damaged, or destroyed by students or non-students through acts of personal physical assault and when such losses occur during the employee's performance of the employee's school duties. Such reimbursement shall be considered only after the employee has first been reimbursed through his/her insurance carrier and shall be limited to \$200. All such losses must be reported in writing to the employee's immediate supervisor and/or the Superintendent or designee within 10 days of the loss.

## Section 5000 – Personnel

### 5345 Staff Smoking and Tobacco Products

5345

In the interest of providing a safe and healthy environment for employees, students, and visitors, and in accordance with the MICHIGAN CLEAN INDOOR ACT, P.A. 368 of 1978, and the TOBACCO-FREE SCHOOLS ACT P.A. 140 OF 1993, the Battle Creek Public Schools Board of Education does hereby adopt the following Tobacco-Free Policy:

#### Statement of Intent

Tobacco products shall not be used by any person on or in the District's property except in the following designated areas and on designated days and times and then only by those of legal age:

1. Designated outdoor areas owned or leased by the District after 6:00 p.m. on any day that classes are scheduled for students.
2. Outdoor property owned or leased by the District any time on weekends or other days where there have been no scheduled classes for students.

Designated outside areas will be determined at the building level.

#### Enforcement

The use of tobacco on or in District's property except as defined by the policy is a misdemeanor under Michigan law. All employees, students, and visitors share in the responsibility of adhering to and enforcing the Policy.

Violations should be brought to the attention of the building supervisor. The building supervisor will investigate any reported violations of the policy. If necessary, the violations will be referred to the Superintendent or the Superintendent's representative for appropriate action.

Employees and students who are found violating the Tobacco Free Schools Act will be considered in violation of Battle Creek Schools' Policy and will be subject to discipline.

## **Section 5000 – Personnel**

5345 Staff Smoking and Tobacco Products

5345-2

Students are expected to adhere to the policy and procedure as amended in applicable student handbook(s). Students will be informed of the new limits of the tobacco-free law.

Employees will receive a fact sheet regarding the danger and risk of tobacco use. Employees may obtain assistance, in a smoke cessation program, through their health insurance or the Employee Assistance Program.

Approved: August 17, 2009

## **Section 5000 – Personnel**

5345-R Staff Smoking and Tobacco Products

5345-R

Copies of this Policy will be posted and the posting will be made known to all employees. Signs displaying the following statement, or a similar statement, will be posted at appropriate entrances:

**"USE OF TOBACCO PRODUCTS IS PROHIBITED EXCEPT IN DESIGNATED  
OUTDOOR AREAS AFTER 6:00 P.M."**

## Section 5000 – Personnel

### 5350 Alcohol and Drug-Free Workplace

5350

The Board of Education is concerned with the well-being of its employees, the successful accomplishments of its mandate to provide education to the students of the District and the need to maintain employee productivity. Accordingly, it is the policy of the Board of Education to maintain a drug and alcohol free workplace for all employees.

1. It is further the policy of the District that unlawful manufacture, distribution, dispensation, possession, use or being under the influence of a controlled substance or alcohol is prohibited on school District premises, premises on which school District programs are located, school District vehicles or when any employee of the school District is performing his/her position responsibilities or in attendance at any school District business, activity or function.
2. Responsibility - The Board of Education hereby delegates to its Superintendent or his/her designee, the responsibility to effectuate, oversee, and implement the requirements of this policy. The Superintendent is charged with the responsibility of making a good faith effort to maintain a drug and alcohol free workplace through the implementation of this policy.
3. Requirements - The unlawful manufacture, distribution, dispensation, possession, use or being under the influence of a controlled substance or alcohol by any employee while on school premises, in a school District vehicle, performing his/her assigned duties or in attendance at any school activity or function is strictly prohibited. Compliance with these requirements is mandatory and shall not be construed to be voluntary.
  - a. Testing
    - (1) Applicants:

All job applicants will undergo screening for the presence of illegal drugs as a condition of employment.

## Section 5000 – Personnel

### 5350 Alcohol and Drug-Free Workplace

5350-2

Applicants will be required to submit a urinalysis test at a laboratory chosen by the Battle Creek Public Schools, and by signing a consent agreement that will release the Battle Creek Public Schools, its Board of Education, individual Board members, and employees from liability.

Any applicant with positive test result will be denied employment at that time, but may initiate another inquiry with the Battle Creek Public Schools after six months.

(2) Employees:

When a supervisor has a reasonable suspicion that an employee's behavior is impaired and said impairment may be the result of drugs or alcohol an employee must undergo drug testing. Upon suspicion of drug or alcohol use while at work, the existing employee(s) will be taken to a laboratory chosen by the Battle Creek Public Schools and required to submit to a urinalysis test, and sign a consent agreement that will release the Battle Creek Public Schools, its Board of Education, individual Board members, and employees from liability. Arrangements will then be made to transport the employee home.

b. As a condition of employment, employees shall:

- (1) Abide by the terms of this policy; and
- (2) Refusal to take drug test when required - An employee who refuses to be tested when required by this policy will be subject to the full range of disciplinary action including dismissal. No applicant who refuses to be tested shall be extended an offer of employment.

## Section 5000 – Personnel

### 5350 Alcohol and Drug-Free Workplace

5350-3

Attempts to falsify test results (e.g., by altering or substituting the specimen provided) will be deemed a refusal to take the drug test when required.

- (3) Notify the Superintendent of any criminal drug or alcohol statute conviction for violation in the workplace no later than five (5) days after such conviction.
- c. Within thirty (30) days of receiving notice of a criminal drug or alcohol statute conviction for a violation occurring in the workplace or otherwise in connection with the assignment of an employee, the Superintendent or his/her designee shall:
- (1) Take appropriate personnel action against such an employee, up to and including termination; or
  - (2) In appropriate cases, allow such an employee to participate satisfactorily in a drug or alcohol abuse assistance or rehabilitation program approved for such purposes by federal, state, or local health, law enforcement, or other appropriate agencies. Such rehabilitation shall be undertaken at no direct cost to the District unless otherwise approved by the Superintendent and/or Board of Education. The school District shall develop and maintain for employee reference a current list of drug and alcohol counseling, rehabilitation, and employee assistance programs available throughout the District or elsewhere in the community.

Whether an employee will be allowed to participate in a drug or alcohol abuse assistance or rehabilitation program, rather than be disciplined, shall be a matter within the discretion of the District.

## Section 5000 – Personnel

### 5350 Alcohol and Drug-Free Workplace

5350-4

An employee who is allowed to participate in such a program shall be subject to discipline, including termination, in the event the employee fails to satisfactorily participate.

- d. Within ten (10) days after receiving notice that an employee has been convicted under a criminal drug or alcohol statute for a violation occurring in the workplace, the Superintendent or his/her designee shall notify any federal agency from which the District has received a grant to perform work on a site or any program where the drug violations giving rise to such conviction occurred.
- e. The School District shall establish a drug and alcohol free awareness program to inform employees about:
  - (1) The dangers of drug and alcohol abuse in the workplace.
  - (2) The Board of Education's policy of maintaining a drug and alcohol free workplace.
  - (3) Any available drug and alcohol counseling, rehabilitation, and employee assistance programs; and
  - (4) The penalties that may be imposed upon employees for drug and alcohol violations occurring in the workplace.
- f. The school district shall take steps to ensure that District employees are aware of the terms of this policy. The School District shall assure the distribution of this policy to employees and posting copies of this policy in appropriate places in work site settings.
- g. All sanctions against employees for violation of this policy including non-renewal, suspension, and termination shall be in accordance with school system policies, system regulations and procedures, applicable laws, and applicable collective bargaining agreements.

## **Section 5000 – Personnel**

5350 Alcohol and Drug-Free Workplace

5350-5

- h. The Superintendent or his/her designee is charged with the responsibility of developing guidelines for the Temporary Help Company/Construction Contractor Drug & Alcohol Testing Program. The guidelines are to assume that temporary help and employees of contractors will have successfully passed a pre-access drug and alcohol test and that the employees are subject to random testing if they are to work at any Battle Creek Public School facility unless they qualify for an exception as defined in the guidelines.

Approved: August 17, 2009

LEGAL REF: 49 CFR 382.601 (Anti-Substance Abuse Act)

## **Section 5000 – Personnel**

### 5357 Family and Medical Leave

5357

#### Purpose

It is the policy of the Battle Creek Public Schools, hereafter referenced as BCPS, to fully comply with all of the provisions of the Family and Medical Leave Act (“FMLA” or “the Act”) of 1993, and regulations. The policy and related District procedures will be interpreted and applied so as to comply with the Act and related regulations. In the event of conflict, the Act and related regulations shall control.

The District allows eligible employees to take up to twelve (12) weeks of unpaid leave per year for their own serious health condition, a child birth, or to provide care for the employee’s newborn child, newly-adopted child, newly-placed foster child, or a child, parent or spouse with a serious condition.

The District has adopted the rolling twelve-month method of calculating FMLA leave entitlement. This method determines FMLA leave entitlement based upon how much FMLA leave an employee has taken the preceding twelve months, measured backwards from the date the leave is to commence.

This policy supersedes any and all other policies governing medical or family leaves of absence previously adopted by the BCPS. All provisions of this policy and FMLA related procedures adopted by the administration shall prevail except as modified by, or as may be inconsistent with, any applicable collective bargaining agreement between the BCPS and any labor organization having exclusive representation rights in a defined bargaining unit of BCPS employees. To the extent that this policy and related procedures conflict with a collective bargaining agreement(s), these agreement(s) shall prevail to the extent of such conflict or inconsistency where the contract provides greater rights to the employee than are otherwise secured through FMLA.

## **Section 5000 – Personnel**

5357 Family and Medical Leave

5357-2

The Superintendent (or designee) shall review this policy and District procedures to bring them into full compliance with the United States Department of Labor employment standards of the Wage and Hour Division and Family Medical Leave Act.

The Assistant Superintendent for Human Resources will develop procedures to ensure full compliance and consistency with the federal regulations. The Human Resources Department will train employees in the application of District procedures and the Family and Medical Leave Act requirements and entitlements.

Approved: August 17, 2009

LEGAL REF: 29 CFR 825.200 (Family and Medical Leave Act of 1993)

## Section 5000 – Personnel

5357-R Family and Medical Leave

5357-R

### 1. PURPOSE

*Basic Leave Entitlement.* School District of the City of Battle Creek Family and Medical Leave Policy allows eligible employees to take up to 12 work weeks of unpaid leave per year for their own serious health condition, childbirth, or to provide care for the employee's newborn child, newly-adopted child, newly-placed foster child, or a child, parent or spouse with a serious health condition. Further, certain eligible employees may receive up to 12 work weeks of unpaid leave for military exigencies, and up to a total of 26 work weeks of unpaid leave to care for a covered military service member.

Additional information and forms relating to Family and Medical Leaves are available from the Administration.

### 2. DEFINITIONS

A. "*Leave Year*". The District has selected the following method for determining the "12-month period" for non-military related leave.

The 12-month rolling backwards period. The 12-month rolling period is calculated backwards from the date the requested leave commences. This method determines FMLA leave entitlement based upon how much FMLA leave an employee has taken the preceding 12 months, measured backwards from the date the leave is to commence.

For "Military Caregiver Leave," the leave period begins the first day the leave begins, regardless of past non-military leave taken and regardless of the leave period for other FMLA qualifying leave.

## Section 5000 – Personnel

### 5357-R Family and Medical Leave

5357-R-2

- B. "*Spouse*" means a husband or wife, but does not include unmarried domestic partners. If both spouses work for the school district, their total leave in any 12-month period may be limited to an aggregate of 12-weeks if the leave is taken for either the birth or placement for adoption or foster care of a child or to care for a sick parent. The aggregated amount of leave in a 12-month period is 26 weeks in situations where the leave is based on the care for a covered service member.
- C. "*Parent*" means biological, adoptive, step or foster parent, or any other individual who stood *in loco parentis* to the employee when the employee was a child. A parent-in-law does not meet this definition.
- D. "*Child*" means a son or daughter under age 18, or 18 years or older who is incapable of self-care due to mental or physical disability. Employees who are *in loco parentis* include those with day-to-day responsibility for care and financially supports the "child". A biological or legal relationship is not necessary.
- E. "*Next of Kin of a Covered Service Member*" means the nearest blood relative *other* than a spouse, parent, son, or daughter, in the following order: blood relatives who have been granted legal custody of the covered service member by court decree or statutory provision, brother and sister, grandparent, aunt and uncle, and first cousin, unless the covered service member designated in writing another blood family member as his or her nearest blood relative for purposes of military caregiver leave.
- F. "*Military Family Leave*" means either "Military Caregiver Leave" or "Qualifying Exigency" Leave as set forth below:

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- (1) *"Military Caregiver Leave."* An eligible employee may take up to 26 weeks of leave to care for a covered service member during a single 12-month period. The covered service member must be a current member of the Armed Forces, which includes membership in the National Guard or Reserves. The covered service member must have sustained the serious injury or illness in the line of duty while on active duty which may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.
- (2) *"Qualifying Exigency Leave."* An eligible employee with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may also use their 12-week leave entitlement to address certain qualifying exigencies. The Department of Labor defines qualifying exigencies as: (1) short-notice deployment (up to seven days from date of notification), (2) military events and related activities, (3) childcare and school activities, (4) financial and legal arrangements, (5) counseling, (6) rest and recuperation (up to five days for each instance), (7) post-deployment activities occurring within 90 days following the termination of active duty status, and (8) additional activities arising from the service member's

active duty or call to active duty not encompassed in the other categories, but agreed to by the employer and employee.

G. "Serious Health Condition" means an illness, injury, impairment, or physical or mental condition that involves:

- (1) inpatient care (an overnight stay);
- (2) a period of incapacity from work requiring "continuing treatment" by a healthcare provider;  
*"Continuing treatment"* by a healthcare provider must involve a period of incapacity of more than 3 full consecutive calendar days (including subsequent treatments or periods of incapacity relating to the same condition) that also involves either: (1) treatment of two or more times within 30 days of the first day of incapacity by a healthcare provider; or (2) treatment on at least one occasion by a healthcare provider which results in a "regimen of continuing treatment under the supervision of the a healthcare provider." (*e.g.*, a course of prescription drugs, physical therapy). The first (or only) in-person treatment visit to the healthcare provider must occur within 7 days of the first day of incapacity.
- (3) a period of incapacity from work due to pregnancy or for prenatal care;

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- (4) a period of incapacity from work requiring treatment for chronic or permanent/long-term conditions (*e.g.*, asthma, diabetes, epilepsy, cancer); or
- (5) a period of absence to receive multiple treatments by a healthcare provider for a non-chronic condition that, if left untreated, could result in a period of incapacity of more than 3 consecutive calendar days (*e.g.*, dialysis for kidney disease or chemotherapy for cancer).

Unless complications arise, the common cold, flu, upset stomach, headache, routine dental problems and cosmetic treatments do not meet the definition of "serious health condition."

Please contact the Administration for a more complete definition of "serious health condition."

- H. "*Instructional Employee*" means a person whose principle function is to teach and instruct students in a class, a small group or an individual setting. This term includes teachers or auxiliary personnel principally engaged in direct delivery of instruction (*e.g.*, signers for hearing impaired). This definition does not include auxiliary personnel such as counselors, teacher assistants, aides, psychologists, social workers, and non-instructional support personnel.
- I. "*District*" means the School District of the City of Battle Creek. This policy has been adopted by the Board of Education and shall be implemented by the Superintendent or his/her designee.

3. GENERAL

- A. *Eligibility.* An employee who has worked at least 1,250 hours during the 12-month period before commencement of the leave is eligible for FMLA leave after having completed at least 12 months of service, including previous service with the District up to 7 years before commencement of the leave. Instructional employees will not be eligible if it is clearly demonstrated that the employee did not work the requisite hours during the 12-month period, unless otherwise provided by a collective bargaining agreement.
- B. Eligible employees may use FMLA leave for one or more of the following reasons:
- (1) The birth of a child and care for a newborn;
  - (2) The care for a newly-adopted child or child recently placed in an employee's home for foster care;
  - (3) To care for a spouse, child (who is less than age 18, or 18 but incapable of self-care) or a parent (but not parent-in-law) who has a serious health condition;
  - (4) An employee's own serious health condition that makes the employee unable to perform one or more of the essential functions of his or her job; or
  - (5) To address certain qualifying exigencies or caregiving associated with a covered service member. The employee may be required to provide information supporting the need for military family leave.
- C. An eligible employee may take up to 12 weeks of unpaid leave during any 12-month period for a purpose which qualifies for a leave under the FMLA policy.

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As identified in Section 2.F.(1)., an eligible employee may take up to 26 weeks "Military Caregiver Leave" measured from the first day the military-related leave commences during a single 12-month period.

An eligible part-time employee is entitled to leave on a pro-rata basis.

If spouses are both employed by the District and both are eligible for FMLA leave, spouses may take up to a combined total of 12 weeks of leave for the birth and care of a newborn child, the placement of a child in the spouse's home for adoption or foster care, or the care of a seriously ill parent. This limitation does not apply to the care of a spouse or child with a serious health condition or to the employee's own serious health condition. For example, if spouses each take 4 weeks to care for a newborn child, each spouse will have eight weeks remaining within the 12-month period to use for other kinds of FMLA leaves, if necessary.

Family leave to care for a newborn child or for adoption or foster care placement of a child must be completed within 12 months of the birth, adoption, or placement of the child.

#### 4. NOTICE

A. *Notice by Employee.* The employee shall give notice for FMLA leave according to the following:

- (1) When the need for FMLA is *foreseeable* (i.e., for birth of a child, adoption, foster placement, or planned medical treatment for yourself or a family member or to care for a covered service member) 30-days notice is required. If the employee fails to give 30-days notice with no reasonable excuse, the District reserves the right to delay the employee's FMLA leave until at least 30-days after the leave request is made.

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- (2) When the need for FMLA leave is *unexpected*, absent unusual circumstances, the employee must provide notice to the Employer either the same business day or the next business day after the employee learns of the need for the FMLA leave.

With respect to both foreseeable and unexpected leave, employees must comply with District policies, work rules, collective bargaining provisions, and customary time off or call-in notice procedures.

At the time of requesting leave from work, the employee is required to complete District-approved forms for leave utilization. The District will provide a copy of this policy and District-approved forms which advises the employee of his/her FMLA rights and responsibilities. When any leave from work is requested, the District will inquire about the circumstances to determine if the requested leave appears to qualify as FMLA leave. Any leave request determined by the District to qualify as FMLA leave will be credited against the employee's FMLA leave for the 12-month period described in Section 2.A. of this policy.

- B. *District Notification of FMLA Leave.* Once the District receives sufficient notice that leave qualifies for FMLA leave, the District will (within 5 business days, absent extenuating circumstances) notify the employee, in writing, whether the employee is eligible for leave.
5. SUBSTITUTION OF PAID LEAVE TIME

Although FMLA leave is unpaid, there are several ways in which the District's policies or collective bargaining agreement (regarding salary continuation, sick days and vacation pay) may operate in conjunction with certain kinds of FMLA leaves to provide the employee with some income during the leave.

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If paid leave is available, and applicable, it shall run concurrently with the FMLA leave, unless otherwise specified by a collective bargaining agreement or individual employment contract.

- *Use of earned and/or accrued paid time off.* When leave from work qualifies as FMLA leave is taken, an employee must first concurrently exhaust earned and/or accrued paid time off which will be credited against the FMLA leave, unless otherwise specified by a collective bargaining agreement or individual employment contract. For example, if an employee has earned and/or accrued paid vacation or personal leave, the District may require that the employee first concurrently apply that leave time to his/her FMLA leave until the earned or accrued paid leave time is exhausted. The District may also require that any earned or accrued paid vacation or personal/sick leave be exhausted concurrently with the FMLA leave before the unpaid portion of the FMLA leave to care for the employee's own serious health condition or that of a spouse, child or parent (where permitted for the latter purpose under the contract or policy governing the employee). Any remaining FMLA leave to which the employee is entitled will then be taken on an unpaid basis. An employee may also use applicable accumulated paid leave off during FMLA leave.

### 6. MEDICAL CERTIFICATION

- A. If an employee requests FMLA leave due to a serious health condition or to care for a parent, child, or spouse with a serious health condition, or to attend to specific matters concerning covered service member, the employee may be required to provide medical certification from a healthcare provider of the serious health condition involved and, if applicable, verification that the employee is needed to care for the ill family member and for how long.

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- B. The employee may be required to provide supporting information concerning military family leave. Forms for this purpose will be provided by the Administration when the employee notifies the District of the need for the leave. Employees must provide the requested medical certification within 15 days of being supplied with the necessary certification form from the Administration or a request for FMLA leave may be delayed or denied.
- C. After an employee submits the required medical certification, the District may require, at its option and expense that a medical certification be obtained from a healthcare provider of the District's own choosing to verify the need for the requested FMLA leave. If the first and second certifications differ, the District may require (at its option and expense) that a third certification be obtained from a third healthcare provider who is jointly selected by the prior two healthcare providers. The third medical certification will be final and binding on both parties. If the employee refuses to be examined by the third healthcare provider or refuses to cooperate in the examination, the employee will be bound by the second certification.
- D. The District may request medical recertification for leave taken because of an employee's own serious medical condition or the serious medical condition of a family member. Recertification may be requested pursuant to the following:
- (1) The District may request recertification no more often than every 30 days and only in connection with the absence by the employee, unless paragraphs 2 or 3 below apply.

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- (2) If the initial medical certification indicates that the minimum duration of the condition is more than 30 days, the District will wait until the minimum duration expires or 6 months, whichever is less, before requesting a recertification, unless paragraph 3 applies.
- (3) The District may request recertification in less than 30 days if: (a) an employee requests an extension of leave; (b) circumstances described by the previous certification have changed significantly; or (c) the District receives information that cast doubt upon the employee's stated reason for the absence or the continuing validity of the certification.

The employee must provide the requested recertification to the District within 15 calendar days unless it is not practicable under the particular circumstances to do so despite the employee's diligent good faith efforts. The District may ask for the same information as that permitted for the original certification. The employee has the same obligations to participate and cooperate in the recertification process as in the initial certification process. Any recertification requested by the employer shall be at the employee's expense unless the District provides otherwise (*e.g.*, District policy or collective bargaining agreement).

### 7. INTERMITTENT/REDUCED LEAVE SCHEDULE

- A. If an employee requests intermittent leave or a reduced leave schedule, the District may require the employee to explain why the intermittent/reduced leave schedule is necessary. An employee must meet with the District and attempt to work out a leave schedule which meets the employee's needs for leave without unduly disrupting the District's operations.

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The employee should meet with the District before treatment is scheduled. If the meeting takes place after treatment has been scheduled, the District may, in certain instances, require an employee to attempt to reschedule treatment.

- B. The District may assign an employee to an alternative position with equivalent pay and benefits, but not necessarily equivalent job duties that better accommodate the employee's intermittent or reduced leave schedule. The District may also transfer the employee to a part-time job with the same rate of pay and benefits. A "light-duty" assignment, however, will not be considered FMLA leave. Where benefits (*e.g.*, vacation) are based on the number of hours worked, the employee will receive appropriate benefits, based upon hours worked. When a transfer to a part-time position has been made to accommodate an intermittent or reduced-leave schedule, the District will continue group health benefits on the same basis as provided for full-time employees until the 12 (or 26 weeks for the care of a covered service member) weeks of FMLA leave are used.
- C. An intermittent and/or reduced leave schedule is available for an eligible employee to attend to a serious health condition requiring periodic treatment by a healthcare provider, or because the employee (or family member) is incapacitated due to a chronic serious health condition. An employee on pregnancy leave (unless a serious health condition is involved) or leave for care of an adopted, foster, or newborn child is not eligible for intermittent leave.

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- D. If an eligible instructional employee requests intermittent or a reduced leave schedule to care for a family member having a serious health condition, or for the employee's own serious health condition, which is foreseeable based on planned medical treatment, and the instructional employee would be on leave for more than 20% of the total number of working days over the leave period, the District may require the instructional employee to choose either to:
- (1) take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or
  - (2) transfer temporarily to an available alternative position for which the instructional employee is qualified, which has equivalent pay and benefits and which better accommodates recurring leave periods than does the instructional employee's regular assignment.

### 8. BENEFITS

- A. During the period of an approved FMLA leave, the District will continue the employee's health insurance premium uninterrupted. If the employee makes a contribution toward coverage, the employee must make arrangements to continue his or her contributions during the leave to continue the basic health insurance coverage at its existing level. An employee's failure to pay his or her share of health insurance premium during FMLA leave may result in loss of coverage if the employee's contribution is more than 30 days late. If the employee's premiums are in arrears, the District will provide the employee at least 15 days written notice that coverage will be dropped prior to cancelling coverage.

- (1) Except as required under COBRA, the District's obligation to maintain health benefit premium contributions for an employee on FMLA leave ceases when: a) the employment relationship would have terminated, irrespective of the FMLA leave (*e.g.*, reduction in force); b) when the employee advises the District of his or her intent not to return from leave; or c) when the FMLA leave expires and the employee has not returned from leave.
- (2) Employee contributions will be required either through payroll deduction or by direct payment to the District. The employee will be advised in writing at the beginning of the leave as to the amount and method of payment. Employee contribution amounts are subject to any change in premium rates that occur while the employee is on leave.
- (3) If the District remits any employee premium contributions in arrears from the employee while on FMLA leave, the employee will be required to reimburse the District for delinquent payments (through authorized payroll deduction or otherwise) upon return from leave. If the employee fails to return from unpaid leave for reasons other than: a) the continuation, recurrence, or onset of a serious health condition of the employee or a covered family member, or b) circumstances beyond the employee's control, the District may seek reimbursement from the employee for the portion of the premiums paid by the District on behalf of that employee (also known as the "employer contribution") during the leave period, excluding the period where the

District or the employee has substituted paid leave for FMLA leave.

- (4) An employee is not entitled to seniority or benefits accrual (*e.g.*, holidays, vacations) during the unpaid leave, unless otherwise specified by the collective bargaining agreement or individual employment contract. An employee who takes FMLA leave will not lose any seniority or employment benefits that accrued before the date leave began.

B. *Disability Plans and FMLA Leave:*

- (1) *Workers' Compensation Leave.* If the employee has a work-related illness or injury that qualifies as a "serious health condition" under this policy, leave from the job for which the employee receives workers' compensation payments will be considered FMLA leave. The employer and employee may agree to have paid leave supplement worker's compensation benefits, *i.e.*, where worker's disability compensation benefits provide replacement income for only a portion of the employee's salary.

- (2) *Disability Plan Leave.* The District may designate any employer-sponsored disability plan leave as FMLA leave.

9. RETURN TO WORK

- A. Upon conclusion of FMLA leave, an employee will be returned to the same position the employee held when leave began or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment, provided the position remains.

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- B. If an instructional employee (*i.e.*, a person whose principle function is to teach and instruct students in a class, a small group or an individual setting) begins FMLA leave more than 5 weeks before the end of a semester, the District may require that the leave be taken until the conclusion of the semester if the leave is to last at least 3 weeks and the instructional employee would return to work during the 3-week period before the conclusion of the semester.

If an instructional employee begins FMLA leave (other than for the instructional employee's own serious health condition) during the 5-week period before the end of a semester, the District may require that leave be taken until the end of the semester if the instructional employee would return to work during the 2-week period immediately before the end of the semester and if the leave period is to last more than 2 weeks.

If an instructional employee begins FMLA leave (other than for the instructional employee's own serious health condition) during the 3-week period before the end of a semester and the leave will last more than 5 working days, the District may require the instructional employee to take leave until the end of the semester.

- C. *Fitness-for-Duty Certification.* An employee shall submit a written statement from a physician which addresses the employee's ability to return to work and perform the essential functions of the position, consistent with District policy or collective bargaining agreement. In the case of intermittent or reduced schedule leave, where reasonable job safety concerns exist, the District may require the employee to provide a fitness-for-duty certification up to once every 30 days before he or she may return to work.

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### 10. KEY EMPLOYEES

- A. *Definition.* A "key" employee is an eligible salaried FMLA-eligible employee who is among the highest paid 10% of District employees.
- B. *Job Restoration.* While the District will not deny FMLA leave to an eligible key employee, the District may deny job restoration to a key employee when the restoration to employment will cause the District substantial and grievous economic injury or substantial, long-term economic injury.
- C. *Qualifications.* Each employee who is designated as a "key" employee will be notified of that fact when he/she requests FMLA leave, or at the commencement of such leave, whichever occurs first; or if the notice cannot be given then because of the need to determine whether the employee is a key employee, as soon thereafter as practical.

In any situation in which the District determines that it will deny restoration or employment to a key employee, the District will issue a hand-delivered or certified letter to the key employee explaining the finding that the required injury to the District exists. Additionally, the District will inform the key employee of the potential consequences with respect to reinstatement and maintenance of health benefits should employment restoration be denied. When practical, the District will communicate this determination before the commencement of the FMLA leave; the key employee may then take FMLA leave or forego it. If the FMLA leave has already begun, the key employee will be provided a reasonable time in which to return to work after being notified of the District's intention – the decision cannot be made until the employee seeks to return to deny reinstatement.

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- D. *Timelines.* If a key employee does not return to work in response to the District's notification of its decision to deny restoration of employment, the District will continue to provide the key employee with health benefits (to the extent of the FMLA leave period) and the District will not seek to recover its cost of health benefit premiums. A key employee's FMLA rights will continue until the employee gives notice that he/she no longer wishes to return to work or until the District denies reinstatement at the end of the leave. The key employee has the right, at the end of the FMLA leave, to request reinstatement and the District will reevaluate the extent of its injury due to the requested reinstatement based on the facts at that time. If the District again determines that the reinstatement will still cause the injury, the key employee will be notified in writing by hand-delivered or certified letter of the denial of his/her reinstatement to employment. If the District finds that reinstatement will not result in the required injury, the key employee will be granted reinstatement.

### 11. FAILURE TO RETURN FROM LEAVE

An employee's failure to return to work upon expiration of FMLA leave will subject the employee to termination unless an extension is granted, as required by law or under a collective bargaining agreement. An employee, who requests an extension of FMLA leave due to the continuation, recurrence, or onset of her or his own serious health condition, or of the serious health condition of the employee's spouse, child, or parent, must submit a written request for an extension to the employee's immediate supervisor. This written request should be made as soon as the employee realizes that she or he will not be able to return at the expiration of the leave period. Medical certification or recertification will be required to support any request for leave extension.

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### 12. EFFECT OF COLLECTIVE BARGAINING AGREEMENT(S)

All provisions of this policy shall prevail except as modified by, or as may be inconsistent with, any applicable collective bargaining agreement between the District and any labor organization having exclusive representation rights in a defined bargaining unit of District employees. To the extent that this policy conflicts with the terms of such collective bargaining agreement(s), those agreement(s) shall prevail to the extent of such conflict or inconsistency where the contract provides greater rights to the employee than are otherwise secured through the FMLA.

### 13. FORMS

The following forms, where applicable, must be filed with the Administration in accord with District policies and procedures:

WH-380-E Certification of Health Care Provider for Employee's Serious Health Condition

WH-380-F Certification of Health Care Provider for Family Member's Serious Health Condition

WH-381 Notice of Eligibility and Rights & Responsibilities

WH-382 Designation Notice

WH-384 Certification of Qualifying Exigency For Military Family Leave

WH-385 Certification for Serious Injury or Illness of Covered Service Member For Military Family Leave

Legal Authority: Family and Medical Leave Act of 1993, P.L. 103-3;

National Defense Authorization Act for FY 2008, P.L. 110-118.

**SCHOOL DISTRICT OF THE CITY OF BATTLE CREEK**

**NOTICE OF ELIGIBILITY AND  
RIGHTS & RESPONSIBILITIES  
(Family and Medical Leave Act)**

In general, to be eligible an employee must have worked for an employer at least 12 months, have worked at least 1,250 hours in the 12 months preceding the leave, and work at a site with at least 50 employees within 75 miles. While use of this form by employers is optional, a fully completed Form WH-381 provides employees with the information required by 29 C.F.R. § 825.300(b), which must be provided within five (5) business days of the employee notifying the employer of the need for FMLA leave. Part B provides employees with information regarding their rights and responsibilities for taking FMLA leave, as required by 29 C.F.R. § 825.300(b), (c).

**[PART A – NOTICE OF ELIGIBILITY]**

TO \_\_\_\_\_  
Employee

FROM: \_\_\_\_\_  
Employer Representative

DATE: \_\_\_\_\_

On \_\_\_\_\_, you informed us that you needed leave beginning on \_\_\_\_\_ for:

- The birth of a child, or placement of a child with you for adoption or foster care;
- Your own serious health condition;
- Because you are needed to care for your  spouse;  child  parent due to his/her serious health condition.
- Because of a qualifying exigency arising out of the fact that your  spouse;  son or daughter;  parent is on active duty or called to active duty status in support of a contingency operation as a member of the National Guard or Reserves.
- Because you are the  spouse;  son or daughter;  parent;  next of kin of a covered service member with a serious injury or illness.

This Notice is to inform you that you:

- Are eligible for FMLA leave (See Part B below for Rights and Responsibilities)
- Are **not** eligible for FMLA leave, because (only one reason need be checked, although you may not be eligible for other reasons);
  - You have not met the FMLA’s 12-month length of service requirement. As of the first date of requested leave, you will have worked approximately \_\_\_\_\_ months toward this requirement.
  - You have not met the FMLA’s 1,250 hours-worked requirement.
  - You do not work and/or report to a site with 50 or more employees within 75-miles.

If you have any questions, contact \_\_\_\_\_ or view the FMLA poster located in \_\_\_\_\_.

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**[PART B – RIGHTS AND RESPONSIBILITIES FOR TAKING FMLA LEAVE]**

As explained in Part A, you meet the eligibility requirements for taking FMLA leave and still have FMLA leave available in the applicable 12-month period. **However, in order for us to determine whether your absence qualifies as FMLA leave, you must return the following information to us by \_\_\_\_\_.** (If a certification is requested, employers must allow at least 15 calendar days from receipt of this notice; additional time may be required in some circumstances.) If sufficient information is not provided in a timely manner, your leave may be denied.

- Sufficient certification to support your request for FMLA leave. A certification form that sets forth the information necessary to support your request  is  is not enclosed.
- Sufficient documentation to establish the required relationship between you and your family member.
- Other information needed: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- No additional information requested.

**If your leave does qualify** as FMLA leave you will have the following **responsibilities** while on FMLA leave (only checked blanks apply):

- Contact \_\_\_\_\_ at \_\_\_\_\_ to make arrangements to continue to make your share of the premium payments on your health insurance to maintain health benefits while you are on leave. You have a minimum 30-day (or, indicate longer period, if applicable) grace period in which to make premium payments. If payment is not made timely, your group health insurance may be cancelled, provided we notify you in writing at least 15 days before the date that your health coverage will lapse, or, at our option, we may pay your share of the premiums during FMLA leave, and recover these payments from you upon your return to work.
- You will be required to use your available paid \_\_\_\_\_ **sick**, \_\_\_\_\_ **vacation**, and/or \_\_\_\_\_ **other leave** during your FMLA absence. This means that you will receive your paid leave and the leave will also be considered protected FMLA leave and counted against your FMLA leave entitlement.
- Due to your status within the District, you are considered a “key employee” as defined in the FMLA. As a “key employee,” restoration to employment may be denied following FMLA leave on the grounds that such restoration will cause substantial and grievous economic injury to us. We  **have**  **have not** determined that restoring you to employment at the conclusion of FMLA leave will cause substantial and grievous economic harm to us.
- While on leave you will be required to furnish us with periodic reports of your status and intent to return to work every \_\_\_\_\_. (Indicate interval of periodic reports, as appropriate for the particular leave situation).

**If the circumstances of your leave change, and you are able to return to work earlier than the date indicated on the reverse side of this form, you will be required to notify us at least two workdays prior to the date you intend to report to work.**

**If your leave does qualify** as FMLA leave you will have the following **rights** while on FMLA leave:

- You have a right under the FMLA for up to 12 weeks of unpaid leave in a 12-month period calculated as:
  - the calendar year (January – December).
  - a fixed leave year based on \_\_\_\_\_.
  - the 12-month period measured forward from the date of your first FMLA leave usage.
  - a “rolling” 12-month period measured backward from the date of any FMLA leave usage.

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- You have a right under the FMLA for up to 26 weeks of unpaid leave in a single 12-month period to care for a covered servicemember with a serious injury or illness. This single 12-month period commenced on \_\_\_\_\_.
- Your health benefits must be maintained during any period of unpaid leave under the same conditions as if you continued to work.
- You must be reinstated to the same or an equivalent job with the same pay, benefits, and terms and conditions of employment on your return from FMLA-protected leave. (If your leave extends beyond the end of your FMLA entitlement, you do not have return rights under FMLA)
- If you do not return to work following FMLA leave for a reason other than: 1) the continuation, recurrence, or onset of a serious health condition which would entitle you to FMLA leave; 2) the continuation, recurrence, or onset of a covered servicemember’s serious injury or illness which would entitle you to FMLA leave; or 3) other circumstances beyond your control, you may be required to reimburse us for our share of health insurance premiums paid on your behalf during your FMLA leave.
- If we have not informed you above that you must use accrued paid leave while taking your unpaid FMLA leave entitlement, you have the right to have \_\_\_\_\_ **sick**, \_\_\_\_\_ **vacation**, and/or \_\_\_\_\_ **other leave** run concurrently with your unpaid leave entitlement, provided you meet any applicable requirements of the leave policy. Applicable conditions related to the substitution of paid leave are referenced or set forth below. If you do not meet the requirements for taking paid leave, you remain entitled to take unpaid FMLA leave.
  - For a copy of conditions applicable to sick/vacation/other leave usage please refer to \_\_\_\_\_ available at: \_\_\_\_\_.
  - Applicable conditions for use of paid leave: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Once we obtain the information from you as specified above, we will inform you, within 5 business days, whether your leave will be designated as FMLA leave and count towards your FMLA leave entitlement. If you have any questions, please do not hesitate to contact: \_\_\_\_\_ at \_\_\_\_\_.**

**SCHOOL DISTRICT OF THE CITY OF BATTLE CREEK**  
**DESIGNATION NOTICE**  
**(Family and Medical Leave Act)**

Leave covered under the Family and Medical Leave Act (FMLA) must be designated as FMLA-protected and the employer must inform the employee of the amount of leave that will be counted against the employee’s FMLA leave entitlement. In order to determine whether leave is covered under the FMLA, the employer may request that the leave be supported by a certification. If the certification is incomplete or insufficient, the employer must state in writing what additional information is necessary to make the certification complete and sufficient. While use of this form by employers is optional, a fully completed Form WH-382 provides an easy method of providing employees with the written information required by 29 C.F.R. §§ 825.300(c), 825.301, and 925.305(c).

To: \_\_\_\_\_  
Date: \_\_\_\_\_

We have reviewed your request for leave under the FMLA and any supporting documentation that you have provided. We received your most recent information on \_\_\_\_\_ and decided:

\_\_\_\_\_ **Your FMLA leave request is approved. All leave taken for this reason will be designated as FMLA leave.**

**The FMLA requires that you notify us as soon as practicable if dates of scheduled leave change or are extended, or were initially unknown. Based on the information you have provided to date, we are providing the following information about the amount of time that will be counted against your leave entitlement:**

\_\_\_\_\_ Provided there is no deviation from your anticipated leave schedule, the following number of hours, days, or weeks will be counted against your leave entitlement: \_\_\_\_\_

\_\_\_\_\_ Because the leave you will need will be unscheduled, it is not possible to provide the hours, days, or weeks that will be counted against your FMLA entitlement at this time. You have the right to request this information once in a 30-day period (if leave was taken in the 30-day period).

**Please be advised (check if applicable)**

\_\_\_\_\_ You have requested to use paid leave during your FMLA leave. Any paid leave taken for this reason will count against your FMLA leave entitlement.

\_\_\_\_\_ We are requiring you to substitute or use paid leave during your FMLA leave.

\_\_\_\_\_ You will be required to present a fitness-for-duty certificate to be restored to employment. If such certification is not timely received, your return to work may be delayed until certification is provided. A list

of the essential functions of your position  is  is not attached. If attached, the fitness-for-duty certification must address your ability to perform these functions.

\_\_\_\_\_ **Additional information is needed to determine if your FMLA leave request can be approved:**

\_\_\_\_\_ The certification you have provided is not complete and sufficient to determine whether the FMLA applies to your leave request. You must provide the following information not later than \_\_\_\_\_,  
(Provide at least seven calendar days)

unless it is not practicable under the particular circumstances despite your diligent good faith efforts, or your leave may be denied.

\_\_\_\_\_  
(Specify information needed to make the certification complete and sufficient)

\_\_\_\_\_ We are exercising our right to have you obtain a second or third opinion medical certification at our expense, and we will provide further details at a later time.

\_\_\_\_\_ Your FMLA Leave request is Not Approved.

\_\_\_\_\_ The FMLA does not apply to your leave request.

\_\_\_\_\_ You have exhausted your FMLA leave entitled in the applicable 12-month period.



**Section 5000 – Personnel**

**PART A: MEDICAL FACTS**

1. Approximate date condition commenced: \_\_\_\_\_

Probable duration of condition: \_\_\_\_\_

**Mark below as applicable:**

Was the patient admitted for an overnight stay in a hospital, hospice, or residential medical care facility?

No  Yes. If so dates of admission:

\_\_\_\_\_

Date(s) you treated the patient for condition:

\_\_\_\_\_

Will the patient need to have treatment visits at least twice per year due to the condition?  No  Yes.

Was the patient referred to other health care provider(s) for evaluation or treatment (e.g., physical therapist)?  No  Yes. If so, state the nature of such treatments and expected duration of treatment:

\_\_\_\_\_

2. Is the medical condition pregnancy?  No  Yes.

If so, expected delivery date: \_\_\_\_\_

Use the information provided by the employer in Section I to answer this question. If the employer fails to provide a list of the employee's essential functions or a job description, answer these questions based upon the employee's own description of his/her job functions.

Is the employee unable to perform any of his/her job functions due to the condition:

No  Yes.

If so, identify the job functions the employee is unable to perform:

\_\_\_\_\_

3. Describe other relevant medical facts, if any, related to the condition for which the employee seeks leave (such medical facts may include symptoms, diagnosis, or any regimen of continuing treatment such as the use of specialized equipment):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Section 5000 – Personnel**

**PART B: AMOUNT OF LEAVE NEEDED**

- 4. Will the employee be incapacitated for a single continuous period of time due to his/her medical condition, including any time for treatment and recovery?  No  Yes.

If so, estimate the beginning and ending dates for the period of incapacity: \_\_\_\_\_

- 5. Will the employee need to attend follow-up treatment appointments or work part-time or on a reduced schedule because of the employee’s medical condition?  No  Yes.

If so, are the treatments or the reduced number of hours of work medically necessary?

No  Yes.

Estimate treatment schedule, if any, including the dates of any scheduled appointments and the time required for each appointment, including any recovery period:

\_\_\_\_\_

Estimate the part-time or reduced work schedule the employee needs, if any:

\_\_\_\_\_ hour(s) per day; \_\_\_\_\_ days per week from \_\_\_\_\_ through \_\_\_\_\_

- 6. Will the condition cause episodic flare-ups periodically preventing the employee from performing his/her job functions?  No  Yes.

Is it medically necessary for the employee to be absent from work during the flare-ups?

No  Yes. If so, explain:

\_\_\_\_\_

\_\_\_\_\_

Based upon the patient’s medical history and your knowledge of the medical condition, estimate the frequency of flare-ups and the duration of related incapacity that the patient may have over the next 6 months (e.g., 1 episode every 3 months lasting 1-2 days):

Frequency: \_\_\_\_\_ times per \_\_\_\_\_ week(s) \_\_\_\_\_ month(s)

Duration: \_\_\_\_\_ hours or \_\_\_\_\_ day(s) per episode

**ADDITIONAL INFORMATION: IDENTIFY QUESTION NUMBER WITH YOUR ADDITIONAL ANSWER.**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_





**Section 5000 – Personnel**

5357-R Family and Medical Leave

5357-R-29

**SECTION III: For Completion by the HEALTH CARE PROVIDER**

**INSTRUCTIONS to the HEALTH CARE PROVIDER:** The employee listed above has requested leave under the FMLA to care for your patient. Answer, fully and completely, all applicable parts below. Several questions seek a response as to the frequency or duration of a condition, treatment, etc. Your answer should be your best estimate based upon your medical knowledge, experience, and examination of the patient. Be as specific as you can; terms such as “lifetime,” “unknown,” or “indeterminate” may not be sufficient to determine FMLA coverage. Limit your responses to the condition for which the patient needs leave. Page 3 provides space for additional information, should you need it. Please be sure to sign the form on the last page.

Provider’s name and business address: \_\_\_\_\_

Type of practice/Medical specialty: \_\_\_\_\_

Telephone: (\_\_\_\_\_) \_\_\_\_\_ Fax: (\_\_\_\_\_) \_\_\_\_\_

**PART A: MEDICAL FACTS**

1. Approximate date condition commenced: \_\_\_\_\_

Probable duration of condition: \_\_\_\_\_

Was the patient admitted for an overnight stay in a hospital, hospice, or residential medical care facility?  No  Yes. If so, dates of admission: \_\_\_\_\_

Date(s) you treated the patient for condition: \_\_\_\_\_

Was medication, other than over-the-counter medication, prescribed?  No  Yes.

Will the patient need to have treatment visits at least twice per year due to the condition?  
 No  Yes

Was the patient referred to other health care provider(s) for evaluation or treatment (e.g., physical therapist)?  No  Yes. If so, state the nature of such treatments and expected duration of treatment:

\_\_\_\_\_  
\_\_\_\_\_

2. Is the medical condition pregnancy?  No  Yes. If so, expected delivery date: \_\_\_\_\_

3. Describe other relevant medical facts, if any, related to the condition for which the patient needs care (such medical facts may include symptoms, diagnosis, or any regimen of continuing treatment such as the use of specialized equipment):

\_\_\_\_\_  
\_\_\_\_\_

**Section 5000 – Personnel**

**PART B: AMOUNT OF CARE NEEDED: When answering these questions, keep in mind that your patient’s need for care by the employee seeking leave may include assistance with basic medical, hygienic, nutritional, safety, or transportation needs, or the provision of physical or psychological care.**

4. Will the patient be incapacitated for a single continuous period of time, including any time for treatment and recovery?  No  Yes.

Estimate the beginning and ending dates for the period of incapacity: \_\_\_\_\_

During this time, will the patient need care?  No  Yes.

Explain the care needed by the patient and why such care is medically necessary:

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5. Will the patient require follow-up treatments, including any time for recovery?  No  Yes.

Estimate treatment schedule, if any, including the dates of any scheduled appointments and the time required for each appointment, including any recovery period:

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Explain the care needed by the patient, and why such care is medically necessary: \_\_\_\_\_

---

6. Will the patient require care on an intermittent or reduced schedule basis, including any time for recovery?  No  Yes.

Estimate the hours the patient needs care on an intermittent basis, if any:

\_\_\_\_\_ hour(s) per day; \_\_\_\_\_ days per week from \_\_\_\_\_ through \_\_\_\_\_

Explain the care needed by the patient, and why such care is medically necessary:

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**Section 5000 – Personnel**

5357-R Family and Medical Leave

5357-R-31

7. Will the condition cause episodic flare-ups periodically preventing the patient from participating in normal daily activities?  No  Yes.

Based upon the patient’s medical history and your knowledge of the medical condition, estimate the frequency of flare-ups and the duration of related incapacity that the patient may have over the next 6 months (e.g. 1 episode every 3 months lasting 1-2 days):

Frequency: \_\_\_\_\_ times per \_\_\_\_\_ week(s) \_\_\_\_\_ month(s)

Duration: \_\_\_\_\_ hours or \_\_\_\_\_ day(s) per episode

Does the patient need care during these flare-ups?  No  Yes.

Explain the care needed by the patient, and why such care is medically necessary: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**ADDITIONAL INFORMATION: IDENTIFY QUESTION NUMBER WITH YOUR ADDITIONAL ANSWER:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature of Health Care Provider

\_\_\_\_\_  
Date

**Attention: Human Resources Battle Creek Public Schools**  
**Fax # 269-965-9490**



**Section 5000 – Personnel**

A complete and sufficient certification to support a request for FMLA leave due to a qualifying exigency includes written documentation confirming a covered military member’s active duty or call to active duty status in support of a contingency operation. Please check one of the following:

- A copy of the covered military member’s active duty orders is attached.
- Other documentation from the military certifying that the covered military member is on active duty (or has been notified of an impending call to active duty) in support of a contingency operation is attached.
- I have previously provided my employer with sufficient written documentation confirming the covered military member’s active duty or call to active duty status in support of a contingency operation.

**PART A: QUALIFYING REASONS FOR LEAVE**

1. Describe the reason you are requesting FMLA leave due to a qualifying exigency (including the specific reason you are requesting leave):

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A complete and sufficient certification to support a request for FMLA leave due to qualifying exigency includes any available written documentation which supports the need for leave; such documentation may include a copy of a meeting announcement for informational briefings sponsored by the military, a document confirming an appointment with a counselor or school official, or a copy of a bill for services for the handling of legal or financial affairs. Available written documentation supporting this request for leave is attached.

- Yes    No    None Available.

**PART B: AMOUNT OF LEAVE NEEDED**

1. Approximate date exigency \_\_\_\_\_

Probable duration of exigency: \_\_\_\_\_

2. Will you need to be absent from work for a single continuous period of time due to the qualifying exigency?    No    Yes.

If so, estimate the beginning and ending dates for the period of absence:

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**Section 5000 – Personnel**

5357-R Family and Medical Leave

5357-R-34

3. Will you need to be absent from work periodically to address this qualifying exigency?  
 No  Yes

Estimate schedule of leave, including the dates of any scheduled meetings or appointments:

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Estimate the frequency and duration of each appointment, meeting, or leave event, including any travel time (*i.e.*, 1 deployment-related meeting every month lasting 4 hours):

Frequency: \_\_\_\_\_ times per \_\_\_\_\_ week(s) \_\_\_\_\_ months(s)

Duration: \_\_\_\_\_ hours \_\_\_\_\_ day(s) per event.

**Section 5000 – Personnel**

5357-R Family and Medical Leave

5357-R-35

**PART C**

If leave is requested to meet with a third party (such as to arrange for childcare, to attend counseling, to attend meetings with school or childcare providers, to make financial or legal arrangements, to act as the covered military member’s representative before a federal, state, or local agency for purposes of obtaining, arranging or appealing military service benefits, or to attend any event sponsored by the military or military service organizations), a complete and sufficient certification includes the name, address, and appropriate contact information of the individual or entity with whom you are meeting (*i.e.*, either the telephone or fax number or email address of the individual or entity). This information may be used by your employer to verify that the information contained on this form is accurate.

Name of Individual: \_\_\_\_\_ Title: \_\_\_\_\_

Organization: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: ( \_\_\_\_\_ ) \_\_\_\_\_ Fax:( \_\_\_\_\_ ) \_\_\_\_\_

Email: \_\_\_\_\_

Describe nature of meeting: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**PART D**

I certify that the information I provided above is true and correct.

\_\_\_\_\_  
Signature of Employee

\_\_\_\_\_  
Date

**Attention: Human Resources Battle Creek Public Schools**  
**Fax # 269-965-9490**

Battle Creek Public Schools

**SCHOOL DISTRICT OF THE CITY OF BATTLE CREEK**

**CERTIFICATION FOR SERIOUS INJURY OR  
ILLNESS OF COVERED SERVICEMEMBER –  
FOR MILITARY FAMILY LEAVE  
(Family and Medical Leave Act)**

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**Notice to the EMPLOYER INSTRUCTIONS to the EMPLOYER:** The Family and Medical Leave Act (FMLA) provides that an employer may require an employee seeking FMLA leave due to a serious injury or illness of a covered servicemember to submit a certification providing sufficient facts to support the request for leave. Your response is voluntary. While you are not required to use this form, you may not ask the employee to provide more information than allowed under the FMLA regulations, 29 C.F.R. § 825.310. Employers must generally maintain records and documents relating to medical certifications, recertifications, or medical histories of employees or employees’ family members, created for FMLA purposes as confidential medical records in separate files/records from the usual personnel files and in accordance with 29 C.F.R. § 1630.14(c)(1), if the Americans with Disabilities Act applies.

**SECTION I: For Completion by the EMPLOYEE and/or the COVERED SERVICEMEMBER for whom the Employee Is Requesting Leave INSTRUCTIONS to the EMPLOYEE or COVERED SERVICE MEMBER:** Please complete Section I before having Section II completed. The FMLA permits an employer to require that an employee submit a timely, complete, and sufficient certification to support a request for FMLA leave due to a serious injury or illness of a covered servicemember. If requested by the employer, your response is required to obtain or retain the benefit of FMLA-protected leave. 29 U.S.C. §§ 2613, 2614(c)(3). Failure to do so may result in a denial of an employee’s FMLA request. 29 C.F.R. § 825.310(f). The employer must give an employee at least 15 calendar days to return this form to the employer.

**SECTION II: For Completion by a UNITED STATES DEPARTMENT OF DEFENSE (“DOD”) HEALTH CARE PROVIDER or a HEALTH CARE PROVIDER who is either: (1) a United States Department of Veterans Affairs (“VA”) health care provider; (2) a DOD TRICARE network authorized private health care provider; or (3) a non-network TRICARE authorized private health care provider INSTRUCTIONS to the HEALTH CARE PROVIDER:** The employee listed on Page 2 has requested leave under the FMLA to care for a family member who is a member of the Regular Armed Forces, the National Guard, or the Reserves who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list for a serious injury or illness. For purposes of FMLA leave, a serious injury or illness is one that was incurred in the line of duty on active duty that may render the servicemember medically unfit to perform the duties of his or her office, grade, rank, or rating.

A complete and sufficient certification to support a request for FMLA leave due to a covered servicemember’s serious injury or illness includes written documentation confirming that the covered servicemember’s injury or illness was incurred in the line of duty on active duty and that the covered servicemember is undergoing treatment for such injury or illness by a health care provider listed above. Answer, fully and completely, all applicable parts. Several questions seek a response as to the frequency or duration of a condition, treatment, etc. Your answer should be your best estimate based upon your medical knowledge, experience, and examination of the patient. Be as specific as you can; terms such as “lifetime,” “unknown,” or “indeterminate” may not be sufficient to determine FMLA coverage. Limit your responses to the condition for which the employee is seeking leave.

**Section 5000 – Personnel**

5357-R Family and Medical Leave

5357-R-37

**SECTION I: For Completion by the EMPLOYEE and/or the COVERED SERVICEMEMBER for whom the Employee is Requesting Leave:** (This section must be completed first before any of the below sections can be completed by a health care provider.)

**Part A: EMPLOYEE INFORMATION**

Name and Address of Employer (this is the employer of the employee requesting leave to care for covered servicemember):

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Name of Employee Requesting Leave to Care for Covered Servicemember:

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First Middle Last

Name of Covered Servicemember (for whom employee is requesting leave to care):

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First Middle Last

Relationship of Employee to Covered Servicemember Requesting Leave to Care:

Spouse  Parent  Son  Daughter  Next of Kin

**Part B: COVERED SERVICEMEMBER INFORMATION**

(1) Is the Covered Servicemember a Current Member of the Regular Armed Forces, the National Guard or Reserves?  Yes  No

If yes, please provide the covered servicemember’s military branch, rank and unit currently assigned to:

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Is the covered servicemember assigned to a military medical treatment facility as an outpatient or to a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients (such as medical hold or warrior transition unit)?

Yes  No

If yes, please provide the name of the medical treatment facility or unit: \_\_\_\_\_

(2) Is the Covered Servicemember on the Temporary Disability Retired List (TDRL)?

Yes  No

**Part C: CARE TO BE PROVIDED TO THE COVERED SERVICEMEMBER**

Describe the Care to Be Provided to the Covered Servicemember and an Estimate of the Leave Needed to Provide the Care:

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## Section 5000 – Personnel

5357-R Family and Medical Leave

5357-R-38

**SECTION II: For Completion by a United States Department of Defense (“DOD”) Health Care Provider or a Health Care Provider who is either: (1) a United States Department of Veterans Affairs (“VA”) health care provider; (2) a DOD TRICARE network authorized private health care provider; or (3) a DOD non-network TRICARE authorized private health care provider. If you are unable to make certain of the military-related determinations contained below in Part B, you are permitted to rely upon determinations from an authorized DOD representative (such as a DOD recovery care coordinator). (Please ensure that Section I above has been completed before completing this section.) Please be sure to sign the form on the last page.**

### **Part A: HEALTH CARE PROVIDER INFORMATION**

Health Care Provider’s Name and Business Address:

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Type of Practice/Medical Specialty: \_\_\_\_\_

Please state whether you are either: (1) a DOD health care provider; (2) a VA health care provider; (3) a DOD TRICARE network authorized private health care provider; or (4) a DOD non-network TRICARE authorized private health care provider: \_\_\_\_\_

Telephone: ( ) \_\_\_\_\_ Fax: ( ) \_\_\_\_\_ Email: \_\_\_\_\_

### **Part B: MEDICAL STATUS**

(1) Covered Servicemember’s medical condition is classified as (Check One of the Appropriate Boxes):

**(VSI) Very Seriously Ill/Injured** – Illness/Injury is of such a severity that life is imminently endangered. Family members are requested at bedside immediately. (Please note this is an internal DOD casualty assistance designation used by DOD healthcare providers.)

**(SI) Seriously Ill/Injured** – Illness/injury is of such severity that there is cause for immediate concern, but there is no imminent danger to life. Family members are requested at bedside. (Please note this is an internal DOD casualty assistance designation used by DOD healthcare providers.)

**OTHER Ill/Injured** – a serious injury or illness that may render the servicemember medically unfit to perform the duties of the member’s office, grade, rank, or rating.

**NONE OF THE ABOVE** (Note to Employee: If this box is checked, you may still be eligible to take leave to care for a covered family member with a “serious health condition” under § 825.113 of the FMLA. If such leave is requested, you may be required to complete DOL Form WH-380 or an employer-provided form seeking the same information.)

(2) Was the condition for which the Covered Service member is being treated incurred in the line of duty on active duty in the armed forces?  Yes  No

(3) Approximate date condition commenced: \_\_\_\_\_

(4) Probable duration of condition and/or need for care: \_\_\_\_\_

**Section 5000 – Personnel**

5357-R Family and Medical Leave

5357-R-39

- (5) Is the covered servicemember undergoing medical treatment, recuperation, or therapy?  
 Yes  No. If yes, please describe medical treatment, recuperation or therapy:

\_\_\_\_\_

**Part C: COVERED SERVICEMEMBER’S NEED FOR CARE BY FAMILY MEMBER**

- (1) Will the covered servicemember need care for a single continuous period of time, including any time for treatment and recovery?  Yes  No  
If yes, estimate the beginning and ending dates for this period of time: \_\_\_\_\_
- (2) Will the covered servicemember require periodic follow-up treatment appointments?  
 Yes  No If yes, estimate the treatment schedule: \_\_\_\_\_
- (3) If there a medical necessity for the covered servicemember to have periodic care for these follow-up treatment appointments?  Yes  No
- (4) Is there a medical necessity for the covered servicemember to have periodic care for other than scheduled follow-up treatment appointments (e.g., episodic flare-ups of medical condition)?  
 Yes  No If yes, please estimate the frequency and duration of the periodic care:

\_\_\_\_\_  
\_\_\_\_\_

Signature of Health Care Provider: \_\_\_\_\_ Date: \_\_\_\_\_

**Attention: Human Resources Battle Creek Public Schools**  
**Fax # 269-965-9490**

## **Section 5000 – Personnel**

### **5358 Bus Driver Alcohol and Drug Testing**

5358

The Superintendent shall be responsible for implementing an alcohol and drug-testing program for school bus drivers. The Board may enter into partnership agreements with other Districts to comply with federal and state laws.

The purposes of the testing program are to help prevent accidents and injuries resulting from the misuse of alcohol and controlled substances by a bus driver and to comply with federal and state laws.

Bus drivers are prohibited from any alcohol use, which could affect on-the-job performance. Such use includes: use of alcohol on the job; alcohol use during the four hours before driving; having prohibited concentrations of alcohol in his/her system; and alcohol use during eight hours following an accident.

Bus drivers shall not report for duty or remain on duty which requires the performance of safety-sensitive functions when the driver uses any controlled substances except when such use is pursuant to the instructions of a physician who has advised the driver that the controlled substance does not adversely affect his/her ability to safely operate a motor vehicle.

Such alcohol and drug testing shall be performed on drivers for: pre-employment (drugs only), pre-duty, reasonable suspicion, random, post-accident, return-to-duty, and follow-up alcohol and drug testing pursuant to procedures set out in the federal and state regulations.

An employee covered by the federal and state regulations may not refuse to take a required test.

Approved: August 17, 2009

LEGAL REF: 49 CFR §40.1 (Omnibus Transportation Employee Testing Act)

## **Section 5000 – Personnel**

5370 Communicable Diseases - Staff and Students (Cf. 8510)

5370

It is the policy of the Battle Creek Public Schools to work cooperatively with the Calhoun County Health Department to enforce and adhere to the Michigan Public Health Code (Act 368 of 1978, as amended), and the Revised School Code, for prevention, control, and containment of communicable diseases in schools. These guidelines are established to ensure that proper procedures are taken to assure both the rights of the individual and the concerns of the community are addressed. The Battle Creek Public Schools is committed to providing educational opportunities for all students in a safe, supportive and inclusionary environment. The District will, therefore, assure that staff members or students who have contracted a communicable disease, which is serious in nature, will be able to have their individual situation reviewed by a panel and have that panel recommend whether they may continue to be involved in the public school setting.

1. Students are expected to be in compliance with the required immunization schedule. The building Principal is required, under Part 92, Act 368 of Public Acts of 1978, to exclude children from school attendance who are out of compliance with the immunizations required by this Act. School personnel will cooperate with public health personnel in completing and coordinating all immunization data, waivers, and exclusions, including the necessary Immunization Assessment Program forms (C-100s), to provide for preventable communicable disease control.
2. The Superintendent of Schools has the authority to exclude a student or staff member from school when reliable evidence or information from a qualified medical source confirms him/her of having a communicable disease or infection that is known to be spread by any form of casual contact and is considered a health threat to the school population. Such a student or staff member shall be excluded unless their physician approves school attendance or the condition is no longer considered contagious.

## Section 5000 – Personnel

5370 Communicable Diseases - Staff and Students (Cf. 8510)

5370-2

The Calhoun County Health Department will be advised by the Director of Personnel and Administration, of a reportable communicable disease concerning an employee, volunteer or student.

### SERIOUS COMMUNICABLE DISEASE OR INFECTION THAT IS NOT KNOWN TO SPREAD BY CASUAL CONTACT

1. When reliable evidence or information from a qualified source confirms that a student/staff member is known to have a serious communicable disease or infection that is known not to be spread by casual contact, the decision as to whether the affected person will remain in the school setting will be addressed on a case-by-case basis by a Review Panel to ensure due process. (Protocol and Review Panel membership outlines in "Procedures.") Communicable disease or infections that are serious in nature include:
  - a. AIDS - Acquired Immune Deficiency Syndrome
  - b. ARC - Aids Related Complex
  - c. HIV - Human Immunal Deficiency Virus
  - d. Hepatitis B
  - e. Other like diseases that may be specified by the Health Department as potentially serious health problems for those who come in contact with the disease and/or disease carrier.

If the above individual is a student who has been determined to be handicapped pursuant to the administrative rules for Special Education, or is suspected of being physically or otherwise health impaired (POHI), the protocol for Special Education students will be followed.

## **Section 5000 – Personnel**

5370 Communicable Diseases - Staff and Students (Cf. 8510)

5370-3

2. Mandatory screening for communicable diseases, that are known not to be spread through casual contact, is not warranted as a condition for school entry or for employment or continued employment.

All persons privileged with any medical information that pertains to students or staff members shall be required to treat all proceedings, discussions, and documents as confidential information.

Approved: August 17, 2009

LEGAL REF: MCL 333.5111; 333.5131; Family Educational Rights and Privacy Act of 1974, MDE Bulletin, September 23, 1999

## Section 5000 – Personnel

5370-R Communicable Diseases - Staff and Students (Cf. 8510)

5370-R

1. The District will allow students and staff members to attend school unless there is definitive medical evidence to warrant exclusion. The Superintendent is the designated school official to receive information from the local or State Health Department pertaining to serious communicable diseases listed on pages 1-2.<sup>24</sup> When the Superintendent has been informed by an official of the local or State Health Department that a student or district employee may be infected with a communicable disease, which is serious in nature, as defined above, the Superintendent shall immediately obtain written consent from the employee or a student's parents<sup>25</sup> to disclose confidential information to the Communicable Disease Review Panel (CDRP) and to communicate such information as may be necessary to appropriate members of the District staff. If the employee or parents refuse to consent to the disclosure, the Superintendent shall direct the local Health Department to make a "need to know" determination that disclosure is necessary to the CDRP.

The Superintendent is hereby designated as the authorized individual to receive information from the County or State Department of Health pertaining to a student or employee who has a non-casual contact communicable disease. Should an employee of the Battle Creek Public Schools identify a student's status as HIV positive, the employee shall immediately notify the Director of Pupil Personnel or Director of Personnel and Administration.

2. The Communicable Disease Review Panel
  - a. Communicable diseases defined above will be addressed on a case-by-case basis by a Review Panel.

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<sup>24</sup> In all circumstances arising under this policy the Director of Personnel and Administration shall act for the Superintendent in his/her absence.

<sup>25</sup> Student may give permission if he/she is of age of majority.

## Section 5000 – Personnel

5370-R Communicable Diseases - Staff and Students (Cf. 8510)

5370-R-2

### b. Panel Membership

- (1) The physician who is treating the affected individual.
- (2) A physician who is familiar with the disease from the Calhoun County Health Department and/or one recommended by the Calhoun County Health Department who will give the recommendations of the Health Department.
- (3) Either the parent/guardian of child, student if over 18, employee, or their representative.
- (4) The Director of Pupil Personnel and Guidance (if a student is involved) or the Director of Personnel and Administration (if a staff member is involved.)
- (5) The Director of the area in which the student is enrolled or in which the employee is employed. If the student has been identified as having a handicap, the Director of Special Education will be appointed to the team.
- (6) A school representative familiar with the child's behavior in the school setting or the employee's work situation (in most cases the building principal).

This Review Panel shall perform the following duties:

#### 1. Students

The Panel shall make a written recommendation to the Superintendent as to whether the affected student should continue to be involved in the public school setting.

## Section 5000 – Personnel

5370-R Communicable Diseases - Staff and Students (Cf. 8510)

5370-R-3

The Panel shall protect the student's rights to a) remain in the school setting unless he or she has a secondary communicable disease condition, as verified by a physician, that poses a significant health or safety risk to others, and b) to participate in all school activities, including sports, if he or she is otherwise qualified.

### Employees

The Panel shall make a written recommendation to the Superintendent as to what action shall be appropriate for an affected school employee.

2. If the recommendation is to allow the person to continue attendance in the public school setting or workplace, then the Panel must make a written recommendation regarding what precautions should be taken within the school or work environment. If a student's condition warrants changes in educational services, the Panel shall identify within said recommendations, all reasonable accommodations within the school environment and shall consider the providing of special education services, if the student is eligible to receive services.
3. If the recommendation is to exclude the person from the public school setting or workplace, the Panel must make a written statement as to the conditions of under which it would reconsider the denial. If the affected person is a student, the Panel must also make a recommendation regarding the advisability of an alternative delivery of educational program and special educational services.
4. The Panel shall also make a recommendation as to the need to review the case on a periodic basis.

The Director of Pupil Personnel and Guidance or the Director of Personnel and Administration shall serve as the Chairperson of the Panel.

## **Section 5000 – Personnel**

5370-R Communicable Diseases - Staff and Students (Cf. 8510)

5370-R-4

It is his/her responsibility to convey all written materials to the Superintendent, including the Panel's recommendations and decision. If the Panel's decision is not unanimous, majority and minority reports should be submitted to the Panel Chairperson within two (2) days and turned over to the Superintendent upon receipt.

### Case Review Process:

The process for reviewing an individual case shall be:

1. When an administrator or other staff member becomes aware that there is an individual within the school system who has a communicable disease, that person shall contact the Director of Pupil Personnel. The Director of Pupil Personnel will notify the Public Health authorities and the Superintendent.
2. If the Superintendent believes a Panel review is appropriate, he/she shall inform the affected staff person or the parent/guardian of the affected student, or the student, if 18 years of age, that the affected person may not continue attendance in the workplace and/or school or any other school sponsored activity until the Panel's written recommendations have been received and acted upon by the Superintendent. This decision will be dependent upon whether or not the disease is spread by casual contact and applicable law and regulations.
3. The Director of Pupil Personnel or the Director of Personnel and Administration shall obtain the name of the physician treating the affected person and shall request that the physician be part of the Panel. The parent/guardian or affected person shall provide the school district with a release of information so that the Panel may review the needed data.
4. The Review Panel Chairperson shall, within five (5) school days after the receipt of all pertinent information, call a meeting of the Panel, at which time the case shall be reviewed.

## Section 5000 – Personnel

5370-R Communicable Diseases - Staff and Students (Cf. 8510)

5370-R-5

The parent/guardian, student, or affected person shall be notified of the meeting and shall have the opportunity to present written reports and verbal testimony to the Panel.

5. Items the Review Panel is to review:
  - a. circumstances in which the disease is contagious;
  - b. likelihood of infections or illnesses attendant to the disease that could be spread to other students/staff members through casual contact;
  - c. age, behavior, cognitive functioning and neurologic development (if a child);
  - d. circumstances in which the disease is contagious to others;
  - e. nature of the interaction with others in the school environment and health/safety implications of that interaction;
  - f. psychological aspects to the infected person and others in the environment, if the person remains in the current setting;
  - g. potential risk of casual contact contagious diseases occurring while the infected person is in attendance.
  - h. likelihood of a request from the affected individual to be excused from attendance at school or at the job;
  - i. methods for protecting the privacy of the student or staff member, including maintaining confidentiality both of records and the person's condition;
  - j. recommendations as to whether the student or staff member should continue in the school setting or, if not attending, under what circumstances he/she may return;

## Section 5000 – Personnel

5370-R Communicable Diseases - Staff and Students (Cf. 8510)

5370-R-6

- k. recommendations as to whether a restrictive environment or alternative assignment or delivery of program should be considered;
    - l. recommendations as to when the Panel should review the case again.
  6. Within three (3) school days from the date of the Review Panel's convening, the Panel Chairperson shall provide the Superintendent with a written report containing the Panel's decision, if it is unanimous. If the decision is not unanimous, the reports shall be conveyed to the Superintendent within five (5) school days. If the Panel's decision is not unanimous, the Superintendent shall receive copies of all materials and a summary of each member's position. The Superintendent shall then make the final determination within two (2) school days of the receipt of the reports. Copies of the Superintendent's decision shall be sent to the affected person or parent/guardian, the Review Panel, and the Board of Education.
  7. If the student is enrolled in a Special Education program, a copy of the Superintendent's decision shall be sent to the Director of Special Education. If a change of educational placement is recommended by the Panel, based upon health considerations, the Director shall convene an Individualized Educational Planning Team Meeting (IEPT) within three (3) school days of the receipt of the report. If the parent/guardian or the student, of 18 years if age, requests a Hearing as a result of the IEPT recommendation, placement of the student, in the interim, shall be based upon the recommendation of the Review Panel.

## Section 5000 – Personnel

5370-R Communicable Diseases - Staff and Students (Cf. 8510)

5370-R-7

8. If an appeal of the Superintendent's decision is to be made, it must be submitted in writing to the Board of Education by the affected individual or the parent/guardian of the affected individual, or the student, if 18 years of age, within five (5) school days after the decision has been rendered. The Board shall conduct a Hearing within twenty (20) school days, if an appeal request has been received.

The appellant(s) shall be notified of the right to be represented by legal counsel at the Hearing.

The Board shall render its final decision, in writing, within seven (7) school days after the Hearing has been conducted.

All persons involved in these procedures shall be required to treat all proceedings, deliberations, and documents as confidential information. Records of the Review Panel's activities and information regarding a student's communicable disease status will remain confidential unless there is parental permission to share this information and an "educational need to know" by school staff. The Director of Pupil Personnel and Guidance is responsible for clearly defining and communicating to staff, on a case by case basis, the legitimate educational interest for disclosing a student's communicable disease status to another staff member. This confidential information and record shall be kept by the Superintendent. The affected person or parent/guardian of the affected person, or the student directly, if 18 years of age, shall be notified of the identity of those individuals who shall have access to information. Only by written directive of the Superintendent will confidential information and records be released in written, oral or other form.

The rights of any affected student, as well as those of any affected staff member, shall be protected in accordance with Federal and State law on privacy, confidentiality, and due process.

## **Section 5000 – Personnel**

5370-R Communicable Diseases - Staff and Students (Cf. 8510)

5370-R-8

In addition, the exclusion of any staff member from the District by the Superintendent's decision will be done in accordance with relevant sections of a current collective bargaining agreement or school district policies covering the employee.

A breach of confidentiality related to a student's communicable disease or infection or medical condition shall be brought to the attention of the Director of Personnel who shall conduct an internal investigation, file an investigative report, and make a recommendation of discipline and disposition to the Superintendent.

During the first week of September of each school year, the Battle Creek Public Schools shall give written notice of this communicable disease policy and procedures to all staff, parents, and appropriate medical personnel in the community. Immediate supervisors shall review and update existing staff on this policy in September of each school year and each employee will file written verification of said review and update with the personnel office.

During the first week of September of each school year the Director of Personnel and Administration shall review the policy and policy implementation. Within 60 days of employment, all new employees and any volunteers shall receive training and orientation on this Communicable Disease Policy and the Battle Creek Public Schools exposure control plan for bloodborne pathogens. The above-noted training and orientation will be implemented and this policy distributed regardless of the existence of a student or employee having a positive communicable disease status.

Consistent with Section 1169 of the Michigan School Code, instructional staff will offer and provide to each student HIV/STD prevention education at least once at the elementary, middle and senior high levels.

## **Section 5000 – Personnel**

5370-R Communicable Diseases - Staff and Students (Cf. 8510)

5370-R-9

All persons, including parents of students who are known to have or who are perceived to have a disability such as HIV infection or other communicable disease, with or without symptoms, will not be unlawfully discriminated against and treated differently by an employee of the Battle Creek Public Schools. The Battle Creek Public Schools will not tolerate harassment of a student with a communicable disease or infection.

## **Section 5000 – Personnel**

5410 Professional Staff Contracts (Cf. 2400)

5410

The employment of professional staff shall be secured through written contracts according to their status. The Superintendent or designee is authorized to sign contracts unless it violates the law, policies of the Board, or the provisions of an applicable collective bargaining agreement. All provisions of individual contracts shall comply with the negotiated master agreement.

### Compensation and Benefits

Provisions of this section are generally covered in the negotiated master agreement and/or staff contract.

Approved: August 17, 2009  
LEGAL REF: MCL 380.1224; 380.1231

## Section 5000 – Personnel

5430 Hiring (Cf. 5020)

5430

The Board has the legal responsibility of approving the staffing levels for all categories of District personnel. In addition, they are responsible for the formal approval of all teacher and administrative contracts. Once the Board through the budget adoption process has approved staffing levels, the Board delegates to the Superintendent or designee the authority to recruit, screen, select, and recommend the employment of all staff members to fill the positions approved in the budget, and to sign employment contracts on the Board's behalf. In carrying out this responsibility, the Superintendent or designee shall involve appropriate administrative and/or non-certified staff members as needed and use special criteria developed by the Board and/or staff.

### Recommendation

Unless the Board can establish that the Superintendent has violated law, the policies of the Board, or the provisions of an applicable collective bargaining agreement in the selection of candidates recommended for a contract, the Board shall approve the Superintendent's recommendations. Members of the Board shall not involve themselves, either personally or as a collective body, in the recruitment, interviewing, or selection process for any position to be filled in the District other than the position of Superintendent of Schools. The Superintendent shall inform the board of staffing recommendations.

New instructional and administrative staff being hired by the District shall be able to demonstrate expertise and experience in the use of contemporary technologies to aid in the process of instruction. Questions regarding the candidate's ability to apply technologies to the teaching/learning/administrative process shall be included in all interviews of prospective candidates for teaching or administrative positions.

Approved: August 17, 2009

LEGAL REF: MCL 380.601(a) (1) (d), MCL 380.1229 and MCL 380.1231

## **Section 5000 – Personnel**

### 5500 Teaching Staff Probation and Tenure

5500

All teachers during the first four full school years of employment shall be on probation, unless he or she has previously received tenure at another Michigan School District. Should the teacher have tenure at another Michigan School District, the teacher shall serve two full years as a probationary teacher.

During this probationary period, the Superintendent or designee will ensure that the teacher is provided with an individualized development plan (IDP) and given an annual year-end performance evaluation, as provided for under current law. While it is not a requirement of law that an IDP be provided during a teacher's first year of employment, the District may elect to provide an IDP during that year. Additional performance evaluations or classroom observations, in addition to those required under the Teachers' Tenure Act, may be required as noted in the Board of education's policy and procedure.

#### Tenure

Teachers attain continuing tenure, as a matter of law, after the satisfactory completion of their probationary period. Once tenure has been attained, the teacher shall remain on continuing tenure as provided for under current law.

The Board may recommend the discharge or demotion of a continuing tenure teacher only for reasonable and just cause and only as provided for under current law.

Continuing tenure will not be granted to any annual assignment of extra duty for extra pay.

#### Administrative Tenure

Administrators or teachers employed in assignments other than that of classroom teacher, shall be employed without continuing tenure in their other position, but will retain continuing tenure status in their teaching position.

## **Section 5000 – Personnel**

5500 Teaching Staff Probation and Tenure

5500-2

### Administration of Tenure

Provisions for evaluation of administrators and teachers are a priority of the Board. The Superintendent or designee is responsible for developing procedures in agreement with the current negotiated agreement for meeting these priorities.

Approved: August 17, 2009  
LEGAL REF: MCL 38.71 *et seq.*

## Section 5000 – Personnel

5520 Evaluation

5520

Any evaluation procedures found in the negotiated agreement shall be followed in the development, maintenance, or change of the District's evaluation policy, rules, regulations, or procedures.

The evaluation instrument negotiated and adopted by the Board governing evaluation of the teaching staff is on file in the central office and shall be published in the teachers' handbooks.

### Availability of Evaluation Documents

The evaluation instrument shall be available to the Superintendent, evaluating administrator, or supervisor under whose direct supervision the teacher will work and others authorized by law.

Approved: August 17, 2009  
LEGAL REF: MCL 38.71 *et seq.*; 15.268

## Section 5000 – Personnel

5525 Master Teachers

5525

The Board has established the following qualifications in determining who shall be eligible to serve as master/mentor teachers in the District:

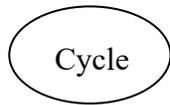
### A Master Teacher:

- o Demonstrates excellence in teaching a specific content area of instruction
- o Has a minimum of three years teaching experience, and participates in professional learning to remain current and maintain a high level of expertise in the profession
- o Is an active and open listener; sensitive and responsive to the ideas of others
- o Is competent in communication skills and demonstrates successful, positive and productive relationships with students, colleagues, parents and the community
- o Demonstrates competency in creating a climate of high achievement for every student
- o Plans and executes instructional delivery using the teaching and learning cycle:  
Assessment → Evaluation → Planning → Teaching (Learning) → 
- o Uses data to plan instruction to meet the learning needs of every student
- o Demonstrates attitude and behavior that are consistent with the district mission, vision and beliefs

### A Mentor Teacher:

- o Exhibits the qualities of a Master Teacher
- o Is an active participant in the role of mentor for duration of the probationary period of the new educator/mentee
- o Facilitates regular, supportive reflective conversations around teaching and learning with the new educator/mentee
- o Provides guidance in planning and executing instructional delivery using the teaching and learning cycle:

Assessment → Evaluation → Planning → Teaching (Learning) →



## **Section 5000 – Personnel**

5525 Master Teachers

5525-2

- o If possible, is a practitioner in the same certification or specialty area as the new educator/mentee and is also located in the same building.

Approved: August 17, 2009

LEGAL REF: MCL 380.1526

## Section 5000 – Personnel

### 5540 Suspension and/or Dismissal of Professional Staff

5540

The Board may discipline, or proceed with charges to dismiss or demote, any probationary teacher, or recommend dismissal of any tenured teacher or administrator upon recommendation by the Superintendent in accordance with the Michigan Tenure Act and/or within the provisions of law and/or the current negotiated master contract.

The Superintendent shall make written recommendations to the Board concerning an employee on probation that, in his/her judgment should be considered for dismissal or to proceed on charges against any tenured teacher being considered for a recommendation for dismissal.

Any action for non-renewal of the Superintendent's contract or the contract of any Assistant Superintendent, Principal, Assistant Principal, Guidance Director, and other administrators who do not assume tenure in that position shall be under the provisions of law. (MCL 380.1229)

The Superintendent is authorized by the Board to suspend from active duty any teacher against whom formal charges are anticipated being filed or have already been filed, until a decision is rendered or unless the Board acts to reinstate said teacher.

#### Teacher Convictions

Generally, if a teacher is suspended, the teacher's salary shall continue during the suspension.

However, if a teacher is suspended and

- The teacher is convicted of a felony that is not a listed offense or a misdemeanor that is a listed offense, upon the Board's discretion, the teacher's salary may be discontinued upon the date of conviction.<sup>26</sup>

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<sup>26</sup> A listed offense includes any of the following:

- 1) Accosting or soliciting a child for immoral purposes (MCL 750.145a-c);
- 2) Sodomy if the victim is an individual less than 18 years of age (MCL 750.158);
- 3) A third or subsequent violation of any combination of the following:
  - a. Being engaged in indecent or obscene conduct in a public place (MCL 750.167(1)(f))
  - b. Indecent exposure (MCL 750.335a)
  - c. A local ordinance of a municipality substantially corresponding to the above;
- 4) Except for a juvenile disposition or adjudication, gross indecency between males, females, or between a male and female, if the victim was under 18 years of age (MCL 750.338-338b);
- 5) Kidnapping (MCL 750.349);
- 6) Kidnapping under age 14 (MCL 750.350);
- 7) Soliciting and accosting (MCL 750.448);

## Section 5000 – Personnel

### 5540 Suspension and/or Dismissal of Professional Staff

5540-2

- The teacher is convicted of a felony that is a listed offense; the Board shall be discontinued the teacher's salary upon the date of conviction.
- The teacher pleads guilty, no contest, or is convicted of a crime listed in MCL 380.1535a(2), the Board shall discontinue the teacher's salary.<sup>27</sup>

Under such circumstances, all discontinued wages shall be held in an escrow account until the Superintendent of Public Instruction makes a final determination of whether or not to suspend or revoke the individual's teaching certificate. If the individual's teaching certificate is suspended or revoked, all wages will be forfeited.

- 
- 8) Pandering (MCL 750.455);
  - 9) 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> degree criminal sexual assault, and second or subsequent offenses (MCL 520b-e);
  - 10) Assault with intent to commit criminal sexual assault (MCL 750.520g);
  - 11) Sexually delinquent persons (MCL 750.10a);
  - 12) The attempt or conspiracy to commit any of the above offenses;
  - 13) Any other violation of a law of this state or a local ordinance of a municipality that by its nature constitutes a sexual offense against an individual who is less than 18 years of age; and (Continued next page)
  - 14) Any offense substantially similar to the above offenses under a law of the United States, any state, or any country or under tribal or military law.

<sup>27</sup> MCL 380.1535a(2) includes the following offenses:

- a) Criminal sexual conduct in any degree, assault with the intent to commit criminal sexual conduct, or an attempt to commit criminal sexual conduct in any degree;
- b) Felonious assault on a child<sup>27</sup>, child abuse in the first degree, or an attempt to commit child abuse in the first degree;
- c) Cruelty, torture, or indecent exposure involving a child;
- d) A violation of section 7401(2)(a)(i), 7403(2)(a)(i), 7410, or 7416 of the Public Health Code (concerning unlawful manufacture, delivery, or possession of controlled substances or controlled substance analogues; distribution of marijuana to minors near school property; and recruiting or inducing a minor to commit a felony);
- e) A violation of section 83, 89, 91, 145a-c, 316-17, 350, 448, 455, or 529 of the Michigan Penal Code (concerning assault with intent to commit murder or to steal while armed; attempt to murder; consumption or possession of alcohol by minors, or controlled substances at social gatherings; first and second degree murder; armed robbery; and using the Internet when committing a crime against a minor);
- f) A violation of section 158 of the Michigan Penal Code if the victim was an individual less than 18 years of age (concerning crimes against nature or sodomy);
- g) Except for a juvenile disposition or adjudication, a violation of section 338, 338a, or 338b of the Michigan Penal Code if the victim was an individual less than 18 years of age (concerning gross indecency between males, females, and between males and females);
- h) A violation of section 349 of the Michigan Penal Code if the victim was an individual less than 18 years of age (concerning kidnapping);
- i) An offense committed by a person who was, at the time of the offense, a sexually delinquent person – any person whose sexual behavior is characterized by repetitive or compulsive acts which indicate a disregard of consequences or the recognized rights of others, or by the use of force upon another person in attempting sex relations of either a heterosexual or homosexual nature, or by the commission of sexual aggressions against children under the age of 16;
- j) An attempt or conspiracy to commit an offense listed in (a) or (e-i);
- k) A violation of a substantially similar law of another state, of a political subdivision of this state or another state, or of the United States; Any crime listed in 1535(1), if the superintendent of public instruction determines the public health, safety or welfare requires emergency action based on the circumstances underlying the conviction.

## **Section 5000 – Personnel**

5540 Suspension and/or Dismissal of Professional Staff

5540-3

If the individual's teaching certificate is not suspended or revoked, the individual shall be paid all withheld wages without interest. Should a person's conviction be reversed on appeal, that person shall be treated in a manner consistent with applicable law.

### Reporting Crimes and Convictions

All District employees shall disclose criminal charges or convictions to the Superintendent as prescribed by law.

Failure to report being charged or convicted of a crime may result in dismissal.

The Superintendent will promulgate appropriate administrative rules regarding the procedures to be followed in the event of any complaints or criminal charges being filed against members of the professional staff.

Approved: August 17, 2009

LEGAL REF: MCL 38.71-121; 380.1229; 380.1230d; 380.1535a; 380.1539b

## Section 5000 – Personnel

5540-R Suspension and/or Dismissal of Professional Staff

5540-R

### General Procedure for Handling Complaints about a Member of the Professional Staff (Cf. 9450)

Complaints will be investigated fully and fairly, and the employee's rights to due process<sup>28</sup> shall be protected at all times under these rules, applicable law, or in compliance with appropriate collective bargaining agreements.

Whenever a complaint is made directly to the Board as a whole or to a Board member as an individual, it shall be referred to the administration for study and possible solution. The employee involved will be informed and shall be given every opportunity for explanation, comment and presentation of the facts as the employee sees them. The employee shall also be given the opportunity to meet with the person(s) making the complaint if the employee so desires.

The employee involved may request a closed session of the Board for a full study and decision by this body. Statutory provisions for closed sessions of the Board shall be observed.

Generally all parties involved, including the administration, will be asked to attend such a meeting to present additional facts and clarify the issues. Hearsay and rumor shall be disregarded as will any emotional display.

The Board shall conduct such meetings in as fair and just a manner as possible. The Board may request a disinterested third party to act as moderator to help the Board reach a mutually satisfactory solution.

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<sup>28</sup> Due process includes both substantive and procedural due process. Substantive due process protects employees from arbitrary, capricious, irrational, or unreasonable action (requires that a rule or a disciplinary decision must be rationally related to a legitimate state interest). Procedural due process includes the concepts of proper notice to the accused and the right to a hearing before a property interest is taken away. The extent of the procedures due depends on the nature of the interest being taken away, i.e., the more that could potentially be taken away, the more procedural protections must be provided. If the maximum penalty that could be imposed is relatively small, only a small amount of procedural due process is required.

## Section 5000 – Personnel

5540-R Suspension and/or Dismissal of Professional Staff

5540-R-2

### Reporting Crimes and Convictions

Pursuant to law, any person employed by the District, who has applied for a position with the District, or who regularly and continuously works under contract in any of the District's schools, who is charged with a crime listed in MCL 380.1535a(1) shall notify the District and the Department of Education that he or she has been charged with the crime.<sup>29</sup>

Any person who reports being charged with a crime, and who is subsequently not convicted, may request that the District and the Department of Education delete the report from its records. Upon such request, the District shall delete the report.

Any person employed by the District or who regularly and continuously works under contract in any of the District's schools that pleads guilty, no contest, or is convicted of a crime listed in MCL 380.1535a(1) shall immediately notify the court and prosecuting attorney that he or she is employed with the District. The person must also notify the Superintendent and the Department of Education that he or she has been convicted of the crime.

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<sup>29</sup> MCL 380.1535a(1) includes a conviction for *any felony* and any of the following misdemeanors: 1) criminal sexual conduct in the fourth degree or an attempt to commit criminal sexual conduct in the fourth degree; 2) child abuse in the third or fourth degree, or any attempt to commit child abuse in the third or fourth degree; 3) a misdemeanor involving cruelty, torture, or indecent exposure involving a child; 4) a misdemeanor violation of Section 7410 of the Public Health Code (concerning distribution of marijuana to minors near school property); 5) a violation of section 115, 141a, 145a, 335a, or 359 of the Michigan Penal Code (concerning breaking and entering; consumption or possession of alcohol by minors, or controlled substances at social gatherings; soliciting a child for immoral purposes; indecent exposure; and damage to vacant buildings); or a misdemeanor violation of section 81, 81a, or 145d of the Michigan Penal Code (including assault and battery; domestic assault; assault and infliction of serious injury; and using the Internet to commit a crime against a minor); 6) a misdemeanor violation of Section 701 of the Michigan Liquor Control Act (concerning the prohibition of liquor sales to minors); 7) any misdemeanor that is a listed offense; and 8) a violation of a substantially similar law of another state, of a political subdivision of this state or another state, or of the United States – as amended by 2005 PA 130.

## **Section 5000 – Personnel**

5540-R Suspension and/or Dismissal of Professional Staff

5540-R-3

### Hearing Procedure – Complaints against Employees

The formal hearing provided for in Board policy shall be conducted in accordance with the following procedures and the employee shall have the following rights under the hearing procedure:

- The right of the employee to have counsel of their own choice present and to receive the advice of counsel or other person the employee may select,
- The right of the employee and his/her counsel or advisor to hear or read a full report of testimony of witnesses against the employee,
- The right of the employee and/or his/her counsel to confront and cross-examine witnesses who appear in person at the hearing,
- The right of the employee to present his/her own witnesses,
- The right of the employee to testify in his/her own behalf and give reasons for his/her conduct and address the accusations against him/her,
- The right of the employee to have an orderly hearing, and
- The right of the employee to a fair and impartial decision based on substantial evidence.

In these procedures, “counsel” means any person the employee selects to represent and advise him/her at all proceedings conducted according to these procedures.

## Section 5000 – Personnel

5560 Resignation of Professional Staff

5560

### Resignation

Teachers and administrators may resign by giving written notice to the Superintendent of Schools at least 60 days prior to September 1 of the ensuing school year, unless other arrangements are mutually agreed upon. The Superintendent or designee shall immediately accept the resignation, in writing, and shall, in the letter of acceptance, include a copy of the Michigan Teacher Tenure Act. Any teacher or administrator discontinuing his/her service in any other manner shall forfeit any rights to continuing tenure as a teacher previously acquired, and such action shall become part of the personnel record of said teacher or administrator.

In instances where a teacher or administrator wishes to leave on shorter notice, the Superintendent may permit an earlier release on condition that satisfactory arrangements can be made for replacement. The Superintendent's decision in such matters shall be final.

Other employees may resign at any time, as conditioned by applicable collective bargaining agreements. "At will" employees may resign at any time.

Once a resignation is tendered to the Superintendent, and has been accepted, in writing, by the Superintendent, that resignation shall be considered final.

The Superintendent, at his/her option, may develop procedures for an "exit interview" of all employees who will not be returning to the District.

Approved: August 17, 2009  
LEGAL REF: MCL 38.71-121

**Section 5000 – Personnel**

5560-R Resignation of Professional Staff

5560-R



# EXIT QUESTIONNAIRE

Given your experience as a staff member at Battle Creek Public Schools we are interested in your perceptions regarding the District. Thank you for your assistance in completing this exit interview.

NAME: \_\_\_\_\_

DATE: \_\_\_\_\_

POSITION: \_\_\_\_\_

SEPARATION DATE: \_\_\_\_\_

**Section A** (To be completed prior to meeting with Human Resources)

**I. Why are you leaving the District?**

- Retirement
- Resignation/New employment
- Termination/Dismissal

If “New employment”, please check the boxes that best describe your new position

- Promotion
- Better Salary
- Better benefits
- More convenient location

**II. Describe your work experience with BCPS? (Please elaborate)** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**III. Please rate the District in the following areas:**

(Circle Number)

	<u>Excellent</u>	<u>Good</u>	<u>Fair</u>	<u>Poor</u>	<u>No Opinion</u>
A. Professional growth opportunities (external)	5	4	3	2	1
B. Training and staff development (internal)	5	4	3	2	1
C. Opportunities for open communication	5	4	3	2	1
D. Salary	5	4	3	2	1
E. Benefits	5	4	3	2	1
F. Consistent application of policies	5	4	3	2	1

**Section 5000 – Personnel**

5560-R Resignation of Professional Staff

5560-R-2

	<u>Excellent</u>	<u>Good</u>	<u>Fair</u>	<u>Poor</u>	<u>No Opinion</u>
G. Facilities	5	4	3	2	1
H. Administrative support	5	4	3	2	1
I. Services provided by the Human Resources Dept.	5	4	3	2	1
J. Opportunities for recognition	5	4	3	2	1
K. Adherence to BCPS Mission and goals	5	4	3	2	1
L. Utilization of skills/training	5	4	3	2	1
M. Performance appraisals	5	4	3	2	1
N. Co-workers	5	4	3	2	1
O. Immediate supervisor	5	4	3	2	1
P. Overall, as a place to work	5	4	3	2	1

Related comments of explanation to above ratings:

\_\_\_\_\_

IV. **What did you like least about your job?** \_\_\_\_\_

V. **What did you like best about your job?** \_\_\_\_\_

VI. **In what areas could the District improve to retain qualified personnel?** \_\_\_\_\_

VII. **Would you recommend the District as a place to work?**  Yes  No

If "NO", why not? \_\_\_\_\_

VIII. **Comments/Suggestions. Please use this space to identify and comment on areas of particular concern regarding your experience with the District.** \_\_\_\_\_

\_\_\_\_\_  
Employee Signature

**Section 5000 – Personnel**

5560-R Resignation of Professional Staff

5560-R-3

**SECTION B**

(To be completed in meeting with Human Resources)

Termination of benefits has been explained to me.  Yes  No

I have been informed of when I will receive my paycheck.  Yes  No

All property belonging to the District has been identified and will be returned to the appropriate department/administrator.  
 Yes  No

Notes/Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Have you identified all computer applications/documents with your supervisor for proper disposition (i.e. deletion, transfer, etc.).  
 **Yes**  **No**

**\*Note:** For security purposes, you will no longer have access to the computer system (including: E-Mail, Excel, Word, etc.) or the building as of the close of business on your date of separation.

Have you left an emergency number for your supervisor to contact you in the event he/she has questions?  
 **Yes**  **No**

Forwarding e-mail address (optional): \_\_\_\_\_

\_\_\_\_\_  
Human Resource Signature

\_\_\_\_\_  
Date

**Section 5000 – Personnel**

5560-R Resignation of Professional Staff

5560-R-4

Additional comments for file:

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**REVIEW:**

Personnel Director/Manager \_\_\_\_\_ Date: \_\_\_\_\_

## **Section 5000 – Personnel**

5640 Non-School Employment – Staff

5640

Employees shall not be permitted to engage in outside employment that, by its nature or duration, will impair the effectiveness of their instructional service, adversely affect their professional status, reflect detrimentally on the District, raises a question of conflict of interest, requires, or implies the use of any District facilities or equipment.

Approved: August 17, 2009

## Section 5000 – Personnel

5645 Consulting

5645

Teaching employees may be excused by the Superintendent to perform technical or instructional services as consultants to other Districts, government agencies or private industry.

All professional/technical or administrative employees engaging in consult work in the occupation that are employed by the District will require a written notice to the District. Employees shall not work in an area that will be considered as a conflict of interest.

Approved: August 17, 2009

## **Section 5000 – Personnel**

5645-R Consulting

5645-R

Requests for approval to serve as a consultant shall be submitted in writing to the Superintendent, who shall forward the same together with his/her recommendation to the Board for consideration.

## **Section 5000 – Personnel**

5650 Tutoring for Pay

5650

No teacher shall tutor his/her own students for pay unless otherwise specifically set forth as allowable in the negotiated master agreement. All tutoring arrangements for his/her own students must have supervisory approval.

Approved: August 17, 2009

## **Section 5000 – Personnel**

5685 Arrangement for Substitutes (Cf. 7840)

5685

Substitute teachers shall be obtained to provide for a level of instruction commensurate with the regular teacher's performance as nearly as practicable. All substitutes shall be duly certified as provided for under current State Department of Education rules. The Board shall establish, as needed, a daily compensation rate for substitute personnel.

Approved: August 17, 2009

LEGAL REF: MCL 380.1236; 421.42; 421.50; OAG, 1985-1986, No 6360, p 283 (May 13, 1986)

## **Section 5000 – Personnel**

5685-R Arrangement for Substitutes

5685-R

Each teacher shall make suitable arrangements for securing necessary substitutes in the building.

Whenever a teacher is to be absent from teaching duties, such teacher shall notify the Principal as early as possible or shall arrange to have some other responsible person notify the Principal as early as possible of the teacher's inability to report for work. The length of the teacher's absence shall be predetermined, if possible. In any event, upon returning to duty, the teacher shall notify the Principal in time to discontinue the service of the substitute.

## Section 5000 – Personnel

5695 Ethics (Cf. 5230)

5695

An employee, in the performance of his/her duties, shall:

- Recognize basic dignities of all individuals with whom he/she interacts in the performance of his/her duties,
- Exercise due care to protect the mental and physical safety of students, colleagues and subordinates for whom he/she is responsible,
- Be accountable for maintaining his/her integrity and shall avoid accepting anything of substantial value offered by another which is known to be or which may appear to be for the purpose of influencing his/her judgment or performance of his/her duties,
- Accurately represent his/her qualifications,
- Be responsible to present any subject matter in a fair and accurate manner.

Approved: August 17, 2009

## **Section 5000 – Personnel**

### 5710 Compensation Guides and Contracts- Non-Certified Staff

5710

#### Definition

“Non-certified staff” shall be defined as all employees who are not required or expected to hold teacher certification or other professional licensure, nor required to complete the renewal hour requirements of state law for teachers or administrators. This classification shall include, by example, but not limitation: Teacher aides/assistants, Secretarial and clerical staff, transportation staff, maintenance staff, building and grounds staff, security personnel, paraprofessionals, custodial staff, and information technology staff.

#### Pay Rates

Non-certified staff shall be paid according to pay rates established by the negotiated master contract and/or as the Board establishes.

No public funds will be spent by the Board in the form of wages or salary for any school employee to sponsor any religious activity. No public funds will be spent by the Board to pay any expenses of any student or school employee to attend any religious activity or conference.

Approved: August 17, 2009

## **Section 5000 – Personnel**

### **5725 Qualifications and Duties- Non-Certified Staff**

5725

A job description for each classification of non-certified employees shall be developed by the District's administration. The Superintendent may involve the non-certified employees in the development of job descriptions. Job descriptions shall not be included in these policies/rules but will be filed and published in the appropriate handbook.

Approved: August 17, 2009

## **Section 5000 – Personnel**

5730 Recruitment- Non-Certified Staff (Cf. 5020)

5730

The Superintendent will recruit non-certified personnel to fill existing or proposed vacancies and recommend that the District hire the best-qualified person available.

In recruitment or filling vacancies, the Superintendent shall comply with the provisions of any applicable negotiated master contract.

Approved: August 17, 2009

## **Section 5000 – Personnel**

5740 Non-Certified Positions

5740

All non-certified positions in the District shall be established initially by the Board, unless required by statute.

Although positions may remain temporarily unfilled or the number of persons holding the same type of position may be reduced as a reduction in force, only the Board may abolish a position that it has created.

Approved: August 17, 2009

## **Section 5000 – Personnel**

### **5750 Part-Time and Substitute Non-Certified Staff**

5750

The Superintendent or designee is authorized to employ part-time and/or substitute non-certified personnel under the provisions of the current negotiated master contract(s).

The Superintendent or designee shall be responsible to establish procedures for arranging substitutes in case of non-certified staff absences.

Pay rates for non-certified substitutes shall be according to rates established as needed by the Board upon recommendation of the Superintendent or as may be provided in the current negotiated master contract(s).

Approved: August 17, 2009

## **Section 5000 – Personnel**

5770 Non-Certified Staff Orientation

5770

The Superintendent and administrative staff shall provide for the orientation of new non-certified employees.

Approved: August 17, 2009

## **Section 5000 – Personnel**

5780 Non-Certified Staff Probation

5780

All non-certified staff shall be considered to be on probation during the first 90 calendar days of employment or as otherwise provided in a contract and/or negotiated master work agreement. The Superintendent or designee shall provide for appropriate supervision and evaluation of the employee prior to the end of said period. If a person other than the Superintendent performs the evaluation, he/she shall make a recommendation to the Superintendent as to the continued employment of the probationary staff member.

Approved: August 17, 2009

## **Section 5000 – Personnel**

### 5790 Supervision of Non-Certified Staff

5790

The Superintendent or designee has the responsibility to arrange for the supervision of all non-certified employees not directly under the supervision of a building Principal. A building Principal has the responsibility to supervise all non-certified employees who are assigned to the building, as provided for within the context of 5725.

Approved: August 17, 2009

## **Section 5000 – Personnel**

### **5800 Evaluation of Non-Certified Staff**

5800

Evaluation shall be based on the achievement of results specified in the employee's position description and on specific goals and objectives.

Employees shall be evaluated during the probationary period, unless otherwise stated in a negotiated master agreement or work agreement, with a report submitted to the Superintendent or designee prior to the end of the probationary period with a recommendation as to continued employment. Following the probationary period, non-certified employees shall be evaluated at least annually, regardless of whether the employee is new to the District or serving in a new position within the District unless otherwise provided in a negotiated master agreement or work agreement.

The process of evaluation shall be developed cooperatively by the administrative staff and each of the support staff employee groups. The evaluation process shall comply in all respects with provisions in the negotiated master contracts applicable to each employee group.

Approved: August 17, 2009  
LEGAL REF: MCL 15.268; 380.1250

## **Section 5000 – Personnel**

### **5830 Suspension and Dismissal of Non-Certified Staff**

5830

The Superintendent may suspend, discipline, or dismiss non-certified staff. The Superintendent shall adhere to any relevant provisions contained in the negotiated master contract with the employee's collective bargaining unit.

The Superintendent is authorized to suspend non-certified staff with or without pay.

#### At-Will Employees

Non-certified employees who are not part of a recognized bargaining unit may be terminated at any time upon written notice from the Superintendent or designee. The written notice may state the reason(s) for the termination at the option of the Superintendent.

Approved: August 17, 2009

## **Section 5000 – Personnel**

5850 Resignation of Non-Certified Staff (Cf. 5560)

5850

Any non-certified staff member desiring to resign from his/her position with the District shall submit a written resignation to the Superintendent or designee at least ten working days prior to the effective date of the resignation. Unless otherwise agreed to by the Superintendent, failure to give at least ten working days notice will void any potential benefits that might accrue to the employee following separation from the District, unless otherwise stated in the collective bargaining agreement.

The Superintendent or designee is authorized to accept resignations of non-certified personnel on behalf of the Board and they become final upon his/her acceptance. The Superintendent shall inform the Board of any resignations.

Approved: August 17, 2009

## **Section 5000 – Personnel**

5860 Reduction of Non-Certified Staff

5860

When reduction in staff is necessary for employees where provisions are not covered in contracts, the administration shall make recommendations, which in its judgment will be beneficial to the District.

Approved: August 17, 2009

## Section 5000 – Personnel

### 5861 Reduction and Recall of Teachers

5861

In making program and staffing decisions, the Board of Education shall determine the size of the teaching staff in response to curricular, fiscal, and other operating conditions and retains the exclusive right to do so. To the extent that such determinations involve the requirements of Section 1248 of the Revised School Code, MCL 380.1248, this policy shall guide the implementation of that statute.

This Policy applies to "teachers", which term refers to those employees of the District whose employment is regulated by the Teachers' Tenure Act, MCL 38.71 *et seq.* For purposes of this policy, the term "teacher" shall be defined co-extensively with Article I, Section 1 of the Teachers' Tenure Act, MCL 38.71.

Decisions involving the reduction and recall of teachers shall be guided by the following standards and procedures:

1. These decisions will be initially premised on retaining highly effective and effective teachers who are certified (or otherwise approved or authorized) and qualified to instruct the courses within the established curriculum, grades, and departments.
  - a. All teachers must be properly certified (or otherwise approved or authorized) for all aspects of their assignment. The certification (or authorization/approval status, as applicable) of a teacher shall be determined by the Revised School Code, the Teacher Certification Code, the Michigan Department of Education's Rules for Special Education Programs and Services, and other applicable statutes and regulatory authority.
  - b. All teachers must also be qualified for all aspects of their assignment. Teacher qualifications shall be determined by the Board through reference to the following standards:

## **Section 5000 – Personnel**

- i. Compliance with applicable state or federal regulatory standards, including, but not limited to, those standards established as a condition to receipt of foundation, grant, or categorical funding;
  - ii. Compliance with applicable accreditation requirements;
  - iii. Assessment of the extent to which a teacher's professional training and academic preparation are relevant to an instructional assignment and are predictive of the teacher's effectiveness in that assignment;
  - iv. Assessment of the extent to which a teacher's prior teaching experience is relevant to an instructional assignment and is predictive of the teacher's effectiveness in that assignment; and
  - v. Possession or satisfaction of any qualification requirement(s) contained in a job posting, job description, or administrative regulation pertaining to the position in question which was promulgated in advance of the reduction or recall.
- c. A teacher shall maintain current and valid certification (or approval or authorization, as applicable), and shall be responsible for filing a copy of his/her teaching certificate (or approval or authorization, as applicable) in the Superintendent's office in conformance with requirements of Section 1532 of the Revised School Code. If a teacher petitions for nullification of his/her teaching certificate or any endorsement on that certificate, he/she shall promptly provide written notice of that petition to the Superintendent's office. A teacher shall supply current documentation to the District of all of the teacher's qualifications (as defined above).
- d. Reduction and recall decisions shall be made on the basis of the effectiveness rating of the teacher as well as certification and qualifications of a teacher, as reflected in the District's records, at the time that such decisions are made.

## Section 5000 – Personnel

2. The Superintendent and/or her/his designee shall be responsible, acting within budgetary approval, for establishing the number and type of teaching assignments to implement the approved curriculum. If the Superintendent determines that insufficient funds have been budgeted to support delivery of the curriculum through the existing complement of faculty, he/she shall recommend to the Board the number of teaching positions to be reduced and the grades or departments within which the recommended reductions are to be effectuated.

Similarly, if after a reduction of teaching staff, the Superintendent determines that the District's curriculum cannot be delivered through the existing complement of faculty and that sufficient funds are budgeted to support the augmentation of faculty through recall of teachers, he/she shall recommend to the Board the number of teaching positions to be added and to identify the affected grades or departments.

3. All teacher reductions and recalls are subject to formal action and approval by the Board of Education.
4. When a teaching position has been identified for reduction and there exists a concurrently vacant teaching assignment for which the incumbent teacher in the position to be reduced is both certified and qualified, and if that teacher has received an overall rating of at least "effective" on his /her most recent year-end performance evaluation, that teacher shall be assigned to the vacant position unless the Superintendent determines that the educational interests of the District would not be furthered by that assignment.
5. If one or more teaching positions are to be reduced, the Superintendent shall first identify the academic level(s) (Grades) or department(s) impacted by the reduction. Among those teachers who are certified (or approved or authorized) and qualified to

## Section 5000 – Personnel

instruct the remaining curriculum within the impacted academic levels or departments, selection of a teacher for layoff shall be based upon the teacher's effectiveness score. Those teachers within the above group with the highest effectiveness scores will be retained and the teachers with the lowest effectiveness scores will be laid off. The exception to this process would be the elimination of a total academic level of department.

- a. The Superintendent or her/his designee shall provide written notice of layoff to affected teachers.
  - b. It is the laid-off teacher's responsibility to maintain current contact information (address, phone and e-mail address) in the Superintendent's office.
6. In the event of a recall of teachers, the Superintendent shall first identify the grades or departments where additional position(s) will be created. The Superintendent may reassign on-staff teachers to the additional position(s) in accordance with District Policy 5862/Teacher Placement. Recall of teacher(s) to assignments that remain unfilled shall be accomplished by first recalling the teacher with the highest effectiveness rating who is certified and qualified for the open assignment.
- a. The Superintendent shall provide written notice of recall to teachers and shall establish the time within which the teacher must accept recall in order to preserve the teacher's employment rights. The teacher must accept the recall within ten (10) days of the date on the Superintendent's letter. The teacher's response date will be the postmark on her/his mailed response to the Superintendent.
  - b. A teacher who is recalled and fails to accept recall by the time designated in the recall notice and report for work by the deadline specified in the recall notice, shall be regarded as having forfeited all rights to recall and continued employment unless

## Section 5000 – Personnel

the Superintendent, in her/his discretion, has extended those time limitations, in writing.

7. This Policy shall not operate or be applied to retain or recall a teacher whose most recent performance evaluation contains an overall rating of "ineffective" in preference to any teacher with a higher effectiveness rating, as reflected in that teacher's most recent performance evaluation.

This Policy shall not operate or be applied to retain or recall a probationary teacher who has received a rating of either minimally effective or ineffective on his/her most recent annual year-end performance evaluation in preference to any tenured teacher who is rated either effective or highly effective on his/her most recent annual year-end performance evaluation.

A probationary teacher who is rated as effective or highly effective on his or her most recent annual year-end performance evaluation is not subject to being displaced under this policy by a tenured teacher solely because the other teacher has attained tenure under the Teachers' Tenure Act, MCL 38.71 et seq.

8. A teacher's length of service with this District or the teacher's attainment of tenure under the Teachers' Tenure Act shall not be the primary or determining factors in layoff and recall decisions, except if the decision involves two or more teachers and all have the same effectiveness ratings, as described in ¶ 9 of this Policy.
9. *In that circumstance, a tenured teacher has priority over a probationary teacher and, among tenured teachers, the teacher's seniority (as established by the most recent seniority list for the bargaining unit to which the tenured teachers belong) will determine preference for reduction and recall.*

## Section 5000 – Personnel

10. Teacher effectiveness shall be measured by the Board's performance evaluation system under section 1249 of the Revised School Code, and the personnel decisions shall be made based on the following factors (the following items are taken from Act 102 of 2011):

- a) Individual performance shall be the majority factor (51%) in making the decision, and shall consist of, but is not limited to, all of the following:
  - i. Evidence of student growth, which shall be the predominant (26%) factor in assessing an employee's individual performance. The teachers 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.
  - ii. The remainder of the teacher's effectiveness (25%) will consist of the teachers 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; manner and efficacy of disciplining students; classroom management skills; the teacher's disciplinary record if any; the teacher's attendance record; the teacher's quality of relationships with students; parents, guardians and school personnel; ability to withstand the strain of teaching; and the teachers ability to perform job functions.

## Section 5000 – Personnel

- iii. The teacher’s attendance and disciplinary record, if any.
- b) Significant, relevant accomplishments and contributions (25%). This factor shall be based on whether the individual contributes to the overall performance of the school by making clear, significant, relevant contributions above the normal expectations for an individual in his or her peer group and having demonstrated a record of exceptional performance.
  - i. The Superintendent shall annually develop and publish a list of activities that will be regarded by the District as indicators of teacher effectiveness because those activities reflect accomplishments and contributions exceeding normal expectations for a teacher's professional peer group.
  - ii. The Superintendent shall designate values for the identified accomplishments and contributions, as defined above, that will be used in the calculation of the teacher's effectiveness score.
  - iii. The Superintendent shall develop and maintain a system for the recording and verification of those activities of teachers that qualify as accomplishments and contributions to be used in the calculation of a teacher's effectiveness score.

*The teacher's effectiveness score on this factor shall be computed on an annual basis and shall not be accumulative from one school year to any succeeding school year.*

- c) Relevant special training (24%). 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. (Note: The following sentence and items i, ii, iii, iv are not part of the law.) The training shall meet the following conditions:

**Battle Creek Public Schools**

## Section 5000 – Personnel

- i. The training or professional development has direct relevance to the teacher's assignment or to another area within the endorsements appearing on the teacher's Michigan teaching certificate (or authorization/approval, as applicable) and has received the prior approval of the Superintendent (or designee). The training or professional development takes place outside of the teacher work day during the school year or outside the teacher work year.
- ii. The training or professional development has direct relevance to the teacher's assignment or to another area within the endorsements appearing on the teacher's Michigan teaching certificate (or authorization/approval, as applicable) and has received the prior approval of the Superintendent (or designee).
- iii. The teacher is able to demonstrate that the training or professional development is integrated into the instruction delivered by the teacher in a meaningful way.
- iv. The teacher is able to demonstrate that the training or professional development is integrated into the instruction delivered by the teacher in a meaningful way. *\*See Note in Section 9a.*
- v. In applying the above standards, a teacher's evaluation shall be his/her most recent year-end evaluation, except for teacher on an Individualized Development Plan. In that case, the evaluation used for application of the above standard shall be the District's most recent evaluation of the teacher at the time that a reduction or recall decision is made.

Approved: May 12, 2012

Legal Reference: MCL 38.71, *et seq.*; MCL 380.11a (K-12); MCL 380.601a (ISD); MCL 380.1248; MCL 380.1532; MCL 423.215

**Battle Creek Public Schools**

The Board of Education considers the appropriate placement of effective teachers as an essential ingredient in promoting student academic growth, in attaining successful educational outcomes for students and in providing quality educational services.

For purposes of this policy, the term "teacher" shall refer to those employees of the District whose employment is regulated by the Teachers' Tenure Act, MCL 38.71 *et seq.* The term "placement" shall include decisions involving the assignment and transfer of teachers as well as decisions involving the filling of vacant teaching positions with on-staff teachers. Those placement decisions are delegated to the Superintendent.

Placement does not include staffing decisions made in the context of recall of a teacher from layoff, which decision is governed by District Policy \_\_\_\_\_. Placement also excludes decisions to initially hire or to dismiss or non-renew a teacher, which determinations are reserved to the Board of Education and are not delegated under this Policy. Teacher placement decisions shall be guided by the following standards:

1. These decisions will be premised on staffing the established curriculum with the most effective teachers who are certified and qualified to instruct the courses within the established curriculum, grades and departments.
2. All teachers must be properly certified (or otherwise approved or authorized) for all aspects of their assignment. The certification (or authorization/approval status, as applicable) of a teacher shall be determined by provisions of the Revised School Code, the Teacher Certification Code, the Michigan Department of Education's Rules for Special Education Programs and Services, and other applicable statutes and regulatory authority.
3. Teacher placement decisions shall also be made on the basis of a teacher's qualifications, which shall be determined by the following standards:

## Section 5000 – Personnel

- a. Compliance with applicable state or federal regulatory standards, including, but not limited to, those standards established as a condition to receipt of foundation, grant, or categorical funding.
  - b. Compliance with applicable accreditation requirements.
  - c. Assessment of the extent of a teacher's professional training and academic preparation are relevant to an instructional assignment and are predictive of the teacher's effectiveness in that assignment.
  - d. Assessment of the extent to which a teacher's prior teaching experience is relevant to an instructional assignment and is predictive of the teacher's effectiveness in that assignment.
4. Teacher placement decisions shall be made on the basis of teacher effectiveness, in addition to certification and qualifications. Effectiveness is determined through the teacher effectiveness criteria established in Section 1248 of the Revised School Code and as articulated in District Policy 5861/ Reduction and Recall of Teachers.

Legal Reference: MCL 380.11a (K-12), MCL 380.601a (ISD), MCL 380.1233, MCL 423.215, MCL 388.1763, MCL 38.71 *et seq.*

## Section 5000 – Personnel

### 5863 Teacher Discipline

5863

The Board of Education believes that maintaining appropriate procedures and standards for addressing teacher misconduct and other inappropriate behavior is a critical ingredient in furthering an effective educational environment and in providing quality educational services necessary for the attainment of successful educational outcomes for students. This policy is intended to provide standards and procedures by which administrative personnel shall make determinations as to whether teacher discipline is warranted and, if so, in arriving at an appropriate disciplinary response.

Although discipline is corrective, other significant purposes of discipline are to promote accountability of teachers to maintain proper conduct, to provide notice to teachers of behavioral expectations, and to inform teachers of the consequences of any future disciplinary infractions, offenses or other misconduct.

For purposes of this policy, the term "teacher" shall refer to those employees of the school district whose employment is regulated by the Teachers' Tenure Act, MCL 38.71 *et seq.*

Discharge, demotion, or other discipline of teachers under this policy shall be made only for a reason(s) that is not arbitrary or capricious. This standard signifies that a disciplinary decision must be supported by results of a disciplinary investigation and that any resulting disciplinary action must have a rational relationship to the teacher's conduct which forms the basis for a disciplinary decision.

Before imposing any disciplinary measure under this policy, the administrator shall investigate whether a teacher has engaged in an offense, infraction, or other misconduct which could result in a disciplinary consequence. An administrator shall investigate the alleged violation before imposing a disciplinary measure upon the teacher. The investigation should include discussions with any witnesses to the event(s) upon

## **Section 5000 – Personnel**

which possible teacher discipline is premised, including witnesses or other sources suggested by the teacher being investigated. The teacher who is the subject of the disciplinary allegation shall be provided with an opportunity to respond to those allegations as part of the investigation process.

The following procedures shall be used for disciplinary actions up to and including a recommendation for discharge:

1. Oral or written notice will be given by the administration to the teacher of the incident, complaint, or charge that forms the basis for the investigation and potential disciplinary action.
2. If the complaint alleges child abuse or neglect, the matter shall be reported to Child Protective Services consistent with Policy Number 8580 and state law.
3. The teacher will be given notice of the time, date, and location of a meeting to provide the teacher with an opportunity to respond to the disciplinary incident, complaint, or charge. This opportunity to respond shall include the right of the teacher to dispute the factual basis of the incident, complaint, or charge, as well as the nature of any contemplated disciplinary action in the event that the disciplinary incident, complaint, or charge is factually substantiated.
4. A teacher represented by an exclusive bargaining agent under the Public Employment Relations Act shall, upon request, be entitled to union representation at any investigative meeting which the teacher reasonably believes could ultimately result in disciplinary action. Alternatively, a teacher shall, upon his/her request, be entitled to have another member of their bargaining unit accompany him/her to any investigative meeting

## **Section 5000 – Personnel**

which the teacher under investigation is required to attend when that teacher reasonably believes that the investigation may ultimately result in his/her discipline. The obtaining of a representative shall not unreasonably delay an investigative meeting.

5. The Superintendent (or designee) is authorized to place a teacher on administrative leave, with pay, pending the completion of a disciplinary investigation of the alleged or suspected offense, infraction, or misconduct. This authority can be exercised in those circumstances when, in the judgment of the Superintendent (or designee), the nature of the charges, the behavior or record of the teacher, or other circumstances make it inadvisable for the teacher to remain at work while the investigation is ongoing. Placement on administrative leave under this provision is not regarded as, in itself, a disciplinary measure or penalty.
6. If criminal charges are filed against a teacher before or during the pendency of a disciplinary investigation, a probationary teacher may be placed on unpaid leave during the pendency of the investigation after notice and an opportunity to be heard. Under these circumstances, a tenured teacher's salary shall not be discontinued other than through observance of the pertinent standards and procedures specified in the Teachers' Tenure Act. The District need not delay the institution of tenure charges or other disciplinary action against a teacher during the pendency of any criminal charges against the teacher.
7. If an investigation of teacher conduct supports a determination that the teacher has engaged in an offense, infraction, misconduct, or other

## Section 5000 – Personnel

behavior warranting disciplinary action, the administrative decision as to the level of discipline shall be guided by the following standards:

- a. The seriousness of the offense, infraction, or misconduct;
  - b. The teacher's prior disciplinary and employment record;
  - c. How teachers, within the District, engaging in similar or like offenses, infractions, or misconduct have been disciplined in past comparable circumstances involving similarly situated teachers provided the current expectations, policies, rules and laws are similar; and
  - d. The existence of aggravating or mitigating factors.
8. Disciplinary measures include but are not limited to: verbal reprimand, written reprimand, paid or unpaid suspension, and discharge. Nothing in this policy or the identification of these levels of discipline requires that the above disciplinary measures be applied progressively or sequentially. The Board reserves the right to apply the disciplinary sanction it determines to be appropriate to a specific set of circumstances.
9. When disciplinary action is taken against a teacher it shall be confirmed in writing. The document confirming the discipline will be provided to the teacher and placed in the teacher's personnel file.
10. The Superintendent (or designee) is delegated the authority under this policy to impose all teacher discipline with the exception of:
- a. The discharge of either a probationary or tenured teacher;
  - b. The non-renewal of a probationary teacher; and
  - c. The demotion of a tenured teacher, as defined in the Teachers' Tenure Act.

## **Section 5000 – Personnel**

Each of the above disciplinary actions may only be imposed by this Board of Education upon written recommendation of the Superintendent and upon adherence to any applicable procedures set forth in the Teachers' Tenure Act.

Legal Reference: MCL 380.11a (K-12), MCL 380.601a (ISD), MCL 423.215, MCL 38.71, *et seq.*

## **Section 5000 – Personnel**

5920 Non-School Employment- Non-Certified Staff (Cf. 5640)

5920

Non-certified employees shall engage in no outside employment that, by nature or duration, will impair the effectiveness of their assigned duties, reflect detrimentally on the District, involve any conflict of interest, or require the use of any District facility, equipment, personnel, supplies, or materials.

Approved: August 17, 2009

## Section 5000 – Personnel

5935 Military Leave

5935

Pursuant to the Uniformed Services Employment and Reemployment Rights Act (USERRA), the Superintendent or designee shall grant military leave to employees for voluntary or involuntary service in the uniformed services of the United States, upon receipt of the required notice. Benefits shall be maintained for these employees as required by law and/or collective bargaining agreements. A service member who returns to the District for work following a period of active military duty must be reinstated to the same or similar position and at the same rate of pay unless otherwise provided by law.

Time spent in active military service shall be counted in the same manner as regular employment for purposes of seniority or District service unless otherwise provided in a collective bargaining agreement.

The District will not discriminate in hiring, reemployment, promotion or benefits based upon membership or service in the uniformed services. The Superintendent or designee may enact rules to implement this policy.

Approved: August 17, 2009

LEGAL REF: 38 U.S.C. §§ 4301-4333 (The Uniformed Services Employment and Reemployment Act of 1994); MCL 35.351 *et. seq.*; *Borseth v City of Lansing* (1953) 338 Mich. 53, 61 N.W.2d 132; *Wrigglesworth v Brumbaugh*, W.D.Mich.2000, 121 F.Supp.2d 1126.

**6000—NEGOTIATIONS**

(This section on negotiations is confined to professional employees negotiating under the Public Employment Relations Act, MCL 423.201 *et seq.*)

- 6001 Goals and Objectives
- 6050 Recognition of Bargaining Units
- 6100 Board Negotiating Agents
- 6150 Superintendent’s Role in Negotiations
- 6200 Confidentiality of Negotiations Information
- 6400 Contract Ratification

## **Section 6000 – Negotiations**

6001 Goals and Objectives

6001

The Board recognizes its legal obligation to negotiate wages, hours, and terms and conditions of employment with duly and legally recognized employee groups. It is the intent of the Board and its authorized representatives to adhere to the confines of the law and to discharge its obligations in an orderly and positive manner within the restrictions of the Public Employment Relations Act.

It is the intent of the Board to participate in the negotiations process in order to maintain the primary function of the District, which is the education of students.

Approved: August 17, 2009  
LEGAL REF: MCL 423.201

## **Section 6000 – Negotiations**

6050 Recognition of Bargaining Units

6050

The Board shall not recognize by stipulation any bargaining unit within the District. All units desiring recognition by the Board shall do so through an election conducted by the Michigan Employees Relations Commission as provided by statute.

The following bargaining units have been recognized by the Board:

- Battle Creek Transportation Association
- Battle Creek Facilities and Operations Association
- Battle Creek Educational Secretaries Association
- Battle Creek Paraprofessionals Association
- Battle Creek Education Association

Approved: August 17, 2009  
LEGAL REF: MCL 423.212-214

## **Section 6000 – Negotiations**

6100 Board Negotiating Agents

6100

The Board shall appoint a member of the staff, or the Superintendent, or an outside consultant, to serve as chief negotiator in its negotiations with each employee group recognized under the Public Employment Relations Act.

The Board shall appoint other member(s) of the administrative staff to each negotiating team to assist and counsel the chief negotiator.

The appointed chief negotiator shall be fully empowered to reach a tentative agreement on collective bargaining agreements on behalf of the Board within the parameters established by the Board.

Approved: August 17, 2009  
LEGAL REF: MCL 423.211

## **Section 6000 – Negotiations**

### 6150 Superintendent's Role in Negotiations

6150

The Superintendent may serve as the chief negotiator for the Board at the discretion of the Board. If the Superintendent is not serving as the chief negotiator, he/she may serve as a negotiating team member or as a consultant to the negotiating team.

The Superintendent shall serve as the liaison between the Board and the bargaining team and shall be responsible to keep the Board informed on the progress of negotiations.

The Superintendent shall arrange for the chief negotiator, if other than him/herself, to meet with the Board to develop negotiation goals and objectives, establish parameters and provide periodic updates on the progress of negotiations.

The chief negotiator shall be expected to maintain close communication with the Superintendent on the status of negotiations including proposals discussed or offered at the bargaining table.

Approved: August 17, 2009

## **Section 6000 – Negotiations**

6200 Confidentiality of Negotiations Information

6200

Board members and administrators are to keep information regarding the progress, status, or issues involved in negotiations confidential. Unless otherwise determined by the Board, only the Superintendent is authorized to release negotiations information.

Board members violating this policy are subject to discipline by the Board that may include removal from a Board officer role, removal from committee assignments, and/or public censure.

Administrative staff members violating this policy are subject to discipline as determined by the Superintendent with notification to the Board.

Approved: August 17, 2009

## **Section 6000 – Negotiations**

6400 Contract Ratification

6400

Before the ratification of any negotiated master contract, the Superintendent shall conduct or direct a thorough proofreading of all substantive changes to the master contract.

The Superintendent shall forward the final draft of any substantive changes to the negotiated master contract, along with a front “summary sheet” outlining those contract articles that have been substantively changed, to the Board prior to the Board’s scheduled ratification meeting. Unless noted on the list of changes to the master agreement, or the summary sheet, the Board shall assume that other sections of the master contract remain unchanged, with the possible exception of non-substantive, minor spelling, grammatical, punctuation, or format corrections.

Approved: August 17, 2009

**7000—INSTRUCTIONAL PROGRAM**

- 7050 Curriculum Development
  - Technology
  - Resources
  - Distance Learning
  - Personnel (Cf. 2560, 1220)
  - Financial (Cf. 3200)
  - Planning
  - Research
  - Pilot Projects
  - Pilot Project Evaluation
  - Federal Compliance
  - Curriculum Adoption
- 7052 Multicultural Education
- 7053 Environmental Education
- 7055 Comprehensive School Health Education
- 7057 Quality Character Education
- 7060 Curriculum Guides and Course Outlines
- 7110 Core Curriculum
  - Elementary Program
  - Middle/Junior High School
  - Senior High School
- SN Includes the full range of programs designed to meet the individual needs of the great majority of students and beginning with pre-primary areas of instruction and extending beyond education, conservation education, occupational education, home economics, and the standard academic areas of instruction are regarded here as component elements of the Basic Program.
  - Co-curricular Activities
  - Approval and Review
  - Evaluation
  - Student Funds
- 7115 Human Reproductive Health Education
  - Human Reproductive Health Education Advisory Board
  - Parent/Guardian Notification
- 7120 Curriculum Alignment
- 7140 Dropout Prevention Program
  - Philosophy
  - Goals and Objectives
- 7150 Alternative School Programs
- 7160 Special Programs
- 7165 At-Risk Students
- 7170 Federal Program Administration (Cf. 7175)
  - Title I Programs

## Section 7000 – Instructional Program

TC-7000-2

- 7175 Parent(s)/Guardian(s) Involvement Policy (Cf. 7170)
  - State of Michigan Parent/Guardian Involvement Initiative
  - District Plan
  - Written Plans/Policies
  - Migrant Education Program (MEP) Parent(s)/Guardian(s) Involvement
  - Limited English Proficiency (LEP) Parent(s)/Guardian(s) Involvement
- 7200 Partnerships (Cf. 9720)
- 7205 School-to-Work Opportunities
- 7210 Interscholastic Athletics
- 7350 Instructional Resources
  - Instructional Services
  - Teacher Aides
  - Resource Teachers
  - Textbook Selection and Adoption
  - Use of Textbooks
  - Deposit on Textbooks
  - Technology
- 7380 Instructional Program Prohibitions
- 7400 Instructional Materials and Media Centers
  - Objectives
  - Criteria for the Development of Media Center Materials
    - Collection Development
  - Selection Criteria
  - Staff Libraries
  - Review Committee for Patron Complaints Concerning Instructional Materials
  - Technology
- 7420 Inspection by Parent(s)/Guardian(s) of Instructional Material
- 7463 Use of Commercially Produced Video Recordings
- 7475 Computer Assisted Instruction
- 7480 Resource Speakers (Cf. 7760)
- 7485 Community Resources
  - Use of Community Resource Persons
  - School Volunteers (Cf. 9230)
- 7490 Field Trips and Excursions
- 7500 Guidance Program
  - Educational Guidance
  - Personal Guidance
  - Vocational Guidance
- 7560 Grading System
- 7580 Homework and Study Time
  - Definition
  - Purpose
  - Application
  - Limitations

## Section 7000 – Instructional Program

TC-7000-3

7600	Promotion and Retention
7610	Make-up Opportunities (Cf. 8350)
7630	Graduation Requirements
7640	Transfer of Credit
	Transfer from Home Schooling or Other Institutions
7642	Alternative Credit Options
7650	Testing Program (Cf. 8940 <i>et seq.</i> )
	Test Selection and Adoption (Cf. 8940 <i>et seq.</i> )
	Student Assessment
	Testing Out
7700	Evaluation of Instructional Program (Cf. 7650)
7760	Controversial Issues
7770	Teaching about Religion
7800	School Ceremonies and Observances (Cf. 7770)
	Opening Exercises
	Recognition of Religious Beliefs and Customs
	Federal Requirements
7820	Honorary Diplomas
7840	Substitute Teaching (Cf. 5685)
7880	Flag Displays
7900	School Improvement
	School Improvement Committees
	Data Collection/Assessment
	Meetings
	Review
7910	Decision Making Process
7950	Schools of Choice

## **Section 7000 – Instructional Program**

### 7050 Curriculum Development

7050

The Board, believing that “student academic achievement” is the number one priority and purpose of the District, hereby adopts this policy.

The administration, with the cooperation of the certified staff, shall develop a comprehensive curriculum Pre K-12 which is based on valid educational research and which encompasses a philosophy of education compatible with the needs of the student, the resources of the District, and the State of Michigan.

The administration shall evaluate the curriculum of the District in view of the Board’s goals and objectives as outlined in the District improvement plan. The findings, conclusions, and recommendations of the staff shall be transmitted to the Board.

#### Technology

The Board supports the use of computers and related technology to enhance classroom instruction. The use of computers and related technology should significantly increase the opportunity for the expansion of student reasoning and thinking ability, the improvement of the management and delivery of instruction to all students and other uses in support of the Board approved curriculum.

#### Resources

The administration is encouraged to utilize any available resource in the development of a comprehensive curriculum.

#### Distance Learning

The administration is encouraged to explore the possibilities of various "distance learning" instructional tools to enhance the curricular offerings of the District including, but not limited to: Teleconferencing, web based instruction, satellite transmissions, and interactive CD-ROM's. Any such distance learning efforts will be appropriately piloted before being incorporated into the curriculum on a regular basis. All distance learning efforts will comply with applicable collective bargaining agreements.

## **Section 7000 – Instructional Program**

### 7050 Curriculum Development

7050-2

#### Personnel (Cf. 2560, 1220)

The Board requires the use of District personnel in working with the Board curriculum committee, and outside resources as necessary in the development of comprehensive curriculum and related materials.

#### Financial (Cf. 3200)

The Board encourages the Superintendent to investigate, continuously, the availability of other-than-District funds to defray expenses incurred in the development of a District-wide curriculum.

#### Planning

The Board advocates a policy of continuous curriculum study. The Superintendent is encouraged to utilize resource personnel in a manner consistent with Board policies. The Superintendent is also encouraged to use District patrons and students in a manner consistent with these policies.

The Superintendent shall have the responsibility to organize the certified staff in appropriate committees to plan, study, modify, change, or develop a District-wide curriculum.

#### Research

The administration shall develop a research and evaluation program, which will provide the Board with data to be used in the development of curriculum areas. The use of research findings of other agencies, departments, colleges, and universities is encouraged by the Board.

#### Pilot Projects

The use of pilot projects is encouraged by the Board before District-wide implementation of any curriculum area is initiated. Pilot projects shall be reviewed by the Board curriculum committee prior to going to the entire Board.

## **Section 7000 – Instructional Program**

### 7050 Curriculum Development

7050-3

All instructional material, including teacher's manuals, films, tapes, or other supplementary instructional material which will be used in connection with any research or experimentation program or project, shall be available for inspection by the parent(s)/guardian(s) of the student engaged in such program or project. For the purpose of this policy, research or experimentation program or project means any program or project in any applicable program designed to explore or develop new unproved teaching methods or techniques.

Notwithstanding anything to the contrary, the administration can take whatever measures are required to ensure the integrity and validity of tests given under the pilot program.

#### Pilot Project Evaluation

Before any pilot project proposal is submitted to the Board for approval, an evaluation format shall be developed and included with the pilot project. (Cf. 8940 *et seq.*)

#### Federal Compliance

To comply with the provisions of the No Child Left Behind Act, the Superintendent will, in writing, inform the professional staff of the federal requirements concerning sex education and the prohibitions and restrictions concerning distribution of contraceptives or materials that encourage sexual activities. The District will comply with federal guidelines concerning age appropriate sex education.

The Superintendent will ensure that any programs for limited-English proficient (LEP) students have a primary goal of mainstreaming those students into the regular classrooms, and that those programs emphasize English language instruction.

## **Section 7000 – Instructional Program**

7050 Curriculum Development

7050-4

### Curriculum Adoption

No course of study shall be eliminated or new course added without approval of the Board, nor shall any basic alteration or reduction of a course of study be made without such approval.

Approved: August 17, 2009

LEGAL REF: 20 USCA 7906 (NCLB); MCL 380.1282

## Section 7000 – Instructional Program

### 7050-R Curriculum Development

7050-R

The administration shall have the responsibility to seek out available resources for use by the certified staff in the development of District-wide curriculum.

#### Personnel (Cf. 2560, 1220)

The Superintendent or designee shall submit to the Board the proper budget requests for payment of fees and honorariums for the use of resource personnel at a reasonable time before the services of such personnel are utilized by the District.

#### Research

The Superintendent may budget for educational research and evaluation programs, accelerate implementation of such programs, encourage evaluation of technological advances in education, support the use of tools or techniques to enhance the teacher's effectiveness or productivity, and develop a reasonably detailed budgeting system that includes periodic reviews designed to assist the Board in policy planning and general oversight of the operation of the curriculum in the District.

#### Pilot Projects

The Superintendent is encouraged to investigate the availability of outside funds to be used in financing any pilot project in the District.

Where feasible, and prior to the full-scale adoption of such programs, innovative instructional programs may undergo pilot testing so that it may be understood how they may function fully. Programs approved for pilot testing by the Board may:

1. Be planned to extend over a specific period of time, after which the extension or continuation of the program shall take positive Board action;
2. Include a detailed description of the evaluative procedures to be used in order to determine the effectiveness and/or success of the program;
3. Provide for an updating procedure to keep the Board informed of its progress; and
4. Provide for a plan of public information in order that the public may be aware of the program, its purpose, and its progress.

## **Section 7000 – Instructional Program**

7050-R Curriculum Development

7050-R-2

### Pilot Project Evaluation

The administration will develop evaluation instruments to be used in any pilot project. Such instruments may include, but shall not be limited to, the following areas: type and form of data to be gathered; personnel to be used in the project; anticipated costs of the project; anticipated input in terms of hardware and software; anticipated outcomes in terms of student productivity, student achievement, teacher utilization and productivity, building use, non-certified staff use; and standard tests to be administered, if any.

### Curriculum Adoption

The administration shall submit plans for changes in the curriculum, to an appropriate Board committee for study, and any recommendations of said committee shall be presented to the Board for action.

## **Section 7000 – Instructional Program**

7052 Multicultural Education

7052

The District's learning environment shall reflect diverse cultural traditions and contributions so that students may develop a broader knowledge base and have a sense of respect for and tolerance of culturally diverse peoples, their customs, and historic legacy.

The Superintendent shall:

- (a) Develop a process to include a multicultural perspective into standard curriculum development for all subject areas;
- (b) Develop procedures and guidelines for textbook selection that include multicultural evaluation criteria;
- (c) Whenever possible, develop supplementary and/or text material when commercially available material fails to meet District guidelines for comprehensive and accurate instructional material;
- (d) Provide training and in-service to expand the knowledge and background of administrative and teaching staff in the use of materials which contain a multicultural perspective;
- (e) Provide administrative guidelines to direct the development of a multicultural perspective, monitor student and staff involvement in the process, and assess the results in terms of in-service and materials developed and selected.

Approved: August 17, 2009

## **Section 7000 – Instructional Program**

7052-R Multicultural Education

7052-R

The prime responsibility for ensuring multicultural experiences within each school rests with the building Principal who will set the tone for acceptance of diverse populations as well as monitor the presentations of teachers and their classroom settings as they relate to multicultural issues. The Principal will further serve as a contact for providing resource persons and materials to the teaching staff.

Multicultural activities should be taught in an interdisciplinary manner, incorporating the activities into existing curricular activities. Classroom activities and displays of instructional materials should represent groups that exist in the classroom as well as groups not represented within the class.

## **Section 7000 – Instructional Program**

7053 Environmental Education

7053

Environmental and ecological principles will be taught as an integral part of the course of studies at the elementary level and as special instructional units or separate subjects at the middle school/junior high and secondary levels. Instruction should be aimed at the development of knowledge of the human interrelationships with the environment.

Approved: August 17, 2009

## Section 7000 – Instructional Program

7055 Comprehensive School Health Education

7055

The Board understands that a comprehensive school health education is a priority of the state and a critical component of a coordinated school health program. As recommended by The State Board of Education, the Board hereby adopts this policy.<sup>1</sup>

The administration, with the cooperation of the certified staff, shall develop a Comprehensive School Health Education Program based on the nationally recognized Michigan Model for Comprehensive School Health Education and the Michigan Board of Education, “Policy on Comprehensive School Health Education” as adopted June 8, 2004.

Approved: August 17, 2009

LEGAL REF: Michigan State Board of Education, *Policy on Comprehensive School Health Education*, June 8, 2004.

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<sup>1</sup> Michigan State Board of Education Policy on Comprehensive School Health Education, “The Board recommends that each school district adopt, implement, and evaluate a research-based, theory-driven comprehensive health education program, such as the nationally recognized *Michigan Model for Comprehensive School Health Education*.”

## Section 7000 – Instructional Program

7057 Quality Character Education

7057

The Board understands that a quality character education is a priority of the state and a critical component of the coordinated school health program. The Board hereby adopts this policy.

The administration, with the cooperation of the certified staff, shall develop a Quality Character Education Program that follows such programs as the Michigan Model for Comprehensive School Health Education.

In addition, the Quality Character Education Program of the District shall include and embrace the principles set forth in the Michigan State Board of Education Policy on Quality Character Education as adopted and recommended June 8, 2004.

Approved: August 17, 2009

LEGAL REF: Michigan State Board of Education, *Policy on Quality Character Education*, June 8, 2004.

## **Section 7000 – Instructional Program**

7060 Curriculum Guides and Course Outlines

7060

The Board approves the curriculum, which is designed to accomplish the mission and goals of the District. Every course shall have a written curriculum guide or course outline based upon the mission and goals.

Approved: August 17, 2009

LEGAL REF: MCL 380.1282

## **Section 7000 – Instructional Program**

### 7060-R Curriculum Guides and Course Outlines

7060-R

Curriculum guides and course outlines shall be based on the following criteria:

1. A challenging academic program shall be provided for all students,
2. Courses of study shall be articulated from pre-kindergarten through twelfth grade,
3. Minimum objectives shall be identified for each course and subject, and at the elementary level shall be identified by grade level,
4. Enrichment and supplemental objectives appropriate for all students shall be identified for each course and subject, and
5. Procedures and materials for evaluating the attainment of learning objectives shall be provided.

The administration shall monitor the use and effectiveness of the District's curriculum and recommend to the Board necessary revisions and modifications.

## **Section 7000 – Instructional Program**

### 7110 Core Curriculum

7110

The Board shall establish and periodically reconsider the core curriculum or basic program for the District. Handbooks outlining any course offered in the District should be approved by the Superintendent, and shared with the Board, in advance of the school year in which the courses are to become operative.

#### Elementary Program

The District's elementary grades are established as grades K-5.

#### Core Curriculum

Every elementary school, including magnet schools within the District shall teach the core curriculum.

#### Supplemental Curriculum

The Board shall supplement the elementary core curriculum by providing instruction in supplemental areas as the financial resources of the District permit.

#### Delivery of Curriculum

The Board shall provide for the delivery of the core curriculum and supplemental program by the following mechanism(s): through collaboration with Calhoun Intermediate School District.

#### Exit Outcomes

The Board has identified measurable exit outcomes for the District's elementary students. These exit outcomes are compatible with the District's educational mission, the Board's goals and established performance objectives.

The measurable exit outcomes are as follows:

- The ability to read, write, communicate, and reason within the curriculum.
- Positive self-esteem through emotional, social, intellectual, and physical well-being.
- Respect, courtesy, tolerance, and concern for others.

## Section 7000 – Instructional Program

### 7110 Core Curriculum

7110-2

- Problem-solving and decision-making skills in diverse situations.
- Self-motivated learning for successful living in a global society.

#### Outcomes Evaluation

The Superintendent shall develop an evaluation process to ensure that the measurable exit outcomes and performance objectives are achieved by the District's students.

#### Middle/Junior High School

The District's middle/junior high school grades are established as grades 6-8.

#### Core Curriculum

The core curriculum in the District's middle/junior high school(s) and/or magnet school(s) is comprised of the following subject areas:

- Mathematics
- English Language Arts
- Science
- Social Studies
- Fine Arts

#### Supplemental Curriculum

The Board shall supplement the middle/junior high school core curriculum by providing instruction in supplemental areas as the financial resources of the District permit

#### Delivery of Curriculum

The Board shall provide for the delivery of the core curriculum and supplemental program by the following mechanism(s): through collaboration with Calhoun Intermediate School District.

## Section 7000 – Instructional Program

7110 Core Curriculum

7110-3

### Exit Outcomes

The Board has identified measurable exit outcomes for the District's middle/junior high school students. These exit outcomes are compatible with the District's educational mission, the Board's goals and established performance objectives. The measurable exit outcomes are as follows:

- The ability to read, write, communicate, and reason within the curriculum.
- Positive self-esteem through emotional, social, intellectual, and physical well-being.
- Respect, courtesy, tolerance, and concern for others.
- Problem-solving and decision-making skills in diverse situations.
- Self-motivated learning for successful living in a global society.

### Outcome Evaluation

The Superintendent shall develop an evaluation process to ensure that the measurable exit outcomes and performance objectives are achieved by the District's students.

### Senior High School

The District's senior high school(s) grades are established as grades 9-12.

### Core Curriculum

The core curriculum in the District's senior high school(s), alternative school(s), and/or magnet school(s) is comprised of the following subject areas:

- Mathematics
- English Language Arts
- Science
- Social Studies
- Fine Arts

## Section 7000 – Instructional Program

7110 Core Curriculum

7110-4

### Supplemental Curriculum

The Board shall supplement the high school core curriculum by providing instruction in supplemental areas as the financial resources of the District permit.

### Delivery of Curriculum

The Board shall provide for the delivery of the core curriculum and supplemental program by the following mechanism(s): The Board shall provide for the delivery of the core curriculum and supplemental program by the following mechanism(s): through collaboration with Calhoun Intermediate School District.

### Exit Outcomes

The Board has identified measurable exit outcomes for the District's senior high school students. These exit outcomes are compatible with the District's educational mission, the Board's goals and established performance objectives. The measurable exit outcomes are as follows:

- The ability to read, write, communicate, and reason within the curriculum.
- Positive self-esteem through emotional, social, intellectual, and physical well-being.
- Respect, courtesy, tolerance, and concern for others.
- Problem-solving and decision-making skills in diverse situations.
- Self-motivated learning for successful living in a global society.

### Outcomes Evaluation

The Superintendent shall develop an evaluation process to ensure that the measurable exit outcomes and performance objectives are achieved by the District's students.

### Co-curricular Activities

Co-curricular activities should be used as a means of developing a wholesome attitude and good human relations, as well as knowledge and skills.

## **Section 7000 – Instructional Program**

### 7110 Core Curriculum

7110-5

The Board supports such co-curricular activities and may attempt to make them available on a voluntary basis to all students. The purpose of such activities shall be compatible with the Board's curriculum goals, District and school mission.

Each school, under the direction of the Principal and subject to approval by the Superintendent, may place a co-curricular activities program, suited to the needs of the students, in that particular building.

Parent(s)/Guardian(s), students and faculty should be utilized in determining the type and range of activities to be offered.

Participation in co-curricular activities is considered a privilege, carrying with it the responsibility of good behavior in school. Failure on the part of any student to meet this responsibility renders him/her liable to suspension from representing the school, participating in the activity, and/or holding class organizational office.

The building level administrators, subject to approval by the Superintendent, shall be responsible for the organization of all student activities and shall provide adequate supervision, administer student finances, and approve all student activities with the assistance of delegated members of the faculty.

In planning the program of activities, the Superintendent and staff shall take into consideration the breadth of activities offered through other community organizations.

#### Approval and Review

All new co-curricular activities and organizations shall be reviewed and approved by the building Principal and/or Superintendent. Activities, which may require the expenditure of general school funds, shall require Board approval.

#### Evaluation

Each activity shall be evaluated at least annually to determine if its purposes are being fulfilled and if it is meeting the needs of the students of that particular building.

## Section 7000 – Instructional Program

7110 Core Curriculum

7110-6

### Student Funds

Funds remaining in accounts of student organizations, which have been inactive for one year, or in accounts of classes, which have been graduated for one year, shall be transferred by the Board to accounts of other co-curricular organizations or to the District's general fund upon recommendation of the Superintendent or designee.

Approved: August 17, 2009

LEGAL REF: MCL 257.811; 380.1151-1153; 380.1155; 380.1157; 380.1166; 380.1169-1170; 380.1278; 380.1282; 380.1289; 380.1316; 380.1502; 380.1506; 380.1507; 388.1709; 388.1761; 380.1804; 380.1806; 380.1813 (Homebound and Hospitalized); R 325.1-52; 325.898; 325.1491 and 388.301-399; OAG, 1977-1978, No 5291, p 420 (April 12, 1978); OAG, 1979-1980, No 5659, p 648 (February 28, 1980)

## **Section 7000 – Instructional Program**

7110-R Core Curriculum

7110-R

### Work-Study Programs

Participation by students in a work-study program will be handled by the administration on an individual basis.

### Co-curricular and Extracurricular Activities

The Principal shall coordinate the extracurricular program or designate a staff member to assume this responsibility.

All new extracurricular activities shall be approved by the building Principal and recommended to the Superintendent for his/her approval. All recommendations to the Superintendent shall include a statement of purpose of the activity, potential membership to be served, and potential financial obligations, which the Board might have to assume from general school funds.

A faculty sponsor shall be appointed for each activity within the provisions of the master agreement.

Membership and participation in all activities shall be voluntary and limited to students enrolled in the schools. Students shall have the right to participate in all extracurricular activities without discrimination.

Activities sponsored by outside agents shall be carefully reviewed and approved by the Superintendent for participation if they are co-sponsored by the school. Secondary Principals must be certain that such outside-sponsored activities do not conflict with standards and criteria established by the National Association of Secondary School Principals.

Every effort should be made to keep extracurricular activities from unduly interfering with the regularly scheduled school day and to provide a balanced program of appropriate academic studies and activities for each student.

The administration shall develop rules and regulations covering extracurricular activities in individual buildings. Such rules shall list responsibilities of students and advisors or chaperones.

## **Section 7000 – Instructional Program**

7110-R Core Curriculum

7110-R-2

All activities sponsored by school groups must be adequately supervised and all Board policies and administrative regulations regarding student and teacher conduct, use of facilities, use of transportation, and all other applicable policies and regulations shall be followed.

### Homebound Instruction

Parent(s)/Guardian(s) may request homebound instruction from the Superintendent or designee if needed. An application form will be forwarded to the family physician for his/her recommendation and signature.

The re-entering of the student to regular classes discontinues the homebound instruction.

## **Section 7000 – Instructional Program**

### 7115 Human Reproductive Health Education

7115

Pursuant to state law, sex education may be provided by the District but must be an elective class. In order to offer this instruction, a Human Reproductive Health Education Advisory Board must be established. Students will not be permitted to take the class unless the student's parent/guardian is notified in advance of the course and its contents, is given an opportunity to review course materials, is allowed to observe the instruction, and is notified of the right to have the student excused from the class. (See "Parent/Guardian Notification" below.)

#### Human Reproductive Health Education Advisory Board

The Human Reproductive Health Education Advisory Board (hereinafter "Advisory Board") shall recommend materials and methods to the Board of Education in compliance with current statutory requirements as defined in MCL 380.1507. All instruction and materials shall be age-appropriate and medically accurate. Prior to the adoption of any revision to materials or methods of instruction in sex education, the Board of Education shall hold two public hearings. The hearings shall be held at least 1 week apart and shall be posted pursuant to MCL 380.1201.

The Advisory Board shall minimally include the constituencies described in 380.1507(5) (parents/guardians, educators, pupils, clergy, and community health professionals.) One half of the members shall be parents/guardians who have at least one child attending a school operated by the District, and a majority of those parent/guardian members shall be individuals not employed by a school District. The Board of Education shall recommend a process for selecting Advisory Board members that reflects, reasonably, the District population. One of the co-chairs leading the Advisory Board shall be a parent/guardian.

The Advisory Board must establish goals and objectives for pupil knowledge and skills designed to reduce rates of sexual activity, pregnancy and sexually transmitted diseases, review materials and methods and make implementation recommendations to the Board of Education.

## Section 7000 – Instructional Program

7115 Sex Education

7115-2

The recommendations shall incorporate the required content of MCL 380.1507b and such other material as the Advisory Board finds to be pedagogically sound.

It is recommended that the District align the curriculum to the content recommendations in the State Board of Education Policy to Promote Health and Prevent Disease and Pregnancy (September 2003.) Every two years, the Advisory Board shall evaluate, measure, and report upon attainment of the goals and objectives. The report shall be made available to the parents/guardians of the District.

To comply with the provisions of the No Child Left Behind Act and Michigan Statutes, the Superintendent will, in writing, inform the professional staff of the federal requirements that apply to sex education and the prohibitions and restrictions covering distribution of contraceptives or materials that encourage sexual activities. The District will comply with federal and state guidelines concerning age appropriate sex education.

### Parent/Guardian Notification

Sex education is not to be provided to any student under the age of 18 unless the parent/guardian is notified in advance of the instruction and the content of the instruction. Parents/Guardians are to be given an opportunity to review materials to be used and to have their child excused from the instruction by filing an annual or continuing written notice that the child is to be excused from the class. If a parent/guardian files a continuing written notice to exclude their child from sex education classes, present or future, the student shall not be enrolled in a sex education class at any time unless the parent/guardian submits a new, written authorization for that enrollment.

Any student is to be excused without penalty or loss of academic credit, from attending class sessions in which the instruction is provided.

Approved: August 17, 2009

LEGAL REF: MCL 380.1282; 380.1507; 380.1507b; 380.1169; 388.1506; 380.1766; 388.1766a; 20 USCA 7906 (NCLB); State Board of Education Policy to Promote Health and Prevent Disease and Pregnancy (September 2003.)

## **Section 7000 – Instructional Program**

7120 Curriculum Alignment

7120

The Board recognizes the need to have its approved curriculum aligned with instructional materials, media, textbooks and technology in order to affect positively student learning and to verify locally identified assessment standards and objectives.

All courses approved by the Board shall include descriptions, objectives, learning activities and criterion test items. The teaching and testing of students shall align with approved course objectives. Student instructional strategies shall take into consideration each students' potential, learning style and special needs.

The Board advocates the use of technology and technological applications in order to meet the objectives of curriculum alignment.

Approved: August 17, 2009

## Section 7000 – Instructional Program

7140 Dropout Prevention Program

7140

### Philosophy

The Board endorses special programming efforts geared to enticing any student who is in danger of becoming a dropout back to learning.

### Goals and Objectives

The Board shall combine academic study with the stimulation and challenges necessary to engage the minds of all students and with the variation of pace, topic, and activity important to sustaining their interest.

The major goals of the District's dropout prevention program shall be to:

1. Identify individual needs at the earliest stage and provide instruction designed to improve and expand basic reading, writing, and speaking skills so that every student is capable of keeping up with his/her classmates throughout his/her school career,
2. Develop an incentive and reward system which reinforces pride in academic achievement and replaces the expectation of failure so prevalent in the dropout scenario,
3. Offer a teaching and counseling curriculum designed to provide students graduating from high school with valuable skills, career direction, and the possibility of future employment,
4. Encourage high risk students to participate in school activities in order to combat the school isolation common to dropouts, and
5. Communicate with parent(s)/guardian(s) and students regarding the value of education in their lives.

The Superintendent shall incorporate the philosophy and goals of this policy into the school setting.

Approved: August 17, 2009  
LEGAL REF: MCL 380.1204a

## **Section 7000 – Instructional Program**

7150 Alternative School Programs

7150

The Board may periodically approve the establishment of alternatives to the regular school program. Such alternatives may include, but will not necessarily be limited to program improvements developed by the staff of individual schools or specially designed schools approved by the Board.

All proposals for alternative school programs shall be presented by the Superintendent to the Board for its consideration and action.

Approved: August 17, 2009

LEGAL REF: MCL 380.1282; 380.1596; 380.1301; OAG, 1985-1986, No 6271, p 13  
(February 7, 1985)

## Section 7000 – Instructional Program

7160 Special Programs

7160

Exceptional students shall be educated in regular classrooms, insofar as practicable, and shall be assigned to special education classes or facilities only when the nature of the student's exceptionality makes inclusion of the student in the regular classroom impractical or when the student is unable to profit from the regular classroom.

When appropriate programs, services, or facilities are not possible within the District's schools, the Board shall make every effort to provide these students with access to schools where such instruction and accommodations are available.

Administrative responsibility for special education programs in the District shall be the responsibility of the Superintendent who shall work closely with the intermediate District in providing special education services. All diagnostic, evaluation, and placement procedures established shall be in accordance with state and federal guidelines.

Approved: August 17, 2009

LEGAL REF: 20 USCA §1400 (Individuals with Disabilities Education Act [IDEA]); 29 USCA §794, *et seq.* (Rehabilitation Act of 1973); 42 USCA §12115 (Americans with Disabilities Act); 29 CFR §1601.30; MCL 380.4(2), 380.6(7); 380.1311; 380.1702; 380.1703; 380.1711; 380.1751; 380.1766; R 340.1701-1873

## **Section 7000 – Instructional Program**

7165 At-Risk Students

7165

The Superintendent or designee shall investigate and recommend programs that will address the needs of at-risk students. At-risk students include, but are not limited to, those students who abuse drugs or alcohol, are suicidal, drop out of school, are abused children, or are pregnant minors.

Program planning should examine, but is not limited to, the following: classroom learning experiences; primary prevention programs; staff development requirements, District liability; community resources; crisis response/intervention teams; peer counseling; parent(s)/guardian(s) education; student study teams; K-12 guidance and counseling curriculum; attendance policy and procedures; student discipline; and alternative programs.

Approved: August 17, 2009  
LEGAL REF: MCL 388.1631a

## **Section 7000 – Instructional Program**

7170 Federal Program Administration (Cf. 7175)

7170

Federally funded programs are a vital and necessary adjunct to the educational program of the District's schools.

### Title I Programs

The Board shall ensure that the District's Title I programs operate in accordance with federal laws and conditions. The Superintendent is responsible for administering the District's Title I programs; assessing the educational needs of all students, particularly the needs of educationally deprived children, developing appropriate communication channels between all parties, developing in-service training for parent(s)/guardian(s) and staff, and developing appropriate evaluation procedures. The requirements of the No Child Left Behind Act shall be followed, and rules and regulations promulgated to ensure that the District is in compliance.

Approved: August 17, 2009

LEGAL REF: 20 USCA 6316, 20 USCA 6318 (No Child Left Behind Act)

## **Section 7000 – Instructional Program**

7170-R Federal Program Administration

7170-R

In order to meet the federal guidelines established for Title I programs fully, the administration shall: Provide timely notification to parent(s)/guardian(s) about their child's Title I selection, instructional objectives, progress reports, achievement levels on state academic assessments as soon as possible after the test is taken; establish dates and sites for parent/guardian-teacher conferences; help promote parent(s)/guardian(s) participation in school activities; consult with parent(s)/guardian(s) about how the District can work with parent(s)/guardian(s) to achieve Title I program objectives; and solicit parent(s)/guardian(s) suggestions in the planning, development, and operation of the program.

Each school served by a Title I program shall schedule an annual meeting at a convenient time to provide parent(s)/guardian(s) of Title I students an opportunity to participate in the design and implementation of the Title I program and to provide information concerning the right of parent(s)/guardian(s) to be involved. All parent(s)/guardian(s) of Title I students shall be invited to this meeting.

## Section 7000 – Instructional Program

7175 Parent(s)/Guardian(s) Involvement Policy (Cf. 7170)

7175

### State of Michigan Parent/Guardian Involvement Initiative

The Board strongly encourages and welcomes the involvement of parent(s)/guardian(s) in all of the District's educational programs. It is recognized and appreciated that parents/guardians are the "first teachers" of their children, and that their interest and involvement in the education of their children should not diminish once their child enters the schools of the District. Accordingly, the Board directs, by the adoption of this policy, that the administration shall design a program/plan that will encourage parent(s)/guardian(s) participation that may include, but not be limited to: The development and review of instructional materials; input on the ways that the District may better provide parent(s)/guardian(s) with information concerning current laws, regulations, and instructional programs; and District offerings of training programs to instruct parent(s)/guardian(s) how to become more involved in their child's educational programs.

Pursuant to state law, the Superintendent shall provide a copy of the District's Parental Involvement plan to all parents.<sup>2</sup>

### District Plan

In accordance with the requirement of the No Child Left Behind Act, the Battle Creek Public Schools Board of Education encourages parent(s)/guardian(s) participation in all school programs. Parent(s)/Guardian(s) shall be offered substantial and meaningful opportunities to participate in the education of their children by this policy.

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<sup>2</sup> MCL 380.1294 (1) No later than January 1, 2005, the board of a school district or intermediate school district, or the board of directors of a public school academy shall adopt and implement a parent involvement plan designed to encourage parental participation. (2) The board or board of directors shall provide a copy of the parent involvement plan to the parent or legal guardian of each pupil. The board of directors may provide the copy of the policy by including the policy in its student handbook or a similar publication that is distributed to all pupils and parents. (3) The board or board of directors shall provide a copy of the parent involvement plan to the department upon request by the department.

## **Section 7000 – Instructional Program**

7175 Parent(s)/Guardian(s) Involvement Policy (Cf. 7170)

7175-2

The Board directs that the following actions be implemented by the administration to ensure compliance with state and federal law and to invite parent(s)/guardian(s) to become involved highly in the education of their children:

- The involvement of parent(s)/guardian(s) in the planning, implementation, evaluation, and improvement of District programs/services through participation on building School Improvement Teams;
- Invitations to parent(s)/guardian(s) to attend at least one annual meeting , with additional meeting opportunities being available as needed, designed to provide information about programs and services, and to solicit parent(s)/guardian(s) suggestions on program development, planning, evaluation and operation;
- Assistance to parent(s)/guardian(s) in understanding Title I and other District programs including the providing of information in a language understandable to the parent(s)/ guardian(s) if practicable;
- Parent(s)/Guardian(s) notification of Title I student selection and criteria for selection;
- Information regarding child's achievement and progress;
- A provision for input by staff at regularly scheduled parent/guardian-teacher conferences and any additional communication as requested by the staff or parent(s)/guardian(s);
- Opportunities to enhance parent(s)/guardian(s) capacity to work with children in the home on school learning;
- Professional development opportunities for teachers and staff to enhance their understanding of effective parent(s)/guardian(s) involvement strategies;
- Ongoing communication between school and parent(s)/guardian(s); and
- Other appropriate activities (i.e. Family Math Nights, parent(s)/guardian(s) sessions, science, theatre, etc.)

## Section 7000 – Instructional Program

7175 Parent(s)/Guardian(s) Involvement Policy (Cf. 7170)

7175-3

### Written Plans/Policies

The Battle Creek Public School District, as a recipient of Title I funds, hereby adopts the following policy statement regarding the development of a District-wide plan for parent(s)/guardian(s) involvement in the development of a Title I plan. Individual buildings may personalize the District plan to meet the particular needs of their school, subject to review by the Superintendent or designee. The Board directs the administration to:

- Involve parent(s)/guardian(s) in the development of the plan;
- Develop a plan that provides for the involvement of parent(s)/guardian(s) in the Title I activities of the school;
- Provide the necessary technical, research, staff and administrative support to schools in the planning and implementing of effective parent(s)/guardian(s) involvement activities to improve student academic achievement and school performance;
- To integrate and coordinate the plans/policies for parent(s)/guardian(s) involvement in Title I programs with parent(s)/guardian(s) involvement in other programs;
- To review and evaluate the District's plan annually and to share the results of that review and evaluation with the Board;
- To assure that the policy/plan contains a compact that outlines how parent(s)/guardian(s), the school staff and students will share the responsibility of improved student achievement; and
- To distribute the District plan to parent(s)/guardian(s) of participating children and to the local community.

## **Section 7000 – Instructional Program**

7175 Parent(s)/Guardian(s) Involvement Policy (Cf. 7170)

7175-4

### Migrant Education Program (MEP) Parent(s)/Guardian(s) Involvement

Parent(s)/Guardian(s) of students in the MEP will be involved in, and regularly consulted, about the development, implementation, operation, and evaluation of the program.

### Limited English Proficiency (LEP) Parent(s)/Guardian(s) Involvement

In accordance with federal law, parent(s)/guardian(s) of LEP students will be provided notice regarding their child's placement in and information about the District's LEP program. Parent(s)/Guardian(s) will be notified about their rights regarding program content and participation including the right to choose among programs if alternatives are available. The notice must also include an explanation of the value of the program in terms of academic development, mastery of English, and the achievement of promotion and graduation standards. The notice will also include an explanation of the right to remove the child from an LEP program and to place the child in the regular program. The notice must be in a format that families can comprehend and, if possible, in a language that is understood by the family.

Approved: August 17, 2009

LEGAL REF: 20 USCA 6318 (No Child Left Behind Act); MCL 380.1294 (PA 107 of 2004); 380.1295; MDE Recommended Parent/Guardian Involvement Policy, June 2004.

## **Section 7000 – Instructional Program**

7200 Partnerships (Cf. 9720)

7200

The Board may enter into partnership programs between the District or the schools of the District, and business and/or educational institutions for the mutual benefit of the students, professional staff and the outside organization. Such partnerships may include, but are not limited to adopt-a-school programs, cooperative vocational education agreements, or the lending of equipment. Partnership agreements should ensure an awareness of the use of technology in the workplace.

Approved: August 17, 2009

## **Section 7000 – Instructional Program**

7200-R Partnerships

7200-R

For each partnership created within the District, a joint steering committee will be formed composed of at least the building Principal or a District level administrator and a line officer of the business or an appropriate administrator of the educational institution. The steering committee will have additional members representing staffs of both the school and the partner. Responsibilities of the steering committee will be to determine appropriate goals and objectives, schedule-meeting times, decide appropriate activities and identify available resources to help meet the goals and objectives.

There will be an annual review of the partnership's goals and objectives by the steering committee. An annual report of this review will be made by the committee to the Board.

Initial partnerships will be created for one year. After the initial year, a partnership may continue as long as there is mutual benefit to those involved and as long as the annual report of the joint steering committee recommends its continuance.

## Section 7000 – Instructional Program

### 7205 School-To-Work Opportunities

7205

The Board, in partnership with local employers, strongly supports school-to-work opportunities as an instrument to help the District prepare students in grades 9 – 12 more effectively for the world of work. The school-to-work program will be offered and operated under the provisions of the School to Work Opportunities Act (Public Law 103-239, 108 Stat 568, May 4, 1994), the Michigan Department of Education (MDE) Pupil Accounting Manual, and other MDE rules and guidelines for work-based and experiential learning experiences. <sup>3</sup>The school-to-work program assists the District in providing students with the following learning experiences needed to develop particular career-based knowledge, attitudes, and transferable skills:

- School-based learning that includes career exploration programs designed to create awareness of job and career opportunities and that integrate career exploration with academic and vocational learning.
- Work-based learning that provides students with a planned program of work experiences in productive work settings to achieve desired educational outcomes and that is coordinated with school-based learning.
- Connecting activities that are designed to ensure effective correlation and coordination between the learning that occurs in school and at the work-site.

The Superintendent is authorized to design and implement school-to-work activities and programs that create school-based, work-based, and connecting activities learning opportunities, but that endeavor to avoid an increased District risk of liability. Accordingly, all work-site organizations shall provide an ACORD Certificate of Insurance evidencing the following insurance coverages on a yearly basis:

- Commercial General Liability coverage with limits of \$1 million per occurrence/\$1 million aggregate.
- Workers' disability compensation coverage meeting statutory requirements.

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<sup>3</sup> Michigan Department of Education memoranda of January 17 and August 28, 2007, MDE Sample Policy and procedures re: the School to Work Opportunities Act of 1994.

## Section 7000 – Instructional Program

7205 School-To-Work Opportunities

7205-2

In addition, the District should be named as an additional insured on the policy whenever possible.

This policy will be effective for all work-based learning programs except those involving student/visitor work-based learning opportunity types.

The Superintendent shall establish guidelines for instructional staff to follow in implementing this initiative.

Approved: August 17, 2009

LEGAL REF: Sample *School-to-Work School Coordinator Handbook*, Michigan Department of Education, Office of Career and Technical Education, June 2003, The School to Work Opportunities Act (Public Law 103-239, 108 Stat 568, May 4, 1994)

## **Section 7000 – Instructional Program**

7205-R School-To-Work Opportunities

7205-R

The following administrative rules and guidelines are provided for school-to-work staff to follow in implementing the District’s school-to-work initiative. In operating the District’s school-to-work program, all involved staff shall work toward assuring that:

- Learning opportunities are appropriate for the academic level of the student.
- Learning opportunities are supported by concurrent classroom instruction when required.
- Work-based learning experiences meet all appropriate district safety guidelines in addition to all state and federal regulations concerning child labor laws and safety, and any other legislative or administrative rule or regulation covering youth in the workplace
- Students are appropriately supervised.
- All students are being provided with appropriate opportunities to participate in school-to-work activities.
- Each learning activity/program will have written objectives with a clear identifiable correlation to career preparation and a means for assessing how well each student is achieving the objective that is documented.
- Emphasis is on developing a high-quality work ethic and work product excellence by every student.
- Informed parental consent is obtained for participation in school-to-work activities and programs.

The District coordinator in charge of school-to-work programs and other involved staff shall follow the guidelines established in the sample “School Coordinator’s Handbook” published by the Michigan Department of Education, Office of Career and Technical Education, June 2003, regarding the following:

## Section 7000 – Instructional Program

7205-R School-To-Work Opportunities

7205-R-2

- Screening of Employers

Potential employers will be screened properly to evaluate the appropriateness of placement at their place of business for a particular participant and their educational objectives and the safety conditions present at the work-site.

- Supervision at the Work-Site

Adult supervision at the work-site will be sufficient to ensure the safety of the student participant and to evaluate participant learning according to the training agreement and plan. Adequate adult supervision shall be provided by someone who is 18 years of age or older in accordance with MCL 408.6207.

- Finding Placements for Students

Staff will assist students in finding work-based learning programs in order to help ensure that a placement meets program standards for employers, provides a safe work environment, and is appropriate for the student and their educational goals.

- Providing a Job Board for students seeking employment

The District will post a sign at the Job Board to help mitigate any potential liability. The sign shall read:

***Important!***

The Battle Creek School District provides this Job Board as a service to the community. Posted jobs are not screened, sponsored, nor supervised by the District. Therefore, the District is not legally responsible for any harm or injury incurred by the applicant in pursuing or performing the job. Job applicants assume all responsibility for traveling to and from the job and fulfilling the terms of employment. Questions about the job should be directed to the contact person listed on the posting.

## Section 7000 – Instructional Program

7205-R School-To-Work Opportunities

7205-R-3

- Keeping Records

School-To-Work Program records will be kept in accordance with the “School Coordinator’s Handbook” and the Michigan Department of Education schedule for the Retention and Disposal of Public School Records, Bulletin No. 522, revised, March 1997.

- Reviewing the School Coordinator’s Handbook

The District will review the contents of the “School Coordinator Handbook” regularly to ensure that the “handbook” provides current information, addresses program needs, is effective in training staff to identify the risks associated with work-based learning programs, and assists staff in choosing appropriate risk management strategies.

## **Section 7000 – Instructional Program**

7210 Interscholastic Athletics

7210

The Board is committed to providing equal opportunity to compete in interscholastic athletics for both boys and girls and directs its Superintendent or designee and those responsible for athletic programs to recommend programs, which will meet this goal.

All interscholastic activities recognized and approved by the Board shall follow the guidelines established by the Michigan High School Athletic Association.

Approved: August 17, 2009

LEGAL REF: MCL 380.1289; OAG, 1977-1978, No 4795, p 190 (August 11, 1977); OAG, 1985-1986, No 6352, p 252 (April 8, 1986); and rules and regulations as published by the Michigan High School Athletic Association

## **Section 7000 – Instructional Program**

7210-R Interscholastic Athletics

7210-R

The Board, with support from its administrative staff, recognizes that competing in athletics is not a right but a privilege, and expects athletes to assume their responsibilities in adhering to the Interscholastic Athletics policy, 7210, as recommended by the athletic council through the Superintendent or designee and approved by the Board. Policy 7210 and these rules shall be published in the student handbook. Students who are members of athletic teams represent themselves, their school community, parent(s)/guardian(s) and team. Conduct at all times, both on and off the athletic field, will be of the highest standard.

The Board supports a code of conduct for coaches and that their ability as coaches should be measured by not only games won and lost, but also their effect upon the development of the character of the athlete and attitude toward the school, the team and teammates.

### League Membership

Membership of the District in an interscholastic athletic conference or league shall be subject to Board approval upon recommendation of the Superintendent and the athletic staff. The Board shall review the constitution and bylaws of such organization and its rules and regulations before giving its approval. The designated voting delegate to the conference governing body is a representative of the District. Therefore, before voting on changes in bylaws, rules or regulations that will affect in any way the District or the school's athletic teams, said representative shall advise the Board of the proposed change and follow its direction in voting if such direction is given.

Likewise, the District or its schools are eligible to vote on changes in the Michigan High School Athletic Association's Constitution, bylaws, or rules and for membership to the Association Athletic Council. The Principal, through the Superintendent, shall bring such matters to the attention of the Board prior to casting a vote in order to ascertain how the Board feels on the matter to be voted upon and to receive direction if such is the desire of the Board.

## **Section 7000 – Instructional Program**

7210-R Interscholastic Athletics

7210-R-2

The Principal, through the Superintendent, shall make recommendations as to the action to take and provide the Board with background information and rationale for the recommendations.

### Coaches

It shall be the District's practice to employ qualified coaches and, to the extent possible, secure them from the school's teaching faculty. If it is necessary to secure persons from outside the staff, the Superintendent shall recommend only those persons who are qualified to coach the sport, work with young people, and who have knowledge of first aid and the physical needs and limitations of students who are participating in the sport. In-service training shall be provided to acquaint the outside coach with the school system, Board and administrative policies and rules governing interscholastic athletics and basic instruction in first aid. The Superintendent is delegated the authority to appoint teaching staff members or outside coaching personnel to coaching staff positions and shall so inform the Board. If outside coaching personnel are employed, the Superintendent shall inform the Board, in advance, of that necessity and his/her reasons therefore.

### Budgets

Budgets for athletics shall be presented to and approved by the Superintendent, who shall in turn inform the Board. If the budget requires additional expenditures, other than coach's salaries, from the Board's general fund, it shall require Board approval.

### Physicals

No student may practice for any athletic team until he/she has been examined and approved by a Medical Doctor (M.D.), Doctor of Osteopathic Medicine (D.O.), Physician's Assistant, or Nurse Practitioner and until written consent to participate in the specific sport has been obtained from the parent(s)/guardian(s). Parent(s)/Guardian(s) consent will not be necessary for students who have reached their 18th birthday.

## **Section 7000 – Instructional Program**

7210-R Interscholastic Athletics

7210-R-3

Students shall also comply with the District's requirement relative to insurance before participating. A student who is under a doctor's care for illness or injury shall not be allowed to participate in an athletic practice or contest until he/she has written permission from the physician to do so.

### Membership in Michigan High School Athletic Association

The Board shall annually enroll the District's high school as a member of the Michigan High School Athletic Association and participate in the approved inter-school athletics activities sponsored by said association. The Superintendent or designee shall be responsible to supervise and control said activities. It is further the intent of the Board to accept the constitution and bylaws of said association and adopt as its own the rules and regulations of the association as minimum standards.

## Section 7000 – Instructional Program

### 7350 Instructional Resources

7350

#### Instructional Services

The Board encourages the use of instructional services available to the District.

#### Teacher Aides

The Board recommends the use of teacher aides where practicable.

#### Resource Teachers

The Board encourages the utilization of resource persons who are available in the community.

#### Textbook Selection and Adoption

In accordance with Michigan School Laws, textbooks and workbooks used in the District shall be adopted by the Board. Once adopted, textbooks shall not be changed without Board approval and shall be used for at least five years, except in unusual situations.

The Superintendent or designee shall be responsible, with the advice of the professional staff, to recommend to the Board textbooks and other educational materials for adoption. The Board shall make every effort to implement those recommendations.

Textbooks should be continuous and sequential in nature when possible.

Insofar as possible, all textbooks should present balanced views concerning the international, national and local issues and problems of our times.

Textbooks should:

- Provide materials to stimulate growth in factual knowledge, literary appreciation, aesthetic values and ethical standards,
- Provide materials that will help students develop abilities in critical thinking and reading,
- Provide materials that will develop and foster an appreciation of American cultural diversity and development,
- Provide an effective basic education for all students, and

## Section 7000 – Instructional Program

### 7350 Instructional Resources

7350-2

- Allow sufficient flexibility for meeting the special needs of individuals and groups.

The Superintendent or designee shall develop administrative rules outlining a procedure to select textbooks that meet the above criteria. This process shall include a review of available material by instructional staff members. The recommendations resulting from each review will be given thorough consideration.

Any citizen who objects to the final selection made by the Board should follow the procedures outlined in the District's procedure on public complaints about the curriculum or instructional materials. (Cf. 7400-R)

#### Use of Textbooks

The use of textbooks as a sole resource tool in the classroom is discouraged. The teachers are encouraged to develop, use and maintain a relevant and up-to-date core of resource materials in the classroom.

#### Deposit on Textbooks

The Board may determine a refundable deposit fee for the use of the District's textbooks and establish a procedure for the free use of textbooks.

#### Technology

The Superintendent or designee shall develop a plan that coordinates the purchase of technological equipment for the District. Such plan shall provide for equipment or hardware, software compatibility, and future applications.

The Superintendent or designee shall provide for appropriate staff in-service training on the utilization of technological equipment and uses of equipment and software relative to the instructional program and administrative applications.

Approved: August 17, 2009  
LEGAL REF: MCL 380.1421-1422

## Section 7000 – Instructional Program

7350-R Instructional Resources

7350-R

### Classroom Materials

Each building Principal will submit an instructional materials budget to the Superintendent or designee each year at a time designated by the Superintendent or designee. The instructional materials budget shall be compiled by the Principal from requests submitted by each teacher.

### Teachers' Aides

The Board endorses the use of paid adult teacher aides, as resources allow, assisting teachers in working with students. Aides may be employed by the Board with general funds or by means of federal or state funds. Their positions may be dual assignments (i.e. Title I, recess, and library) with salaries provided by appropriate funding.

### Selection

All aides are to be screened by the Superintendent or designee and/or building Principal. Criteria for selection should include:

1. An interest in and a liking for children,
2. Ability to work with teachers and administrators,
3. Willingness to carry out school policies,
4. A professional attitude toward the District and its students,
5. Ability to work with small groups and in one-to-one instruction under direction of a teacher,
6. Desire to work with all students regardless of race or socio-economic background, and
7. Emotional stability to withstand the daily challenges of group interaction.

### Duties

Aides may perform non-instructional duties such as:

1. Maintenance and disciplinary activities in lunchroom and on playgrounds and in other school settings, and

## Section 7000 – Instructional Program

7350-R Instructional Resources

7350-R-2

2. Traffic control to protect students crossing streets on the way to and from school.

They may also assist in instruction related activities such as:

- a. Complementing instruction (i.e., assisting the teacher during the lesson by helping students who may be having difficulty in understanding or in keeping up with the class,
- b. Supplementing instruction (i.e., assisting the teacher by working with individuals or small groups of students on follow-up activities specified by the teacher), and
- c. Reinforcing instruction (i.e., assisting the teacher by administering, under supervision and direction, remedial or drill activities for individuals or small groups).

### Supervision

Paid teacher aides engaged in non-instructional duties shall be under the direction and supervision of the building Principal.

Paid teacher aides engaged in instruction related duties shall be under the direction of a certified teacher and supervised by the building Principal.

### Textbook Selection and Adoption

Selection of textbooks for use in the District shall be a cooperative effort of the teacher(s) who will use the textbook and the curriculum committee.

The procedure outlined below will be followed for District-wide use in implementing the Board's policy on the selection of textbooks and supplementary instructional materials, hereinafter referred to simply as "textbooks." The procedure carries out the Board's intention that the textbook selection process guarantees involvement of District staff.

Textbook needs in various subject matter areas shall be considered on a cyclical basis, with science textbook needs receiving attention in the first August following the date of this rule.

## **Section 7000 – Instructional Program**

7350-R Instructional Resources

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Thereafter, the staff will recommend textbook areas for study and adoption on a rotating basis at least every five years.

The selection procedure for each subject area covers one school year and that textbook selection procedure may be in process for two or more subject matter areas concurrently.

The District-level curriculum committees may include these members: a Principal who will serve as chairperson and one representative from each building in the District whose subject matter specialty corresponds to the subject matter area up for adoption. The Superintendent and the other Principals may serve as ex officio members of the committee.

Within the month before school opens each year, the Superintendent shall meet with the District-level curriculum committee to determine textbook needs for the school year beginning one year hence. By the end of October, the committee shall have concluded these activities:

- Evaluated textbooks currently in use for relevance to current District instructional goals and for physical condition and supply,
- Identified sources of alternate textbooks, and
- Contacted publishing houses or producers for sample textbooks.

Between semesters, the committee chairperson shall meet with the District Principals to review the new sample textbooks and to distribute them among the District's schools.

Building Principals shall have the responsibility for coordinating evaluation of the sample textbooks, using methods that include but are not limited to:

- Establishing a building-level curriculum committee composed of teaching staff in the subject matter area up for adoption,

## Section 7000 – Instructional Program

7350-R Instructional Resources

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- Requesting individual staff members in the appropriate subject area to evaluate the samples using standardized evaluation instruments prepared or obtained by the committee, and
- Arranging, through the building level curriculum committee or individual teachers, to pilot several of the samples during the spring semester.

By the end of February, the Principal shall present to the District-level curriculum committee three recommendations from his/her school for each course up for adoption in each grade level in the current cycle. Each recommendation shall be in writing with discussion involving:

1. Overall purpose, including appropriateness for the course and grade level,
2. Cost in relation to budget,
3. Quality of writing and material,
4. Readability and popular appeal,
5. Format,
6. Timeliness or permanence, and
7. Reputation of the publisher/producer.

The District-level curriculum committee shall review the recommendations from each building. By the end of March, the committee shall present an analysis of the building-level committee recommendations to the Superintendent. The analysis shall include a list of the District-level committee's own recommendations for three textbooks in each course, up for adoption in each grade level in the current cycle. The recommendation for each of the three textbooks in each area will indicate whether the textbook is the committee's first, second or third choice. It also will explain the reason for the choice in the same terms listed above.

At the April meeting of the Board, the Superintendent shall present the recommendations of the District-level curriculum committee to the Board.

## **Section 7000 – Instructional Program**

7350-R Instructional Resources

7350-R-5

At the May meeting, the Board officially will consider the textbooks in the subject area up for adoption. The Superintendent shall arrange for the purchase and delivery of the textbooks adopted by the Board.

### Lost, Damaged or Destroyed Student Textbooks

The cost to the student for a lost or destroyed text will depend on the number of years the text has been used.

### Outdated and Old Textbooks

If old texts are still in good condition, they will be kept as reference books. Worn out and defaced books will be destroyed or disposed of as determined by the Board.

### Student Purchase of Textbooks

Any or all texts may be purchased from the District at the full purchase price or at a prorated price because of condition or age.

### Book Deposit Requirements and Administration

A book usage record will be kept in all buildings for all students. The school name will be stamped in all books, and the books will be numbered. A record shall be kept showing the number of each book issued to each student. An inventory shall be kept of all rental books or sets of books.

## **Section 7000 – Instructional Program**

7380 Instructional Program Prohibitions

7380

A student shall not be required to take part in any instructional survey, analysis, or evaluation that discloses information that is protected under federal law, unless the District receives prior consent from a student over 18 years of age, or prior written consent from the parent(s)/guardian(s) of a student less than 18 years of age.

The District shall give students notice of their rights under this policy.

Approved: August 17, 2009

LEGAL REF: 20 USCA §1232h (Family Educational Rights & Privacy Act of 1974  
[FERPA])

## **Section 7000 – Instructional Program**

### 7400 Instructional Materials and Media Centers

7400

The primary functions of the media centers are to process and circulate materials and equipment through an orderly procedure and to provide reference and other services to students and faculty.

Efforts are made so that the collection reflects the broad interests represented in the curriculum, complemented by enrichment materials in a variety of forms. To meet recommended standards, the administration and Board support the development of a collection adequate to meet curricular needs of the students. Such collection shall be large enough so that materials can be placed in classrooms for extended periods, should be designed to provide for personal growth, and should be adequate for those engaged in independent study.

#### Objectives

The objectives for the person in charge of the District's media center(s) are as follows:

- To participate effectively in the school program that will endeavor to meet the needs of students, teachers and patrons of the District,
- To stimulate and guide students in their reading, viewing and listening so that they will become skillful and discriminating users of various types of media,
- To provide an opportunity through media center experiences so that students will be able to develop helpful interests, to make satisfactory personal adjustment and to acquire desirable social attitudes,
- To work with teachers in the selection and use of media that will contribute to the teaching program,
- To make available consultant services that will provide for the improvement of learning, instruction and the use of media resources and equipment,

## **Section 7000 – Instructional Program**

### 7400 Instructional Materials and Media Centers

7400-2

- To provide adequate equipment so that students and teachers will be able to make efficient use of media, and
- To cooperate with teachers and administrators in programs that will promote the professional growth of the school staff.

#### Criteria for the Development of Media Center Materials

##### Collection Development

The media collection should be developed systematically so that it is well balanced in coverage of subjects, types of materials and variety of content.

##### Selection Criteria

Materials will be chosen to support and supplement the curriculum, to promote wise use of leisure time, to develop literary discrimination and appreciation and to encourage students to become productive citizens.

Materials will be chosen on various reading levels presenting different points of view concerning the problems and issues of the times.

Books and other instructional materials will be evaluated before purchase, either through direct examination or by consulting reputable, unbiased, professionally prepared selection tools approved by the building Principal.

Accuracy, artistic quality, format, and authoritativeness will all be considered before making purchases of materials.

##### Staff Libraries

A professional library may be maintained in the office of the curriculum coordinator.

The Superintendent, in conjunction with building Principals, will ascertain the titles of professional magazines, books, pamphlets and other such literature to be placed in the professional library of a building. A budget for professional libraries shall be included in the instructional resource budget each year.

## **Section 7000 – Instructional Program**

7400 Instructional Materials and Media Centers

7400-3

### Review Committee for Patron Complaints Concerning Instructional Materials

The Board shall establish a review committee to handle complaints from patrons concerning instructional materials. (Cf. 9450)

### Technology

The Board encourages District employees to develop computer software and support materials for instructional and administrative use by the District. The Board encourages partnerships with private enterprises in marketing software that has general application in a particular field.

The media center shall develop a computer software library, catalog software, and disseminate software information to District staff, students, parent(s)/guardian(s) and the public.

Approved: August 17, 2009

LEGAL REF: MCL 380.1274; 380.1422; 15.231-246; 397.601-605

## **Section 7000 – Instructional Program**

7400-R Instructional Materials and Media Centers

7400-R

### Purchase Procedures

All orders for instructional materials other than textbooks, expendable materials, and film rentals will be channeled through the person in charge of the media center or the building Principal, as the case may be, to the purchasing officer of the District. Such materials would include all items to be cataloged and circulated, e.g., books, filmstrips, loop films, records, CD's, DVD's, videotapes, audiotapes, computer software, slides, maps, posters, etc.

All purchases will be made in accordance with Board policies.

At the beginning of each fiscal year, the person in charge of the media center or the building Principal, as the case may be, will be informed of the amount of the media center budget and will operate within that budget.

The person in charge of the media center or the building Principal, as the case may be, will assess the needs of the collection with the help and advice of teachers and with due consideration given to needs of the students. Final decisions as to the areas of emphasis in any given year will rest with the person in charge of the media center and the building Principal.

### Recommendations

Recommendations received from the certified staff, students and patrons will be placed in a consideration file and will be reviewed to ascertain whether they meet selection criteria as set forth by the Board.

Teachers' professional advice will be solicited in making selections of materials. Person(s) in charge of media centers or the building Principal, as the case may be, may order for that level or department from standard selection tools.

### Evaluation

The collection will be evaluated, from time to time, in relation to changing curriculum, new instructional methods, and current needs of teachers and students.

## **Section 7000 – Instructional Program**

7400-R Instructional Materials and Media Centers

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### Service

Materials will be purchased throughout the school year as needed. Areas of emphasis will be determined by the needs of each media center as judged by the person in charge of the media center or the building Principal, within budgetary limits.

### Authority

The Board authorizes the District's trained personnel to select for the media centers subject to Board policies and rules.

### Gifts (Cf. 9350)

All gift materials must meet qualitative standards of selection as stated above. Gift materials will be acknowledged and credit given in the media center records.

### Procedures for Evaluating Challenged Materials (Cf. 7770, 7800, 9450)

The parent(s)/guardian(s) of any student in the District shall have the right to register a complaint about controversial reading materials or media. Supplemental material shall be substituted for completing the requirements of the course for that student.

The parent(s)/guardian(s) may notify the teacher in writing using the request for reconsideration form attached to these rules and schedule a meeting with the teacher and/or Principal to set forth the part or parts of the assigned material, which the parent(s)/guardian(s) finds to be objectionable.

Should the parent(s)/guardian(s) exercise the above right, the student shall not be penalized in any way in academic endeavors because of the complaint.

In the case of a complaint, the person receiving the complaint shall present the complainant with “the request for reconsideration form,” invite the complainant to file objections in writing and notify the building Principal, the school library media specialist and the coordinator of learning resources that a complaint has been registered.

## **Section 7000 – Instructional Program**

7400-R Instructional Materials and Media Centers

7400-R-3

When the form has been completed and returned, the review committee composed of the building Principal, media specialist, two (2) subject area specialists and two (2) community members will be asked to evaluate the material in question. Challenged materials shall not be removed from the classroom during the evaluation periods.

The following guidelines shall apply to the evaluation process:

- To examine and evaluate the material as a whole, not based on passages pulled out of context,
- To check appropriate selection aids for evaluation of the material,
- To weigh strengths and weaknesses and form opinions based upon the selection criteria, the appropriateness of material to the reading ability and maturity level of the student, the nature of its use in the educational program, relevance to the curriculum and educational goals of the school, (Cf. 7800)
- To meet to discuss the material and prepare a written report containing conclusions and recommendations within 30 days,
- To direct the written report to the Board, and
- To send the complainant a copy of the written report.

If the complainant is dissatisfied with the decisions of the media review committee, an appeal of the decision may be made through the Superintendent to the Board for a hearing and final decision. The report shall be discussed with the Board by the members of media review committee.

**Section 7000 – Instructional Program**

7400-R Instructional Materials and Media Centers

7400-R-4

**CITIZEN’S REQUEST FOR RECONSIDERATION OF CURRICULUM MATERIAL**

Book or other material \_\_\_\_\_

Author (if known) \_\_\_\_\_

Publisher (if known) \_\_\_\_\_

Telephone \_\_\_\_\_ Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Complainant represents him/herself \_\_\_\_\_ Organization \_\_\_\_\_

(Identify other group) \_\_\_\_\_

1. To what in the material do you object: (Please be specific; cite pages or items) \_\_\_\_\_

\_\_\_\_\_

2. What do you feel might be the result of using this material? \_\_\_\_\_

\_\_\_\_\_

3. For what age group would you recommend this material? \_\_\_\_\_

4. Is there anything good about this material? \_\_\_\_\_

5. Did you read or view the entire material? \_\_\_\_\_ What parts? \_\_\_\_\_

6. Are you aware of the judgment of this material by literary critics? \_\_\_\_\_

7. What do you believe is the theme of this material? \_\_\_\_\_

8. What would you like your school to do about this material?

\_\_\_\_\_ Do not assign it to my child.

\_\_\_\_\_ Withdraw it from all students as well as my child.

\_\_\_\_\_ Send it back to the curriculum committee for re-evaluation.

9. In its place, what material of equal literary quality would you recommend that would convey as valuable a picture and perspective of our civilization? \_\_\_\_\_

\_\_\_\_\_

Signature of Complainant \_\_\_\_\_ Date \_\_\_\_\_

## **Section 7000 – Instructional Program**

7420 Inspection by Parent(s)/Guardian(s) of Instructional Material

7420

The parent(s)/guardian(s) shall be permitted to inspect all instructional materials used by the District in evaluating, surveying, or analyzing students in furtherance of an instructional program. Instructional materials shall include teacher's manuals, films, tapes, or other supplementary materials.

The District shall give parent(s)/guardian(s) notice of their rights under this policy.

Approved: August 17, 2009

LEGAL REF: 20 USCA § 1232g (Family Educational Rights & Privacy Act of 1974 [FERPA])

## **Section 7000 – Instructional Program**

7463 Use of Commercially Produced Video Recordings

7463

Videotapes or DVD's will be selected and assigned to give support directly to instructional learning objectives contained within the Board approved curriculum.

Videotapes or DVD's, when used, shall be selected for their direct relevance to the instructional program. General selection criteria should include quality of the overall work and its individual parts, fair and accurate representation of the facts, the reputation, and significance of the writer, Director, and/or performer.

Videotapes or DVD's shall not be used for recreation or entertainment, or for other than planned instructional purposes.

Approved: August 17, 2009

LEGAL REF: 17 USCA §§ 106, 107, 110 (Exclusive rights in copyrighted works)

## Section 7000 – Instructional Program

### 7463-R Use of Commercially Produced Video Recordings

7463-R

The use of films, DVD's and videotapes in school are subject to the following regulations:

1. All films, DVD's and videotapes must be carefully previewed and evaluated by the teacher and be determined to meet identified learning objectives and exit outcomes before they are used with students.
2. In general, copyright guidelines permit in-classroom use of copyrighted video tape/DVD when it is used for instructional purposes in a teaching situation, as is a lawfully made copy.\*
  - a. The school setting has been defined as a “semi-public performance.” Therefore, public performance rights are reserved for the copyright owner or those given permission.
  - b. Videotapes or DVD's marketed for “home use” does not have the rights granted for public performance. Rented films that include a notice that the film is intended for “home use only” shall not be shown to a class for entertainment purposes.
3. Non-profit education institutions generally may use videotapes or DVD's in the course of “face-to-face” teaching activities, without the need to obtain consent from the copyright owner if the following permissible guidelines are met:
  - a. The video or DVD is a legally obtained lawful copy.
  - b. The video or DVD must be used in the course of “face-to-face” teaching activities.
  - c. The video or DVD activity must be carried out by an instructor or student.
  - d. The video or DVD activity must be carried out in a classroom or similar place devoted to instruction.
  - e. All video or DVD programming obtained from commercial sources outside the school's purchasing procedure through rental; lease or purchase must be approved for classroom use by the Principal.

## **Section 7000 – Instructional Program**

7463-R Use of Commercially Produced Video Recordings

7463-R-2

4. Parent(s)/Guardian(s) shall receive one weeks advanced written notice when teachers plan to use commercial video recording or DVD's that are rated PG with elementary students, PG-13 with middle school students or R with high school students under the age of 18. Such notice shall include an accurate description of the contents of the video or DVD recording and where it may be obtained for parent(s)/guardian(s) review.
5. Other media such as CD-ROM, laser disc and audiotapes, while not a part of the video rating system, should be selected and used applying the same criteria as videotapes.

\*e.g. "Grapes of Wrath" may be presented to high school English class, but "Star-Wars" which if being shown for entertainment, would not be permitted unless copyright clearance has been obtained.

**Section 7000 – Instructional Program**

7463-R Use of Commercially Produced Video Recordings

7463-R-3

**SCHOOL DISTRICT OF BATTLE CREEK PUBLIC SCHOOLS**

**PARENT(S)/GUARDIAN(S) NOTIFICATION FORM**

Date: \_\_\_\_\_

Dear Parent(s)/Guardian(s):

I am planning to show \_\_\_\_\_ to my \_\_\_\_\_ grade  
\_\_\_\_\_ *film/video/DVD* \_\_\_\_\_ class. This film/video is rated \_\_\_\_\_

The rating is due to these factors: \_\_\_\_\_  
\_\_\_\_\_

The purpose of seeing this film/video/DVD is to: \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ The film/video/DVD will be shown in its entirety.

\_\_\_\_\_ Only the following portions of the film/video/DVD will be shown:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If you wish to preview the film/video/DVD, it may be borrowed or rented from:

\_\_\_\_\_  
\_\_\_\_\_

*Signature of Teacher*

\*\*\*\*\*

Please sign below and return this form with your child or mail it to the address indicated.  
Please return this form on or before:

Film/video/DVD: \_\_\_\_\_

\_\_\_\_\_ My child has my approval to view this film/video/DVD.

\_\_\_\_\_ I do not want my child to view this film/video/DVD. Please substitute a  
meaningful, related, alternative activity.

Student: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Parent(s)/Guardian(s)*

School: \_\_\_\_\_

Address: \_\_\_\_\_

## **Section 7000 – Instructional Program**

7475 Computer Assisted Instruction

7475

The Board supports computer assisted instruction for the District's students in order that the students may accomplish their educational goals efficiently and completely and become computer literate.

The Board shall demonstrate this support by establishing computer-learning centers in each school, as funds are available. Such funds may be obtained through state and federal sources, donations, and gifts or through the allocation of District funds.

Approved: August 17, 2009

## **Section 7000 – Instructional Program**

7480 Resource Speakers (Cf. 7760)

7480

No overall standard can be established which will automatically separate and exclude a person whose views or manner of presentation may actually obstruct the educational process or jeopardize the health and safety of students or staff. However, in an effort to uphold the students' freedom to learn while also recognizing obligations, which the exercise of this freedom entails, the Board does establish guidelines, found in 7480-R, that govern the selection of resource speakers to be used in any attendance center in the District.

Approved: August 17, 2009

## Section 7000 – Instructional Program

7480-R Resource Speakers

7480-R

The teacher/sponsor and school building administrator are expected to exercise judgment and to investigate fully those who are being considered as resource speakers in the District.

Teachers/Sponsors should encourage the use of resource persons representing various points of view in order to help students gain a more comprehensive understanding of any topic.

The ideas presented and the resource person invited to present them shall have a demonstrable relation to the curricular or extracurricular activity in which the participating students are involved.

Prior to appearance or participation, the resource speaker shall be given a copy of this policy and rules, and each speaker shall agree to abide by these regulations:

- Profanity, vulgarity and lewd comments are prohibited,
- Any language that calls for a student strike, may incite a riot or may otherwise influence students to behave in an unlawful manner is prohibited, and
- Smoking is not permitted while speaking or consulting with students.

The teacher/sponsor or any member of the school administration responsible for inviting the resource speaker(s) has the right and duty to interrupt or suspend any proceedings if the resource speaker(s), by his/her conduct, is judged to have disregarded the agreement to abide by these regulations.

## **Section 7000 – Instructional Program**

7485 Community Resources

7485

The Board encourages the utilization of community resources in the instructional program of the school.

### Use of Community Resource Persons

The use of community resource personnel is encouraged where a legitimate educational objective may be advanced.

### School Volunteers (Cf. 9230)

The use of school volunteers is encouraged whenever a legitimate educational objective may be advanced.

Approved: August 17, 2009  
LEGAL REF: MCL 691.1505

## **Section 7000 – Instructional Program**

7485-R Community Resources

7485-R

The administrative and certified staff shall maintain and keep up-to-date a list of available resource people residing in the District. The certified staff shall also maintain and keep up-to-date a list of suitable community resources, which may be utilized for field trips and other such excursions.

### Use of Community Resource Persons

Under certain circumstances, community resource personnel may be paid a reasonable honorarium if approved through the budget approval process by the Board as a legitimate budget expenditure.

## **Section 7000 – Instructional Program**

7490 Field Trips and Excursions

7490

Field trips and excursions are encouraged when a reasonable educational objective can be established. All trips to foreign countries and overnight trips are to be approved in advance by the Board. The Superintendent shall provide the Board with a recommendation concerning any overnight or foreign trip. The recommendation shall take into account any foreign travel warnings or cautions of the U. S. Department of State. In addition, before making any recommendation, the Superintendent shall seek advice concerning overnight or foreign travel from the District's legal counsel and insurance carrier. The Superintendent shall develop rules and regulations regarding educational field trips and excursions.

Approved: August 17, 2009

LEGAL REF: MCL 380.1321-1332; R 340.241-243

## **Section 7000 – Instructional Program**

7490-R Field Trips and Excursions

7490-R

The teacher shall notify the Principal of each trip planned and of the resources needed in advance of the trip. Each building Principal shall develop appropriate forms to notify parent(s)/guardian(s) of forthcoming field trips and excursions. Said form shall include the nature of the trip, departure time, expected return time, names of sponsors, mode of travel, anticipated costs to the student, if any, and a space where the parent(s)/guardian(s) may ask that his/her child be excused, said parent(s)/guardian(s) to state the reasons for the requested exemption.

### Chaperones

The Superintendent may direct that appropriate screening processes be implemented to assure that adult chaperones for field trips or excursions are free of criminal convictions for any offenses involving children. Such processes may include the requirement for a criminal background check, application forms that require disclosure of any criminal convictions for crimes involving children, gathering of personal references, and other methods to assure that adult chaperones are suitable and acceptable for accompanying children on field trips or excursions.

When serving as a chaperone for District field trips, the parent(s)/guardian(s), or other adult volunteers, including employees of the District, assigned to chaperone, shall not use tobacco products in the presence of students, nor shall they consume any alcoholic beverages nor use any illicit drug during the duration of their assignment as a chaperone, including during the hours following the end of the day's activities for students. Chaperones shall be given a copy of these rules, and sign a letter of understanding verifying they are aware of, and agree to, these District rules before being allowed to accompany students on any field trip or excursion.

## **Section 7000 – Instructional Program**

7490-R Field Trips and Excursions

7490-R-2

Any chaperone found to have violated these rules shall not be used again as a chaperone for any District sponsored field trips or excursions and may be excluded from using District sponsored transportation for the remainder of the field trip or excursion and be responsible for their own transportation back home. Employees found to have violated these rules may be subject to disciplinary action.

### Modes of Transportation

Whenever possible and feasible, District vehicles operated by District transportation employees will be used to transport students on District sponsored field trips or excursions. If the use of District vehicles and transportation employees is not possible, such as for overnight trips outside of the District where the rental of commercial buses is indicated, the administrator responsible for student transportation will oversee and coordinate the rental of commercially operated vehicles. In no case shall a teacher or building Principal be authorized to contract for the rental of commercial vehicles for use with field trips or excursions without the prior review and approval of the administrator in charge of transportation or the Superintendent.

If the use of privately owned vehicles for a field trip or excursion is contemplated, all requirements set forth in policy 4350 shall be followed.

Full details of field trips rules/regulations or procedures shall be published in the appropriate faculty, staff, parent/guardian, and student handbooks.

## Section 7000 – Instructional Program

7500 Guidance Program

7500

The guidance program shall be organized to meet the needs, interests, and abilities of all individual students with their own particular capabilities, their aptitudes and their personalities. It is a District goal to make each student an active participant in the learning process and not simply a passive absorber of knowledge.

The guidance and counseling services of the District shall be available to any student and shall not discriminate against any student based on sex, race, age, color, national origin, or disability.

### Educational Guidance

The educational guidance program shall relate to the educational objectives and needs of the students.

### Personal Guidance

The guidance program shall provide for the individual needs of the students.

### Vocational Guidance

The District shall assist students in formulating vocational goals and objectives. Cooperative vocational education, job placement, apprenticeship training is offered without regard to race, age, color, sex, national origin, or disability.

Approved: August 17, 2009

LEGAL REF: MCL 380.1233; 20 USCA §1232 (Family Educational Rights and Privacy Act); 28 CFR §42.410; 28 CFR §42.405 (Title VI of the Civil Rights Act); 42 USCA §1981 *et seq.* (Civil Rights Act); 20 USCA §1681; 34 CFR §106.8; 34 CFR §106.9 (Title IX of the Education Amendments); 29 USCA §794, *et seq.* (Rehabilitation Act of 1973)

## **Section 7000 – Instructional Program**

### **7500-R Guidance Program**

7500-R

The guidance counselor shall acquaint students with the educational system and its offerings. Students shall be given assistance in selecting and enrolling in programs and courses. Periodic testing, e.g., psychological, achievement, interest and other such tests, shall be conducted.

Guidance and counseling on a personal basis shall assist each student to understand him/herself, his/her capabilities, and limitations; to identify alternate courses of action; and to make appropriate personal decisions. The counselor shall refer any student's personal problem to the parent(s)/guardian(s), after consultation with the Principal, whenever such problem is beyond the scope of training and experience for the counselor.

A library of up-to-date occupational information and training requirements shall be maintained for student and staff reference and for teaching or counseling purposes.

All secondary school students will be encouraged to consider career goals and objectives and to pursue programs of study related to those ends.

Assistance in job placement may be given students both directly and by working with other agencies.

## **Section 7000 – Instructional Program**

7560 Grading System

7560

The Board encourages a uniform grading system for use in the elementary and secondary grades.

Full details of the District's grading system shall be published in the appropriate faculty and student handbooks.

Approved: August 17, 2009

LEGAL REF: MCL 380.1282; OAG, 1981-1982, No 5879, p 124 (April 17, 1981)

## Section 7000 – Instructional Program

### 7580 Homework and Study Time

7580

Independent study is one of the most important aspects of a student's school life. Homework and study time is an established part of the Battle Creek Public Schools educational process and is considered a valuable part of the instructional program.

#### Definition

Homework and study time is an out-of-class task a student is assigned as an extension of classroom work.

Most homework and study time has one of (or some combination of) four goals:

1. Opportunity for practice or completion of a skill or concept introduced in the classroom.
2. Builds prior knowledge for learning new information.
3. Opportunity to practice a skill or concept differently than that provided in the classroom.
4. Opportunity to achieve mastery. (Generally, a minimum of 24 practice times is necessary.)

Unfinished class work or work missed due to absences, although accomplished outside of the school day, is not included in the school's definition of homework and study time.

#### Purpose

Homework and study time is designed to:

1. Extend and reinforce classroom learning
2. Encourage personal responsibility and self-direction in learning
3. Develop good study habits
4. Help students organize and budget time
5. Bring home and school closer together

## Section 7000 – Instructional Program

7580 Homework and Study Time

7580-2

### Application

Homework and study time will be assigned regularly. Most students will have some homework and study time most school days. Daily assignments are part of some courses or curricular areas. The length and frequency of homework and study time assignments are adjusted to accommodate the developmental stage and ability level of students and resources available in the home.

### Limitations

Homework and study time will not:

1. Be used as a form of punishment.
2. Attempt to teach complex skills and material without the support of classroom instruction.
3. Require parental assistance in its completion, however, parents are encouraged to voluntarily assist/work with their children.
4. Be assigned without a subsequent monitoring and evaluation/grading component.

Approved: August 17, 2009

LEGAL REF: *Owasso Independent School Dist. No. 1-011 v. Falvo*, 122 S.Ct. 934 (2002).

## Section 7000 – Instructional Program

7600 Promotion and Retention

7600

Grade level and group assignments, including promotion and retention, shall be the responsibility of the Superintendent or designee and shall be made in the best interests of the individual student subject to parent(s)/guardian(s) involvement in accordance with law.

Students will normally progress annually from grade to grade. However, exceptions may be recommended when, in the judgment of the professional staff, and after consultation with parent(s)/guardian(s), such exceptions are in the best interests of the individual student involved and retention is indicated.

The Superintendent or designee will develop administrative rules regarding promotion and retention. Full details of the District's promotion and retention guidelines shall be published in the appropriate student handbooks.

Approved: August 17, 2009  
LEGAL REF: MCL 380.10<sup>4</sup>

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<sup>4</sup> **380.10 Rights of parents and legal guardians; duties of public schools.** Sec. 10.

It is the natural, fundamental right of parents and legal guardians to determine and direct the care, teaching, and education of their children. The public schools of this state serve the needs of the pupils by cooperating with the pupil's parents and legal guardians to develop the pupil's intellectual capabilities and vocational skills in a safe and positive environment. **History:** Add. 1995, Act 289, Eff. July 1, 1996. **Popular Name:** Act 451

## **Section 7000 – Instructional Program**

7610 Make-up Opportunities (Cf. 8350)

7610

All teachers shall supply make-up work assignments when requested by the student or parent(s)/guardian(s) unless the absence from class is due to a long-term suspension (more than 10 school days) or permanent expulsion as mandated by law.

The administration shall reserve the right to determine whether credit will be granted for make-up work resulting from unexcused absences or absences due to short-term suspension (10 school days or less). After consultation with the appropriate teachers, the building Principal shall make such a determination subject to possible review by the Superintendent.

Approved: August 17, 2009

## Section 7000 – Instructional Program

7630 Graduation Requirements

7630

The Board may adopt graduation requirements beyond the minimums set forth by the State Board of Education. The District's graduation requirements shall be published in all student handbooks.

Approved: August 17, 2009

LEGAL REF: MCL 380.1282; *Immediato by Immediato v. Rye Neck School Dist.*, 873 F.Supp. 846 (S.D.N.Y. 1995), aff'd 73 F.3d 454 (2d Cir. 1996), cert. Denied, 117 S.Ct. 60 (1996)<sup>5</sup>

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<sup>5</sup> This case affirmed the right of a school District to include “mandatory community service” in the curriculum as a condition of graduation. The 2<sup>nd</sup> Circuit’s decision took into account the fact that school Districts should expect some parents to challenge school programs that, they feel, may intrude on their 14<sup>th</sup> Amendment rights. Alternatively, school Districts can avoid such challenges by simply providing an excusal provision for parents that offer “value-based” objections to programs such as mandatory community service.

## **Section 7000 – Instructional Program**

7640 Transfer of Credit

7640

Schools of the District shall accept as transfer credit coursework successfully completed at a school accredited by the North Central Association of Schools and Colleges, the Michigan Association of Non-Public Schools, the Independent Schools Association of the Central States, or recognized state or regional accrediting agency of comparable standards, or coursework successfully completed at an accredited post-secondary institution.

In core academic disciplines, particularly disciplines like mathematics which are sequential in nature, the school administration may make use of transcripts, grades, previous teacher recommendations, textbook used, course descriptions, standardized tests, and/or a placement or proficiency test to recommend or determine course placement for a transferring student.

No credit will be granted for work done at another institution that the student substantially repeats by taking an equivalent class within the District.

### Transfer from Home Schooling or Other Institutions

Decisions regarding acceptance of credit or grade level placement of students transferring from a home school or a school not meeting the standards of the major regional accrediting agencies listed above shall be made by school officials based on statute and Michigan Department of Education standards and appropriate District designed testing and/or review of home school work and curricula. School officials shall consult the parent(s)/guardian(s), interview the student, and review home school curricula documentation prior to making a decision.

Approved: August 17, 2009

## **Section 7000 – Instructional Program**

### 7642 Alternative Credit Options

7642

In addition to regular classroom-based instruction, students may earn credit toward graduation through virtual learning and online courses.

Only courses offered by accredited agencies and institutions recognized by the Board will be accepted. All approved courses must align with the Michigan Merit Curriculum.

Battle Creek Central High School students may earn a maximum of eight (8) units of academic credit to be applied toward graduation requirements. Only two (2) credits may be earned during any one (1) school year. The express written approval of the Principal/designee shall be obtained before the course is taken, and an official transcript record of the final grade must be received by the school before a diploma may be issued to the student. Under ordinary circumstances, students or their parent(s)/guardian(s) shall pay for approved courses the student chooses to take.

For alternative education high school students the express written approval of the principal or designee shall be obtained before the course is taken, and an official transcript record of the final grade must be received from the virtual school by the high school before a diploma may be issued to the student. Under ordinary circumstances, students or their parent(s)/guardian(s) shall pay for approved correspondence courses the student chooses to take. Alternative education high school students may exceed the maximum course limitation upon prior written approval of the Executive Director of Educational Support Services or his/her designee.

Diplomas are authorized by the Board of Education and issued at the completion of the second semester.

## **Section 7000 – Instructional Program**

7642 Alternative Credit Options

7642-2

Students taking such courses must be enrolled in the District.

As determined by school/council policy, students applying for permission to take a virtual course shall complete prerequisites and provide teacher/counselor recommendations to confirm the student possesses the maturity level needed to function effectively in an online learning environment. In addition, the express approval of the Principal shall be obtained before a student enrolls in a virtual course. The school must receive an official record of the final grade before credit toward graduation will be recognized.

The tuition fee for a virtual course shall be borne by the District for students enrolled full-time. The District may pay the fee for expelled students who are permitted to take virtual courses in alternative settings.

Through its policies and/or supervision plan, the District shall be responsible for providing appropriate supervision and monitoring of students taking virtual courses.

Approved: August 17, 2009

## **Section 7000 – Instructional Program**

7650 Testing Program (Cf. 8940 *et seq.*)

7650

There will be a basic testing program designed to evaluate the outcomes of the educational program and to provide information needed in working with individuals. The basic testing program shall be supplemented by such individual tests as the need of the educational program and the District would seem to indicate. This program shall be coordinated by the Superintendent or designee from kindergarten through grade 12 in order to provide continuity in the total program.

### Test Selection and Adoption (Cf. 8940 *et seq.*)

Guidance oriented tests may be selected for use in the District upon recommendation of the guidance counselor and building Principal and approved by the Superintendent or designee.

### Student Assessment

Each school improvement plan shall provide for student assessment methods that use a variety of criteria-based strategies, including at least: Written examinations, oral examinations, alternative questions, demonstrations, writing exercises, individual projects, group projects, performances, student portfolios, and samples of student's best works. The grading structure will be included in the student handbook.

### Testing Out

Under Michigan law, (MCL 380.1279b) a student who desires to receive credit for a high school course without enrolling in the course may do so by attaining a grade of not less than a C+ for the final exam and/or other comprehensive paper, portfolio, presentation, project, or assessment in the course. Credit will not be granted, however, for a course in a subject area lower in course sequence than one for which the student has already earned credit.

Successfully attained credit under this policy will earn a grade of "pass" and shall not be used in computations of grade point average nor counted toward the total required credits for graduation. Credit may be used to fulfill prerequisites for other courses and/or subject area credit requirements for graduation.

## Section 7000 – Instructional Program

7650 Testing Program (Cf. 8940 *et seq.*)

7650-2

The high school Principal shall establish rules for implementing this policy in cooperation with the Superintendent or designee, and shall be responsible for ensuring that all high school courses include one or more appropriate comprehensive exam(s) or other assessment.

Approved: August 17, 2009

LEGAL REF: MCL 380.1172; 380.1204a; 380.1278; 380.1279; 380.1279b; 380.1279c;  
R 340.1101-1107; OAG, 1983-1984, No 6148, p 107 (April 15, 1983)

## Section 7000 – Instructional Program

7650-R Testing Program (Cf. 8940 *et seq.*)

7650-R

### Testing Selection and Adoption

The counseling staff may use tests other than those purchased and approved for use in the District if requested by individual students. Costs of administering such tests are to be borne by the student.

### Use and Dissemination of Test Results (Cf. 8940 *et seq.*)

The custodian of student records is responsible for safekeeping all test results.

### Standardized Tests

The counseling staff shall analyze all standardized tests used in the District relative to:

- a. The population represented by the norms or comparison groups,
- b. The specific use or uses of such tests and how these standards compare to the District's goals, and
- c. Available alternatives to such tests.

## **Section 7000 – Instructional Program**

7700 Evaluation of Instructional Program (Cf. 7650)

7700

The evaluation of the curriculum and related services of the District is an on-going process. The Superintendent or designee shall develop guidelines by which the instructional staff will evaluate the instructional program or parts thereof on an annual basis.

Approved: August 17, 2009

LEGAL REF: MCL 380.1282

## **Section 7000 – Instructional Program**

7700-R Evaluation of Instructional Program (Cf. 7650)

7700-R

The Superintendent or designee may establish, on an ad hoc basis, special curriculum committees to study the District's instructional program or any part thereof. The Superintendent or designee may request a report from such committee, which shall include the committee's recommendations for any proposed changes, modifications or elimination of any part of the instructional program. The Superintendent or designee will submit the report together with his/her recommendation to the Board for approval, modification or disapproval at a regular or special meeting of the Board. The use of personnel other than the District's instructional staff to evaluate the curriculum is authorized as outlined elsewhere in these policies and rules.

Any costs incurred by curriculum committees shall be borne by the District.

## **Section 7000 – Instructional Program**

7760 Controversial Issues

7760

Good teaching techniques provide that adequate preparation on the part of student and teacher take place before controversial issues are explored. Every controversy has two or more sides; it is therefore imperative that teachers ensure that all issues, facets, and questions of any controversial subject are thoroughly studied. Teachers should be aware that controversy may spring from the most innocuous beginnings and be prepared for it to the best of their ability.

Approved: August 17, 2009

LEGAL REF: MCL 380.1507

## **Section 7000 – Instructional Program**

7770 Teaching about Religion

7770

Teachers may teach about religion, religious literature, and history, but are prohibited from teaching, expounding, criticizing, or ridiculing a particular religion. Religious texts may be used to teach about religion, but the use of religious texts is prohibited if used to teach a particular religious doctrine or in any other way except as outlined above.

Approved: August 17, 2009

LEGAL REF: MCL 380.1217

## **Section 7000 – Instructional Program**

7800 School Ceremonies and Observances (Cf. 7770)

7800

### Opening Exercises

Classrooms may open the school day with appropriate exercises. Such may include the pledge to the flag, patriotic songs, and reading of excerpts of material, which will implement the development of moral values, patriotism, and high standards of conduct. A student who expresses a religious objection to repeating the pledge to the flag shall not be required to participate. However, such students shall not cause a disturbance or interfere with the participation of others.

### Recognition of Religious Beliefs and Customs

Employees of the District shall neither promote nor disparage any religious belief or non-belief. The Board encourages all students and staff members to appreciate and to be tolerant of each other's religious views. The Board shall utilize its authority to foster understanding and mutual respect among students and parent(s)/guardian(s), whether it involves race, culture, economic background, or religious belief. Students and staff members may be excused from participating in practices that are contrary to their religious beliefs unless there are clear issues and overriding concerns that would prevent it.

The Board, through its instructional program, shall attempt to advance all student's knowledge and appreciation of the role that religious heritage has played in the social, cultural and historical development of civilization.

### Federal Requirements

As required by the No Child Left Behind Act, by October 1 of each year, the Superintendent will certify in writing to the state that students of the District are not prevented by policy or rule from participating in constitutionally protected prayer. The Superintendent will ensure that the staff, parent(s)/guardian(s), and students are made aware of the parameters of acceptable religious speech and actions.

## Section 7000 – Instructional Program

7800 School Ceremonies and Observances (Cf. 7770)

7800-2

The Superintendent will also distribute guidelines to each school concerning religion in the schools, after the guidelines/regulations have been approved by the Board attorney and reviewed by the Board.

In accordance with federal law<sup>6</sup>, the District shall offer an educational program(s) each year on Constitution Day to commemorate the September 17, 1787 signing of the United States Constitution.<sup>7</sup> The Superintendent shall establish administrative guidelines ensuring that the District observes Constitution Day properly and in a manner befitting the importance of the event to the history of the United States of America.

Approved: August 17, 2009

LEGAL REF: MCL 380.1175; 380.1217; *Lee v. Weisman*, 112 S. Ct. 2649 (1992); NCLB; Section 111 of Division J of Public Law 108-447 (2004).

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<sup>6</sup> Section 111 of Division J of Public Law 108-447

<sup>7</sup> Constitution Day shall be held on September 17<sup>th</sup> of each year. However, if September 17<sup>th</sup> falls on a Saturday, Sunday, or holiday, then Constitution Day shall be held during the preceding or following week.

## Section 7000 – Instructional Program

7800-R School Ceremonies and Observances (Cf. 7770)

7800-R

Through special ceremonies or through the instructional program, building administrators may arrange for proper commemoration of the following special days in the schools:

Constitution Day (September 17); Columbus Day (Second Monday in October); Veteran’s Day (November 11); Martin Luther King’s Birthday (3rd Monday in January); Lincoln’s Birthday (February 12); and Washington’s Birthday (3rd Monday in February).

### Observance of Constitution Day

The District shall offer a Constitution Day program(s) each September 17 to commemorate the signing of the United States Constitution.<sup>8</sup> The following are examples of acceptable Constitution Day programs:

- An assembly for all grades in the school featuring a speaker from local, state, or federal government to discuss the importance of the signing of the U.S. Constitution,
- An art or essay contest centering on the signing of the U.S. Constitution,
- A special program focusing on the signing of the U.S. Constitution broadcasted over an educational T.V. channel district-wide,
- Hallway bulletin board displays stressing the observance of the signing of the U.S. Constitution, or
- Classroom skits or mini-plays featuring students who represent the original signers of the Constitution and who give a brief biography of the person whom they represent.

The Superintendent authorizes the formulation of a Constitution Day Planning Committee to assist the Superintendent in choosing an appropriate Constitution Day program for the District.

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<sup>8</sup> Constitution Day shall be held on September 17<sup>th</sup> of each year. However, if September 17<sup>th</sup> falls on a Saturday, Sunday, or holiday, then Constitution Day shall be held during the preceding or following week.

## **Section 7000 – Instructional Program**

7800-R School Ceremonies and Observances (Cf. 7770)

7800-R-2

The Superintendent shall appoint a member of the administrative staff to organize the Constitution Day Planning Committee. The Committee may include students, teachers, and administrators. The primary duties of the Committee will be to formulate suggestions for a District Constitution Day program and/or suggestions for individual school or classroom observances, which shall be presented to the Superintendent.

### Observance of Religious Holidays

The practice of the District shall be as follows:

The several holidays throughout the year that have a religious and secular basis may be observed in the public schools.

The historical and contemporary values and the origin of religious holidays may be explained in an unbiased and objective manner without sectarian indoctrination.

Music, art, literature and drama having a religious theme or basis are permitted as part of the curriculum for school-sponsored activities and programs if presented in a prudent and objective manner and as a traditional part of the cultural and religious heritage of the particular holiday.

The use of religious symbols such as a cross, Menorah, crescent, Star of David, crèche, symbol of Native America or other symbols that are a part of a religious holiday is permitted as a teaching aid or resource provided such symbols are displayed as an example of the cultural and religious heritage of the holiday and are temporary in nature. Among these holidays are Christmas, Easter, Passover, Hanukkah, and St. Valentine's Day, St. Patrick's Day, Thanksgiving, and Halloween.

The District's calendar, through the collective bargaining process, may be prepared to minimize conflicts with religious holidays of all faiths.

### Religion in the Curriculum

It is essential that teaching about, and not of, religion be conducted in a factual, objective, and respectful manner. Therefore, the practice of the District shall be as follows:

## **Section 7000 – Instructional Program**

7800-R School Ceremonies and Observances (Cf. 7770)

7800-R-3

The Board supports the inclusion of religious literature, music, drama and the arts in the curriculum and in school activities if it is intrinsic to the learning experience in the various fields of study and is presented objectively.

The emphasis on religious themes in the arts, literature, and history should be only as extensive as necessary for a balanced thorough study of these areas. Such studies should never foster any particular religious tenets or demean any religious beliefs.

Student-initiated expressions to questions or assignments, which reflect their beliefs or non-beliefs about a religious theme, shall be accommodated. Students are free to express religious belief or non-belief in composition, art forms, music, and speech.

### Dissemination of Religious Materials

Materials that have a religious content may be made available to students during non-instructional time. The District shall impose content neutral, time, place, and manner restrictions on the dissemination of religious materials to ensure that students are aware that the materials are not being endorsed or sponsored by the District.

### Dedications and Commencement

Traditions are a cherished part of the community life and the District expresses an interest in maintaining those traditions, which have had significance to the community. While recognizing the significance of traditions, the Board recognizes that its dedication ceremonies and commencement exercises must be secular in nature. Inspirational addresses, which do not promote religion, may be permitted at such ceremonies.

Because the baccalaureate service is traditionally religious in nature, it, if held, shall be sponsored by agencies separate from the District. School initiated invocations and benediction, inherent in commencement (graduation) ceremonies, are not allowed under current law.

### Federally Required Guidelines

Students have the following rights pursuant to federal law:

## **Section 7000 – Instructional Program**

7800-R School Ceremonies and Observances (Cf. 7770)

7800-R-4

- To engage in private, non-disruptive activity such as prayer or bible reading while at school,
- To participate in before or after school events that has a religious content,
- To study about religion when appropriate to the curriculum,
- To produce written expressions of religious beliefs in home work, art work, and other assignments,
- To distribute in a non disruptive manner, subject to reasonable restrictions as to time, place, and manner, religious literature,
- To be excused for religious reasons from participation in school programs or activities,
- To be granted release time to attend religious events,
- To wear clothing that includes a non disruptive religious theme or message,
- To be given access to school media to announce religious events in the same manner as other organizations, and/or
- To be granted access to school facilities for religious activities in the same manner as other organizations.

## Section 7000 – Instructional Program

7820 Honorary Diplomas

7820

Upon recommendation of the Superintendent, the Board may approve the awarding of “honorary” diplomas. “Honorary” diplomas may be awarded under the following circumstances:

1. As an honor awarded to a community member, who is not a former graduate of the high school, for outstanding service and dedication to the school District evidenced through volunteer service, monetary contributions, or support for school athletic teams or other high school activities.
2. As a posthumous award to a student who has died and who, it can be presumed, would have, otherwise, graduated from the high school.
3. As an award in the present, or posthumously, to an outstanding administrator, faculty, or staff member who had served the high school exceptionally and honorably for 25 years or more.
4. For other reasons judged to be appropriate by the Superintendent and approved by the Board.

The Superintendent shall promulgate administrative rules to administer this policy and establish the means and methods of determining who might be recommended to the Board for the receipt of an “honorary” diploma.

Approved: August 17, 2009

## **Section 7000 – Instructional Program**

7840 Substitute Teaching (Cf. 5685)

7840

The Board encourages the administrative staff to secure qualified substitute teachers for use in the District.

The Superintendent shall call all potential substitutes together before the start of the school year for a group meeting. The candidates will receive a substitute's handbook, an explanation of the substitute program, application forms, and necessary records to be completed (tax forms).

The Superintendent and Principals will compile a list of all substitute teachers available to the District, and each building Principal shall have a copy of said list prior to the beginning of school each year.

Each building Principal shall secure substitute teachers for use in the building on a need basis and from the master list noted above.

The Board shall establish the rate of pay for substitute teachers as necessary upon the recommendation of the Superintendent.

Approved: August 17, 2009

LEGAL REF: OAG, 1985-1986, No 6360, p 283 (May 13, 1986)

## **Section 7000 – Instructional Program**

7840-R Substitute Teaching

7840-R

The Superintendent shall be responsible for developing a substitute's handbook to be given to the prospective substitutes. The handbook shall include information on when and how candidates should apply to be substitutes, the rates of pay, the time of the morning or day that substitutes can expect to be called for duty, instructions on where to report for all attendance centers of the District, maps of the school District and of each attendance center school building, a current copy of the school calendar, a copy of the Board's educational philosophy, hints on working with students, a statement of expectations the District has for those who substitute (similar to those expected of regular teaching staff), a list of things the substitute must do before leaving for the day and a sample report form for reporting incidents that may take place during the day.

Substitutes are encouraged to prepare, in advance, emergency lesson plans for the subjects in which they are most likely to substitute in case the situation arises that lesson plans are not available. Such preparations should also include a set of prepared questions probing the meaning of the material presented to ensure that student learning takes place.

At the end of each pay period, each Principal shall file a detailed report with the Superintendent regarding the substitutes used by such Principal in the building during such pay period.

## **Section 7000 – Instructional Program**

7880 Flag Displays

7880

Each school building, in accordance with law, shall display the United States flag each day that the building is open for students. The flag shall be flown outside of the building according to accepted display procedures. All classrooms shall display the United States flag in a prominent place. The display of the Michigan flag is optional.

Approved: August 17, 2009

LEGAL REF: MCL 380.1347

## **Section 7000 – Instructional Program**

7880-R Flag Displays

7880-R

Principals shall assume the responsibility for raising and taking down the flag at their buildings. Such responsibility may be assigned to the custodian, a school organization such as the student council, or organizations such as boy or girl scouts. If assigned to student organizations, either within or outside the school, the Principal or person designated by him/her shall assume the responsibility to see that the flag is cared for regularly and properly.

## Section 7000 – Instructional Program

7900 School Improvement

7900

The Board supports building level school improvement processes and projects for attaining higher educational achievement levels for the District's students.

### School Improvement Committees

The Board authorizes the formation of building-level school improvement committees at each school within the District. Each local school improvement committee shall be comprised of a number of persons as each school improvement committee determines. The Superintendent shall be an *ex officio* member of each local school improvement committee. As determined by the Superintendent or designee, a District-wide school improvement project committee may be comprised of at least one Board member, a District level administrator, a building level administrator, a representative from each recognized bargaining unit, and/or a representative of the non-certified staff.

The purpose of each school improvement committee shall be to establish goals for the school and to oversee the programs and activities leading toward the attainment of those goals. The goals established by the school improvement committee shall be compatible with the District's mission statement and goals established by the Board. The purpose of the District-wide school improvement project committee is to monitor the projects, receive the information about the local school improvement projects and report to the Board what is happening and what are the results.

### Data Collection/Assessment

The Superintendent shall oversee the collection of data to be used in an assessment of the status of the District.

## Section 7000 – Instructional Program

7900 School Improvement

7900-2

### Meetings

It is suggested that each local school improvement committee meet monthly, transcribe minutes of each meeting, and maintain a record of minutes.

### Review

Yearly, each local school improvement committees may be required to submit to the Superintendent or designee a report detailing the progress toward attainment of its goals.

Individual local school improvement committees may coordinate programs and projects with other schools in the District, other Districts and the intermediate school District.

Approved: August 17, 2009

LEGAL REF: MCL 380.1204a; 380.1233; 380.1277

## **Section 7000 – Instructional Program**

7900-R School Improvement

7900-R

Building level local school improvement committees shall be established, re-established and/or adjusted annually.

### Committee Membership

The local school improvement committee should have representatives from the following groups as members, in addition to those already listed in Board policy: parent(s)/guardian(s), community members, students and others as the school improvement committee may find necessary to assist it in attaining its goals.

### Data Collection/Assessment

The data collected by the District in order to assist each local school improvement committee may include, but not be limited to: student standardized test scores, dropout rates, student/staff ratios, grade point averages, demographic and societal data, career/employment data, vandalism, student attendance rates, student discipline, and others as the committee may need.

The collection of the data should involve input from parent(s)/guardian(s), staff, students, and other community members. Confidentiality regarding personally identifiable information shall be maintained at all times by all members of the local school improvement committee.

### Review

The local school improvement committee's review process with the Board should include discussion of the progress and attainment toward goals, financial and business issues, student performance outcomes, scheduling of classes, maintenance of facilities, school calendars, staffing needs, staff evaluation, teaching methods, pilot projects, curriculum and textbook review, organizational structures, and others as may be necessary for the Board's information.

## Section 7000 – Instructional Program

### 7910 Decision Making Process

7910

Individuals responsible for the implementation of a program or plan should take an active part, either directly or through appropriate representation, in the planning and decision-making process. Decisions should be made at the level closest to the issue being addressed to the extent feasible.

The Board believes that decision-making shall:

- a. Provide teachers, other staff members, students where appropriate and the community increased opportunity to participate in and contribute to decisions which affect them,
- b. Recognize the expertise and competence of those who work in individual schools to make decisions to improve learning,
- c. Improve staff morale,
- d. Bring the financial and instructional resources in line with the instructional goals implemented in each school,
- e. Provide better services and programs to students, and
- f. Increase both the quality and quantity of communication within a school and with the community.

Approved: August 17, 2009

## **Section 7000 – Instructional Program**

7950 Schools of Choice

7950

Should the District elect to participate in "Schools of Choice" the Superintendent shall cause to be published, for general public consumption, a notice of the grades, schools, special programs and the number of slots available. District participation in "Schools of Choice," if any, shall not be in conflict with law or Michigan State Department of Education rules and regulations.

Approved: August 17, 2009  
LEGAL REF: MCL 388.1705, 1705c

**8000—STUDENTS**

8000	Service Animals
8010	Equal Education Opportunity (Cf. 5020)
8015	Non-Discrimination and Complaint Procedure (Cf. 2450, 5030)
8018	Discriminatory Harassment of Students
8020	Attendance <ul style="list-style-type: none"><li>Compulsory Attendance - Religious Exemption</li></ul>
8030	Truancy
8035	Absences and Excuses (Cf. 7610, 8350)
8040	School Admissions <ul style="list-style-type: none"><li>Release of a Student During the School Day</li><li>First Time Enrollments</li><li>Resident Students</li><li>New Resident Students</li><li>Non-Resident Students</li><li>Resident Attendance in another District – Non-Schools of Choice</li><li>Transfers and Withdrawals</li></ul>
8045	Homeless Children <ul style="list-style-type: none"><li>Necessities</li></ul>
8055	Changing Student Letter Grades
8080	Re-admissions
8090	Release of a Student during the School Day
8095	Closed Campus <ul style="list-style-type: none"><li>Eligible Senior Exception</li></ul>
8130	Searches of Motorized Vehicles, Lockers, and Students <ul style="list-style-type: none"><li>Strip Searches</li><li>Law Enforcement Searches</li><li><u>SN For policy statement regarding searches by school officials</u></li></ul>
8140	Interrogation and Investigations Conducted in School <ul style="list-style-type: none"><li><u>SN For policy statement regarding interrogation by school officials and law enforcement authorities</u></li></ul>
8220	Alcohol, Inhalants, Steroids, and Drug Abuse
8230	Tobacco Products
8240	Student Appearance
8245	Student Behavior
8255	Terroristic Threats/Acts
8260	Bullying (Cf. 8018)
8270	Hazing
8280	Electronic Communications Devices - Students
8300	Student Discipline (Cf. 5220) <ul style="list-style-type: none"><li>Positive Behavior Support (PBS)</li></ul>

- 8320 Assaults Committed by Students
  - Assaults Committed Against School Personnel
  - Physical Assaults
  - Threats of Assaults Committed by Students
  - Physical Assaults Committed Against Other Students
  - Reinstatement
  - Application to Students with Disabilities
  - Implementation
- 8350 Student Suspension and Expulsion (Cf. 8080)
  - Suspensions
  - Suspensions by Teachers
  - Class, Subject or Activity Suspensions
  - Application to Students with Disabilities
  - Implementation
  - Appeals
  - Written Notices
- 8440 Early Graduation (Cf. 7630)
- 8450 Student Welfare (Cf. 8590, 8590-R)
- 8453 Student Wellness Policy (Cf. 4450, 4460)
  - Nutrition Education
  - Nutrition Standards
  - Physical Education and Physical Activity Opportunities
  - Other School-Based Activities Designed to Promote Student-Wellness
  - Implementation and Measurement
- 8455 Unsafe School Choice Policy
- 8460 Student Insurance Programs
- 8480 Student Health Services
  - Immunization of Students and Vision Testing
- 8485 Fees for Interscholastic Athletics
- 8490 Interscholastic Athletics Defined as Club or Varsity Sport
  - Periodic Review
- 8500 Addition and Deletion of Interscholastic Athletics
- 8510 Communicable Diseases - Students and Staff (Cf. 5370)
- 8515 Head Lice Policy
- 8530 Student Assistance Program(s) (Cf. 7110)
- 8580 Child Abuse and Neglect - Duty to Report
  - Access to Students on School Premises (Cf. 8140, 9570)
  - Cooperation between School and Agencies
- 8590 Student Safety
  - Bicycle Use
  - Walkers and Riders
  - Eye Protective Devices
  - Mercury Elimination
  - Safety Patrols
- 8640 Use of Motorized Vehicles

## Section 8000 – Students

8650	Student Accidents	TC-8000-3
8660	First Aid	
8670	Administration of Medications by School Personnel (Cf. 2780)	
	Self-Administration/Self-Possession of Medications	
	Diabetic Emergencies	
	Management of Students with Asthma in the School Setting	
	Exercise Induced Asthma Attacks	
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## Section 8000 – Students

### 8000 Service Animals

8000

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

#### A. Definition

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

Except as provided by law, other animals are not service animals for purposes of this definition. Under certain circumstances, the District will permit a person with a disability to be accompanied by a miniature horse in District facilities if the horse has been individually trained to perform tasks for the benefit of the person with a disability. The work or tasks performed by a service animal must be directly related to the person’s disability. The service animal must be trained to take a specific action when needed to assist the person with a disability. Examples of work or tasks include, but are not limited to:

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

#### B. Admission of Service Animals

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

## **Section 8000 – Students**

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

### **C. Inquiries**

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

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

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

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

### **D. Charges, Fees, and Liability**

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

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

### **E. Care and Supervision of Service Animal**

The person with a disability or the service animal's handler is responsible for the care and supervision of the service animal at school, including, toileting, feeding, grooming, veterinary care, and exercising. The District is not responsible to supervise or otherwise care for a service animal unless required by law.

## Section 8000 – Students

### 8000 Service Animals

8000-3

#### F. Control of Service Animal

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

#### G. Exclusion of Service Animal

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

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

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

#### H. Allergies

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

#### I. Denial of Access and Grievance

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

## **Section 8000 – Students**

8000 Service Animals

8000-4

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

### J. Non-Service Animals

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

Approved: January 27, 2020

LEGAL REF: 28 CFR 35.136; MCL 287.291

## Section 8000 – Students

8010 Equal Educational Opportunity (Cf. 5020)

8010

Every child, regardless of race, creed, color, sex, age, national origin, cultural or economic background, or handicap, is entitled to equal opportunity for educational development.

No student will be excluded from participating in, denied the benefits of, or subjected to discrimination under any educational program or activity conducted by the District. The Board shall treat its students without discrimination as this pertains to course offerings, athletics, counseling, and extracurricular activities.

Approved: August 17, 2009

LEGAL REF: 20 USCA §1681; 34 CFR §106.8; 34 CFR §106.9 (Title IX of the Education Amendments); 20 USCA §1701 *et seq.* (Civil Rights Act); 28 CFR §42.410; 28 CFR §42.405 (Title VI of the Civil Rights Act); 42 USCA §2000e, *et seq.* (Title VII of the Civil Rights Act); MCL 380.1146

## Section 8000 – Students

8015 Non-Discrimination and Complaint Procedure (Cf. 2450, 5030)

8015

The District will not discriminate against any person based on sex, race, color, national origin, religion, height, weight, marital status, handicap, age, or disability. The Board reaffirms its long-standing policy of compliance with all applicable federal and state laws and regulations prohibiting discrimination including, but not limited to, Titles VI and VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d. et seq.; and 42 U.S.C. §§ 2000e, et seq.; Title IX of the Educational Amendments of 1972, 20 U.S.C. §§ 1681, et seq.; Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794; The Americans With Disabilities Act of 1990, 42 U.S.C. §§ 1210, et seq.; The Persons with Disabilities Civil Rights Act, MCL §§ 37.1101, et seq.; and The Elliott-Larsen Civil Rights Act, MCL §§ 37.2101, et seq.

The Superintendent or designee is appointed the Civil Rights Coordinator regarding complaints of 1) disability/handicap discrimination involving educational services, programs and activities and 2) complaints made by students (grades Pre-K through 12) and/or their parent(s)/guardian(s), and involving sex, race, color, national origin, religion, height, weight, age, or marital status.

The Assistant Superintendent of Human Resources is appointed the Civil Rights Coordinator regarding all other complaints of discrimination.

In the event the complaint is against the Superintendent of Schools, the Vice-President of the Board of Education is appointed the Civil Rights Coordinator.

Inquiries or complaints by students and/or their parent(s)/guardian(s) related to discrimination based on disability/handicap should be directed to:

Assistant Superintendent of Educational Support Services  
Battle Creek Public Schools  
3 Van Buren St. W  
Battle Creek, MI 49017  
Phone: 269-965-9500

## **Section 8000 – Students**

8015 Non-Discrimination and Complaint Procedure (Cf. 2450, 5030)

8015-2

Inquiries or complaints made by students and/or their parent(s)/guardian(s) related to discrimination based on sex, race, color, national origin, religion, height, weight, age, or marital status should be directed to:

Assistant Superintendent of Educational Support Services  
Battle Creek Public Schools  
3 Van Buren St. W  
Battle Creek, MI 49017  
Phone: 269-965-9500

In the event a complaint is against the Superintendent of Schools, the complaint should be directed to:

The Vice-President of the Board of Education  
Battle Creek Public Schools  
3 Van Buren St. W  
Battle Creek, MI 49017  
Phone: 269-965-9500

All other inquiries related to discrimination should be directed to:

Assistant Superintendent of Human Resources  
Battle Creek Public Schools  
3 Van Buren St. W  
Battle Creek, MI 49017  
Phone: 269-965-9500

The Civil Rights Coordinators, as specified herein, are designated to receive and resolve complaints from any person who believes that he/she may have been discriminated against in violation of this policy. Any person who believes he/she has been discriminated against in violation of this policy should file a written complaint with the appropriate Civil Rights Coordinator within ten (10) calendar days of the alleged violation. The Civil Rights Coordinator will take, then, the following action: First, cause an investigation of the complaint to be commenced. Second, arrange for a meeting to occur with the complainant, which may include school District staff who are knowledgeable of the facts and circumstances of the particular complaint or who have particular expertise that will assist in resolving the complaint.

## Section 8000 – Students

8015 Non-Discrimination and Complaint Procedure (Cf. 2450, 5030)

8015-3

Third, complete the investigation of the complaint and provide, in writing, a reply to the complainant. If the Civil Rights Coordinator determines that a violation has occurred, he/she shall propose a fair resolution of the complaint and deliver the determination to the complainant and the Superintendent. In the event the complaint is against the Superintendent, a copy of the determination shall be delivered to the President of the Board of Education. The complainant may appeal the Civil Rights Coordinator's determination to the Superintendent, or, in the case of a complaint against the Superintendent, to the President of the Board, by so notifying the Superintendent or Board President in writing within the (10) calendar days of the Civil Rights Coordinator's determination. The Superintendent or Board President may conduct additional investigation of the facts and circumstances surrounding the complaint.

The Board Vice-President or President may elect to secure the services of an outside party to investigate the facts and circumstances surrounding any complaint against the Superintendent.

The Superintendent, or Board President in the case of a complaint against the Superintendent, shall affirm or reverse the Civil Rights Coordinator's decision and, if warranted, implement the Civil Rights Coordinator's proposed resolution or a modification thereof. The Superintendent or Board President's decision shall be final.

Upon completion of, or at any point in, the grievance process, complainants have the right to file a complaint with the Office for Civil Rights, US Department of Education, Washington, D.C. 20201. The complainant should first be directed to the following address:

Office for Civil Rights  
600 Superior Avenue, Suite 750  
Cleveland, OH 44114  
(216) 522-4970 phone  
(216) 522-2573 fax

Approved: August 17, 2009  
LEGAL REF: Included in Text

## Section 8000 – Students

### 8018 Discriminatory Harassment of Students

8018

Discriminatory harassment of students by School District elected officials, employees, vendors, contractors or others doing business with the School District, students, parent(s)/guardian(s), invitees, volunteers or guests will not be tolerated. Similarly, student-on-student discriminatory harassment is prohibited, equally, and will not be tolerated.

Discriminatory harassment includes unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct relating to an individuals' sex, race, color, national origin, age, religion, height, weight, marital status or handicap/disability when:

- Submission to such conduct or communication is made either an explicit or implicit condition of utilizing or benefiting from the services, activities, or programs of the School District,
- Submission to, or rejection of, the conduct or communication is used as the basis for a decision to exclude, expel or limit the harassed student in the terms, conditions or privileges of the School District, or
- The harassment substantially interferes with the student's education, creates an intimidating, hostile, or offensive environment, or otherwise adversely affects the student's educational opportunities.

Any student who believes that he or she has suffered harassment shall immediately report the incident(s) to his/her school Principal, or an Assistant Principal, or to the following person:

The Superintendent of Schools  
Battle Creek Public Schools  
3 Van Buren St. W  
Battle Creek, MI 49017  
Phone: 269-965-9500

## Section 8000 – Students

8018 Discriminatory Harassment of Students

8018-2

Should the complaint be against the Superintendent, the incident shall be reported to:

Vice-President of the Board of Education  
Battle Creek Public Schools  
3 Van Buren St. W  
Battle Creek, MI 49017  
Phone: 269-965-9500

The School District guarantees that a student reporting an incident(s) of discriminatory harassment will not suffer any form of reprisal.

In determining whether the alleged conduct constitutes discrimination or harassment, the totality of the circumstances, the nature of the harassment and the context in which the alleged incident(s) occurred will be investigated. The building Civil Rights Coordinator, or his/her designee, has the responsibility of investigating complaints of discriminatory harassment of students. In cases where the alleged harassment involves a member of the Board of Education, the School District will appoint outside legal counsel to investigate the complaint. The results of an investigation and any action taken thereon will be communicated to the complaining person.

The School District considers discriminatory harassment based on religion, race, color, national origin, age, sex, height, weight, marital status, handicap, or disability to be a major offense, which will result in disciplinary action of the offender. Disciplinary action against a School District employee may include termination of employment. Disciplinary action against a student may include expulsion. Disciplinary action against a Board of Education member may range from Board of Education public censure to removal of the Board Member from an officer position he/she may hold.

Sexual harassment, may include, but is not limited to, the following:

- Verbal harassment or abuse,
- Pressure for sexual activity,

## Section 8000 – Students

### 8018 Discriminatory Harassment of Students

8018-3

- Repeated remarks with sexual or demeaning implications,
- Unwelcome touching,
- Sexual jokes, posters, cartoons, etc., and/or
- Suggesting or demanding sexual involvement, accompanied by implied or explicit threats concerning one's grades, safety, job, or performance of public duties.

In addition, any form of retaliation against the complainant or witness is in itself a form of sexual harassment.

Upon completion of, or at any point in, the grievance process, complainants have the right to file a complaint with the Office for Civil Rights, US Department of Education, Washington, D.C. 20201. The complainant should first be directed to the following address:

Office for Civil Rights  
600 Superior Avenue, Suite 750  
Cleveland, OH 44114  
(216) 522-4970 phone  
(216) 522-2573 fax

Approved: August 17, 2009

LEGAL REF: MCL 37.2101 *et seq.*, (Elliott-Larsen Civil Rights Act); 380.11a; 20 USCA §1681; 34 CFR §106.8; 34 CFR §106.9 (Title IX of the Education Amendments)

## **Section 8000 – Students**

8018-R Discriminatory Harassment of Students

8018-R

### Federal Title Programs

If any person believes, the District, or an employee of the District has inadequately applied the principles and/or regulations of a federal Title program or believe they have been discriminated against, that person may make a complaint to the local Title coordinator at the following address:

District Title Coordinator  
Battle Creek Public Schools  
3 Van Buren St. W  
Battle Creek, MI 49017  
Phone: 269-965-9500

The person who believes they have a valid basis for the complaint shall discuss the matter informally and verbally with the local Title coordinator, who shall investigate the complaint and answer the complaint within two business days. If this reply is not acceptable to the complainant, the complainant may initiate formal procedures according to the following steps:

Note: Upon completion of, or at any point in, the grievance process, complainants have the right to file a complaint with the Office for Civil Rights, US Department of Education, Washington, D.C. 20201. The complainant should first be directed to the following address:

Office for Civil Rights  
600 Superior Avenue, Suite 750  
Cleveland, OH 44114  
(216) 522-4970 phone  
(216) 522-2573 fax

### **Step I:**

A written statement of the complaint signed by the complainant shall be submitted to the local Title coordinator within five business days of receipt of answers to the informal complaint. The coordinator shall further investigate the complaint and reply in writing to the complainant within ten school days.

## **Section 8000 – Students**

8018-R Discriminatory Harassment of Students

8018-R-2

### **Step II:**

If the complainant wishes to appeal the decision of the local Title coordinator, that person may submit a signed appeal to the Superintendent within five business days after receipt of the local coordinator's response. The Superintendent shall meet with all parties involved, attempt to arrive at a solution, and respond in writing to the complainant within five school days.

### **Step III:**

If the complainant remains unsatisfied, the complainant may appeal in a signed, written statement to the Board within five business days of receipt of the Superintendent's response in Step II. The Board shall meet with the concerned parties and their representatives within 15 days of receipt of the appeal. A copy of the Board's disposition of the appeal shall be sent to each concerned party within ten business days of the meeting.

### **Sexual Harassment and Intimidation**

Any person who alleges sexual harassment by a Board member, staff member or student in this District, may use the procedure detailed in the appropriate current negotiated agreement, faculty handbook, or student handbook, or may complain directly to his/her immediate supervisor, building Principal, school counselor, District Title IX coordinator or grievance officer. Filing a grievance or otherwise reporting sexual harassment will not reflect upon the individual's status, nor will it affect future employment, grades, or work assignments.

The right to confidentiality, for both the accuser and the accused, will be respected consistent with the District's legal obligations and with the necessity to investigate allegations of misconduct and to take corrective action when this conduct has occurred.

## **Section 8000 – Students**

8018-R Discriminatory Harassment of Students

8018-R-3

### Grievance Procedure

Any Board member, employee, or student in the District who believes that he/she has been subjected to discriminatory and/or sexual harassment shall report the incident(s), in the case of an employee, to the Superintendent, immediate supervisor, Title IX coordinator, or grievance officer; in the case of a student, to the building Principal, guidance counselor, Title IX coordinator or grievance officer; in the case of a Board member, to the Superintendent, Title IX coordinator, or grievance officer.

Should a building or central office administrator be the subject of the immediate complaint or have an apparent conflict of interest in relation to it, he/she will not participate in any way in the investigation of or the decision regarding the complaint.

Upon the filing of a complaint, the grievance officer shall conduct a prompt and complete investigation. The officer shall attempt to resolve the problem through the following steps:

1. Interview the complainant and document the interview.
  - a. Request that the complaint be put in writing, if possible.
  - b. Obtain the names of witnesses who can be contacted to substantiate the charges being made and secure permission of the complainant to interview them.
2. Interview the accused and document the interview.
  - a. Re-emphasize the Board's policy regarding insult, intimidation, and harassment without making judgments at this stage.
  - b. Keep the identity of the complainant confidential, if possible.
3. Interview all witnesses identified by the parties and document the interview.
4. Review the personnel files or student records/files of the complainant and the accused for any history of problems.
5. Make a determination on the merits of the complaint.

## Section 8000 – Students

8018-R Discriminatory Harassment of Students

8018-R-4

■ **If the investigation shows that the complaint is without merit, the following action will be taken:**

1. The investigation will be closed.
2. The grievance officer's findings and reasons for them will be discussed with the complainant.
3. Consideration will be given to disseminating the results of the investigation to employees or students who have knowledge of it.
4. All references to the complaint will be removed from the accused party's personnel file.
5. The Board's policy regarding discriminatory and/or harassment and the mechanism for complaint resolution will be reiterated to all employees or students involved in the investigation.
6. All documentation regarding the complaint and the investigation will be maintained in a separate confidential file in the event that litigation is commenced or a charge is filed with the Equal Employment Opportunity Commission or the Michigan Department of Civil Rights.

■ **If the investigation shows that the complaint has merit, the following action will be taken:**

1. The investigation will be closed.
2. The grievance officer will confer with the Board and Superintendent to determine what action is necessary to resolve the complaint and prevent recurrence.
  - a. The complainant should be made whole: in the case of an employee, for any lost earnings, employment opportunities, personnel records should be corrected; in the case of a student, lost educational opportunities, extracurricular opportunities, student records updated; in the case of a Board member; lost opportunities of public service, such as chair of special committees, appointments or professional development opportunities.

## Section 8000 – Students

8018-R Discriminatory Harassment of Students

8018-R-5

- b. The potential for continuing problems should be alleviated by reassignment where possible.
3. The parties will be advised of the results of the investigation and the actions to be taken.
4. Appropriate discipline will be imposed, as required by the strength of the evidence, the severity of the incident, and the position and prior record of the offender.
5. All actions will be documented and a record placed in the offender's permanent personnel file or student discipline records.
6. The Board's policy regarding discriminatory and/or sexual harassment and the mechanism for complaint resolution will be reiterated to all Board members, employees, or students involved in the investigation.
7. All documentation regarding the complaint and the investigation will be maintained in a separate confidential file in the event that litigation is commenced or a charge is filed with the Equal Employment Opportunity Commission or the Michigan Department of Civil Rights.

All complaints, interviews, and investigations will be treated with the strictest confidentiality and utmost discretion. Only those Board members, employees, or students whose participation in the investigation of a complaint was essential to its resolution will be informed of it.

The Board reserves the right to contact outside investigators for sensitive and/or extensive complaints of harassment.

### Sanctions

- a. A substantiated charge against a staff member in the District shall subject that staff member to disciplinary action, up to and including discharge.
- b. A substantiated charge against a student in the District shall subject that student to disciplinary action, which may include suspension or expulsion, consistent with the Code of Student Conduct.

**Section 8000 – Students**

8018-R Discriminatory Harassment of Students

8018-R-6

- c. A substantiated charge against a Board member in the District shall subject that Board member to any legal and disciplinary action allowed under current law.

## Section 8000 – Students

8020 Attendance

8020

The Board encourages regular attendance at school by all students and complies with all Michigan Compulsory Attendance laws. Daily attendance records shall be maintained for each student in each school. Regular attendance contributes not only to the probability of scholastic success but also to the development of attitudes of consistent performance, which will carry over into adult life.

### Compulsory Attendance - Religious Exemption

Any student, who has completed the eighth grade before reaching 16 years of age and who is a member of a recognized church or religious denomination that objects to a regular public high school education, may attend classes in a regularly supervised non-public program of instruction approved by the State Board of Education. Attendance of such a student in a non-public educational program shall conform to state law.

It is the parent(s)/guardian(s) responsibility to provide transportation to such non-public religious activities.

Approved: August 17, 2009

LEGAL REF: MCL 380.1231(2); 380.1561; 380.1571; 380.1577; 380.1586-1589; R 340.71; OAG, 1977-1978, No 5414, p 738 (December 20, 1978); OAG, 1987-1988, No 6467, p 196 (September 16, 1987)

## **Section 8000 – Students**

8020-R Attendance

8020-R

District personnel are to follow the state rules and laws regarding student attendance accounting and reporting. The District's staff is to cooperate with attendance officers and law enforcement personnel when enforcing the compulsory attendance laws.

## Section 8000 – Students

8030 Truancy

8030

The Board shall comply with current law.

The Superintendent or designee shall include in his/her annual report any information relative to students not attending school, which he/she feels, should be called to the attention of the Board and the community. The Superintendent or designee shall attempt to enlist the support and cooperation of local authorities in dealing with school problems created by students not attending school.

A significant part of the school day, for student attendance purposes, shall be 70 percent of the time in attendance at school.

Approved: August 17, 2009

LEGAL REF: MCL 380.1571; 380.1586-1596, 380.1599; OAG 5414 (12/20/78.)

## **Section 8000 – Students**

8035 Absences and Excuses (Cf. 7610, 8350)

8035

The Board, other than for illness or other reasons specifically referenced in Board policy, discourages any absence from school. All absences shall be either excused or unexcused. Appropriate rules and regulations regarding student absences shall be developed by the administrative staff and reviewed by the Board. Those rules will be incorporated into the appropriate staff and student handbooks.

Approved: August 17, 2009

LEGAL REF: MCL 380.1561

## Section 8000 – Students

### 8040 School Admissions

8040

The Board expects the administrative procedures for the admission of students to be designed in such a fashion that enrollment is handled expeditiously and with the least possible inconvenience to parent(s)/guardian(s), or other caregivers, and students. The enrolling school administrator or designee shall enter on the student's permanent record card the student's legal name and the name, address and telephone number of his/her parent/guardian or other parent/guardian designated contact acting as a caregiver, as required in Board policy 8090.

#### Release of a Student During the School Day

Any unusual custody circumstances shall be explained and updated insofar as possible.

#### First Time Enrollments

The parent(s)/guardian(s) applying to have a child registered for the first time in a school shall present to school officials required state documentations, e.g. birth record or certificate of immunization.

#### Resident Students

In order to obtain an estimate of the number of resident students who are expected to enroll in school during the following year, a pre-enrollment period shall be scheduled annually. The Superintendent or designee shall schedule a reporting date for resident students.

#### New Resident Students

New resident students are urged to contact the Superintendent or designated office as soon as possible after establishing residence in the District.

#### Non-Resident Students

A non-resident student shall be defined as any student who does not meet the requirements to be a resident student of the District, as defined in state law. The enrollment of non-resident students is a privilege granted by the District and is not a legal right provided to the non-resident student and/or his/her parent(s)/guardian(s).

## Section 8000 – Students

### 8040 School Admissions

8040-2

Non-resident students shall not be granted or refused enrollment based upon disability, religion, race, color, national origin, sex, height, or weight, or generally, in violation of any state or federal law prohibiting discrimination.

The Board will consider and may permit the enrollment of non-resident students upon receiving a release from the school District of residence upon compliance with the State of Michigan school of choice options, or upon payment of tuition unless exempt from either by state law.

Enrollment requests from non-resident students will be subject to space availability as determined by the Superintendent considering resident student enrollment projections.

Requests from the parent(s)/guardian(s) of special education students for admission shall be considered in accordance with applicable state and federal laws. The student's current Individual Education Plan (IEP) shall be used to determine if the requested school or program can meet the student's needs. A written cooperative agreement with the student's resident District is required and shall cover, but not be limited to, an arrangement on the responsibility for the payment of the added costs of special education programs and services, including transportation, for the student.

Non-resident students admitted pursuant to the following exceptions will not be required to pay tuition or seek approval from their District of residence if:

1. The student was a victim of a criminal sexual assault or other serious assault, that (1) occurred "at school"<sup>1</sup> in the student's District of residence, or (2) that was committed by one or more students from the student's District of residence, or (3) that was committed by employee of the student's District of residence.

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<sup>1</sup> "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. MCL 388.1606(6)(g)(i).

## Section 8000 – Students

### 8040 School Admissions

8040-3

2. The student is the child of an employee who is under a full-time or part-time employment during the current school year and that student(s) would be accepted under the non-resident policy. Unless as otherwise required by law, transportation for enrolled non-resident students shall be furnished by their parent(s)/guardian(s).

#### Resident Attendance in another District – Non-Schools of Choice

The Board may approve resident students attending another school District when

1. Educational purposes/educational program is not offered by Battle Creek Public Schools,
2. Completion of senior year if previous resident and attending former school – just moved to Battle Creek Public Schools,
3. Anticipated permanent change of residence to another District on or before November 1 of current school year with written legal documentation.

#### Transfers and Withdrawals

Transfers may be permitted between elementary schools during the school year based upon the needs of the student.

All students who plan to transfer to another District or who intend to withdraw entirely from the school are encouraged to give advance notice, insofar as this is possible, in order that the school rolls may accurately reflect the current student enrollment of the District.

Approved: August 17, 2009

LEGAL REF: MCL 380.10; 380.1134-1135; 380.1147-1148; 380.1177; 380.1204a; 380.1282; 380.1324; 380.1401; 380.1416; 388.1606; OAG, 1979-1980, No 5642, p 587 (February 4, 1980); OAG, 1981-1982, No 5925, p 234 (June 23, 1981); OAG, 1981-1982, No 5995, p 412 (October 12, 1981); OAG, 1987-1988, No 6467, p 196 (September 16, 1987)

## **Section 8000 – Students**

8040-R School Admissions

8040-R

The Superintendent or designee, in cooperation with the Principals, shall establish an advance enrollment date for all students. Enrollment procedures will be communicated via multiple media, and every attempt will be made to enlist the cooperation of the media in informing the public of the enrollment procedures to be followed.

### First Time Enrollments

The proof of identity for students enrolling for the first time in the District may include, but may not be limited to, such items as the student's certified birth certificate, a notarized copy of a court order placing the student in the custody of the Department of Human Services, a valid passport, or other reliable documentary evidence that the Board considers satisfactory.

If the identity of the student is not proven by documentary evidence within 30 days, the enrolling officer shall notify the local law enforcement agency as required by law. If the enrolling officer suspects the identity affidavits to be inaccurate or suspicious in nature, he/she shall contact the local law enforcement agency.

### Resident Students

The Superintendent or designee shall ascertain that all students who apply for admission to the schools are lawfully entitled to enroll. In the event that there is a doubt about the legal status of a student, the Superintendent or designee may refer the question to the school attorney.

### New Resident Students

The Superintendent or designee shall cause public announcements to be made from time to time, with greater frequency during the summer months, as to the procedures that new residents of the District are expected to follow in enrolling in the schools of the District.

## **Section 8000 – Students**

8040-R School Admissions

8040-R-2

### Non-Resident Students

Application for a non-resident student who desires to be admitted to the schools of the District shall be submitted to the Superintendent or designee.

The parent(s)/guardian(s) of a non-resident student who wishes to enroll a student because the parent(s)/guardian(s) is/are employed by the District may be required to provide proof of employment.

### Tuition

The tuition for any student, that is to be paid by another District, shall be paid on the date provided in the agreement with that District. In the event tuition for a non-resident student is to be paid by the parent(s)/guardian(s), the tuition shall be paid in full at the time of enrollment in the amount determined by the Superintendent.

### Assignment

The building Principal in conjunction with the Superintendent or designee shall be initially responsible for specific classroom and grade level assignment of all students within the school. In the elementary schools, the Principal, in determining the grade level for any new student, may take into consideration the previous schooling of the student but may assign the student to a lower grade level or higher grade level, if in his/her judgment, and with the cooperation of the parent(s)/ guardian(s), the best interests of the student would be served thereby.

In the middle school and in the senior high school, full faith and credit may be given to units earned in other accredited schools.

Should the parent(s)/guardian(s) (or student, if an emancipated minor) elect to exercise their judgment in opposition to the best professional judgment of the Principal or Superintendent, the parent(s)/guardian(s) (or student, if an emancipated minor) shall be required to sign an affidavit that they have elected to ignore the best professional judgment of the District in the grade level placement of the student. The affidavit will be retained in the student's permanent record.

## Section 8000 – Students

8040-R School Admissions

8040-R-3

### To Schools

Any parent(s)/guardian(s) who wish to enroll a child as a student in a school outside of the attendance area in which the student would otherwise attend may participate in the intra-district schools of choice option at the appropriate time.

### To Classrooms

The building Principal shall be responsible for assigning students to specific classrooms within the school. In making classroom assignments, the Principal shall take into account available space, the needs of the students, class sizes, and scheduling requirements.

### School Admissions - Non-Accredited Schools

Students attending or having attended a non-accredited school, who wish to attend school in the District, must adhere to the District and State guidelines managed by an appropriate guidance counselor to determine grade level placement. The school officials shall make grade placement after consultation with the parent(s)/guardian(s), guidance personnel and the Superintendent or designee. Criteria for final placement shall include past educational experience and successful performance and/or examination at the level of initial assignment.<sup>2</sup> Grades earned at non-accredited schools shall not be used in determining Grade Point Average, National Honor Society Membership, or valedictorian/salutatorian honors.

### Transfers and Withdrawals

It shall be the responsibility of the Principal of the appropriate school to determine whether a student has transferred or withdrawn from school.

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<sup>2</sup> It is permissible for schools to disallow grades earned at non-accredited schools - which would include "home schooling" - as part of a middle school or high school GPA calculation or for use in calculating entrance into National Honor Society or for purposes of determining salutatorian or valedictorian honors. If that is the District's choice, the following rules language need simply be added to these rules: "Grades earned at non-accredited schools shall not be used in determining Grade Point Average, National Honor Society Membership, or valedictorian/salutatorian honors."

## **Section 8000 – Students**

8040-R School Admissions

8040-R-4

Within 14 days after enrolling a transfer student at school, the enrollment office shall request, in writing, that the student’s previous school forward a copy of said student’s records to the new school.

### Resident Attendance in another District - Non-Schools of Choice

All requests to attend another school District that is not a “schools of choice” District shall be made to the Superintendent or designee.

## Section 8000 – Students

8045 Homeless Children

8045

The Board is committed to identifying homeless children and youth.<sup>3</sup> The Superintendent shall develop guidelines and procedures for identifying homeless children within the District and will produce written guidelines for distribution to each school that explains the rights of homeless students and the responsibilities of the schools to meet their needs and eliminate barriers to school attendance. This information shall also be disseminated in writing and by other means designed to raise awareness of these rights and responsibilities to staff, homeless families and students, the public, and homeless service providers.

Such children shall be provided with educational services to meet their needs as determined. The District will remain in compliance with the McKinney-Vento Act, federal and state laws, regulations/guidelines in alignment with the No Child Left Behind Act.

The District Homeless Liaison will work with the parent/guardian to determine the school placement, which is in the best educational, social, and emotional interest of the child.

The Superintendent or designee shall provide financial assistance through grants whenever possible to help defray the cost of fees and charges for homeless children enrolling in school.

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<sup>3</sup> Under the McKinney Act, the terms homeless children and youths mean “individuals who lack a fixed, regular, and adequate nighttime residence ... and includes:

(i) children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;

(ii) children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings...;

(iii) children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and

(iv) migratory children ... who qualify as homeless for the purposes of this part because the children are living in circumstances described [above].”

## Section 8000 – Students

8045 Homeless Children

8045-2

### Necessities

- Identification of Homeless children and youth
- Address all Enrollment Barriers
- The school enrollment and retention barriers that homeless children and youth most frequently face are the following: transportation, immunization requirements, residency requirements, providing birth certificates, and legal guardianship requirements. *U.S. Department of Education's McKinney-Vento Report To Congress for Fiscal Year 2000*
- Homeless students have full and equal opportunity to succeed in, the schools
- Homeless children and youth and their families receive educational services for which they are eligible, including Head Start, Even Start, and preschool programs administered by the LEA, and referrals to health, mental health, dental, and other appropriate services;
- Parents/Guardians of homeless children and youth are informed of educational and related opportunities
- Parents/Guardians and unaccompanied youth are fully informed of all transportation services, including transportation to and from the school of origin, and are assisted in accessing transportation services.

Approved: August 17, 2009

LEGAL REF: 42 USCA §11433 (McKinney Homeless Assistance Act); 20 USCA § 6311 (No Child Left Behind Act)

## **Section 8000 – Students**

8045-R Homeless Children

8045-R

The District will emphasize the rights of homeless students to equal access to all educational programs and services.

## **Section 8000 – Students**

8055 Changing Student Letter Grades

8055

A student, age 18 years or older, or their parent(s)/guardian(s) if under the age of 18, may request to have a letter grade changed only for final grades on final exams or grades at the end of a marking period, term, or semester within 4 weeks after the end of grade marking segment. The Superintendent or designee will promulgate rules for the procedures to be followed when a request for a change in a letter grade is made.

Grades other than those mentioned in the previous paragraph may be appealed by the process documented in the student handbooks.

Approved: August 17, 2009  
LEGAL REF: MCL 380.11a

## **Section 8000 – Students**

8055-R Changing Student Letter Grades

8055-R

Should a request be made to change a letter grade on final exams or grades at the end of a marking period, term, or semester, the following procedures are to be followed:

### **Step 1 - Informing the Teacher**

If a student/parent(s)/guardian(s) is/are dissatisfied with the letter grade received, the teacher is informed by the student/parent(s)/guardian(s), within 10 calendar days, the reason(s) for wanting the grade changed.

### **Step 2**

- a. The teacher who gave the original grade agrees with the student's request, within 10 calendar days, to the change and the procedure ends, or
- b. The teacher who gave the grade does not agree, or does not respond to the student's request within 10 calendar days, the student proceeds to the next step.

### **Step 3**

#### **Principal Receives Request**

Within 30 calendar days after the student receives the grade and the teacher does not agree to change the grade, the Principal, or person designated by the Principal, must receive a written request from the student stating the reasons for wanting the grade change.

#### **Meeting with Principal**

The Principal shall consult with the teacher who assigned the grade and the student within 20 calendar days after receiving the written request from the student.

The student, parent(s)/guardian(s) may attend this meeting or may make a presentation, orally or in writing, to the Principal.

## **Section 8000 – Students**

8055-R Changing Student Letter Grades

8055-R-2

### Rational Basis Guideline

The Principal cannot change the grade unless he/she finds that the student requesting the change has established there was not a “rational basis” for the challenged grade under the teacher’s established grading procedures. If the student has established a “rational basis,” the Principal may change the grade.

### Principal’s Decision

The Principal shall make his/her decision within 10 calendar days after the meeting with the teacher and student/parent(s)/guardian(s).

### **Step 4 - Timely Appeals**

The teacher or the student/parent(s)/guardian(s) may appeal the Principal’s decision to the Superintendent’s Office within 20 calendar days after receiving the Principal’s decision. Failure to make a timely appeal means the Principal’s decision is final.

The Superintendent’s Office shall render a decision within 30 calendar days.

### **Step 5**

Either the teacher or the student may appeal the Superintendent's decision to the Board within 20 calendar days after receiving the decision from the Superintendent’s Office. Failure to make a timely appeal means the decision is final.

### **Step 6**

The Board shall meet within 30 calendar days to consider the appeal. The Board shall review the reasons for and against the proposed change. The Board will not interview the parties nor hear oral presentations.

The Board shall either approve or disapprove the decision of the Superintendent’s Office. The Board shall not modify the decision.

The Board’s decision is final.

## **Section 8000 – Students**

8055-R Changing Student Letter Grades

8055-R-3

### **Step 7 - The Student's Record**

If the Principal, Superintendent's Office or Board acts to change a grade under this policy, a notation shall be made in the student's record that the Principal, Superintendent's Office or Board changed the grade.

## **Section 8000 – Students**

8080 Re-admissions

8080

Students, whose enrollment has been terminated, either voluntarily or otherwise, may be re-admitted by following the procedures established by the Board.

Approved: August 17, 2009

LEGAL REF: OAG, 1985-1986, No 6271, p 13 (February 7, 1985)

## **Section 8000 – Students**

8080-R Re-admissions

8080-R

All applications for re-admission to the schools shall be submitted in writing to the Superintendent or designee. If the student who is applying for re-admission has been previously expelled from the school, the Superintendent or designee shall attempt to establish communication with the parent(s)/guardian(s). The Superintendent or designee will assist the parents and expelled student in determining the readmission and/or reinstatement process.

If the student who is applying for re-admission has previously withdrawn, either formally or otherwise, the Principal or his/her representative by appropriate counseling shall assist the student in planning his/her schedule, in obtaining the necessary books and supplies and in re-establishing him/herself as an active participant in the program of the school.

## **Section 8000 – Students**

8090 Release of a Student during the School Day

8090

In recognition of the District's obligation to parent(s)/guardian(s) for the health, welfare and safety of students, building Principals shall not release a student during the school day except in emergencies or to a student's parent or legal guardian as defined by Michigan law. Other staff, including but not limited to teachers, custodians, aides, and administrative assistants, shall refer any requests for an early release during the school day to the Principal. The identification of the student's lawful custodian shall be verified to the satisfaction of the Principal. All written or verbal requests of the student's parent or legal guardian shall be verified to the satisfaction of the Principal. The name, address and telephone number of the student's parent or legal guardian shall be entered into the current student database.

Approved: August 17, 2009

LEGAL REF: MCL 380.1561; R 340.71-75; OAG, 1989-1990, No 6596, p 195 (August 9, 1989)

## Section 8000 – Students

8095 Closed Campus

8095

The District shall maintain a closed campus for all schools. The Superintendent or high school Principal may offer an exception to the closed campus policy to eligible seniors. Board members shall be notified of exceptions.

Exceptions, if granted, to this closed campus policy for eligible seniors shall mean that such students are allowed to walk off the campus during their lunch period, but any motorized vehicles driven to school by students must remain on the school property. Students who choose to leave school property during lunch are prohibited from riding in or driving a motorized vehicle.

### Eligible Senior Exception

1. The student shall have completed the minimum credit requirements in 2 years to be a junior and the minimum credit requirements in 3 years to be a senior.
2. No behavior referrals for the current and preceding semester.
3. A parental/guardian permission form, provided by the administration, must be submitted to the attendance officer, or building Principal at the beginning of each semester.

The eligible senior's exception must be renewed every marking period and shall be immediately revoked if the student:

1. Is late returning to campus is marked tardy in his/her next scheduled class,  
or
2. Transports ineligible students.

## Section 8000 – Students

8095 Closed Campus

8095-2

Revoked senior exception may be reinstated, when eligible, at the building Principal's discretion. Participating students are subject to all student codes and regulations.

The District shall issue appropriate tags or passes for orderly process of the program.

The Superintendent may suspend the exceptions program at any time for any cause.

Approved: August 17, 2009  
LEGAL REF: MCL 380.1561(1)<sup>4</sup>

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<sup>4</sup> **380.1561 Compulsory attendance at public school; enrollment dates; exceptions. [M.S.A. 15.41561]**

Sec. 1561. (1) Except as otherwise provided in this section, every parent, guardian, or other person in this state having control and charge of a child from the age of 6 to the child's sixteenth birthday shall send that child to a public school during the entire school year. The child's attendance shall be continuous and consecutive for the school year fixed by the school District in which the child is enrolled. In a school District that maintains school during the entire calendar year and in which the school year is divided into quarters, a child is not required to attend the public school more than 3 quarters in 1 calendar year, but a child shall not be absent for 2 or more consecutive quarters.

## **Section 8000 – Students**

### **8130 Searches of Motorized Vehicles, Lockers, and Students**

8130

Searches of lockers, motorized vehicles, and students shall be conducted under the appropriate legal standard, to maintain the safety and security of students, teachers, guests, and school property.

#### Lockers

All lockers assigned to pupils are the property of the school District. At no time does the school relinquish its exclusive control of its lockers. The school Principal or designee shall have custody of all combinations to all lockers and locks. Pupils are prohibited from placing locks on any locker without the prior approval of the Principal or designee.

The school may assign temporary use of lockers to students for their convenience and the lockers may be used only as permitted by the rules developed by the Superintendent. The Board authorizes the Principal or designee to search lockers and locker contents at any time, without notice, and without parent(s)/guardian(s) or pupil consent. Random searches shall be conducted pursuant to a method and/or schedule approved by the Superintendent or designee.

The Principal or designee may request the assistance of law enforcement with or without a canine unit in conducting a locker search pursuant to state statute. If law enforcement is summoned, the Principal and/or designee shall supervise the search. In conducting a search, the privacy rights of the student regarding any items discovered that are neither illegal nor against school policy and rules, shall be respected.

Any illegal or unauthorized items found during a locker search or items deemed to be a threat to the safety and security of others may be seized. Such items include, but are not limited to:

- Firearms,
- Explosives,
- Dangerous weapons,
- Flammable material,

## **Section 8000 – Students**

### **8130 Searches of Motorized Vehicles, Lockers, and Students**

8130-2

- Illegal controlled substances or controlled substances analogues or other intoxicants,
- Contraband,
- Poisons, and/or
- Stolen property.

Law enforcement authorities shall be notified immediately of seizure of such items, or of items that must be reported to law enforcement under the Statewide School Safety Information Policy. The items seized will be turned over to law enforcement. The parent(s)/guardian(s) of a minor student or a student 18 years of age or older, shall be notified by the Principal or designee of items removed from the locker. A copy of this policy and accompanying administrative rules regarding locker searches shall be provided annually to each pupil and parent(s)/guardian(s) of the pupil assigned a school locker.

#### **Motorized Vehicles**

Student use of a motorized vehicle on school property is a privilege. Motorized vehicles brought onto school property by students are subject to search by the Principal or designee, without notice or consent, if the Principal or designee reasonably suspect that the contents of the motorized vehicle may present a threat or potential threat to the health, safety, or welfare of other students, staff, or to the school in general.

In the case of a locked motor vehicle, every effort will be made to have the vehicle unlocked by the student before proceeding with the search. Students refusing to cooperate in allowing a search of a vehicle brought by them onto school property shall be subject to disciplinary action up to and including revocation of driving privileges on school property and/or long-term suspension or expulsion.

## **Section 8000 – Students**

8130 Searches of Motorized Vehicles, Lockers, and Students

8130-3

### Students

Upon reasonable suspicion, and in order to protect the health, safety, or welfare of the students under school jurisdiction, the Principal, or designee, are authorized to search students. All searches shall be carried out in the presence of an adult witness.

### Strip Searches

No strip searches shall be conducted by school authorities.

### Law Enforcement Searches

School officials shall cooperate with law enforcement officers who seek to execute a search warrant. Where law enforcement officers desire to search without a warrant, school officials should request that the circumstances be explained, and should normally not assist, unless a clear emergency exists.

Approved: August 17, 2009

LEGAL REF: MCL 380.1306, 380.1308(5), Statewide School Safety Information Policy,  
*New Jersey v. T.L.O.*, 469 U.S. 325 (1985)

## **Section 8000 – Students**

### **8130-R Searches of Motorized Vehicles, Lockers, and Students**

8130-R

#### Search of Lockers

The lockers in the schools of the District shall be under supervision of the building Principal or designated representative. Students are to use lockers only for school-related materials and authorized personal items, such as outer garments, footwear, grooming aids, or lunch. Students are not to use lockers for any other purpose unless prior authorization has been obtained from the Principal or designee. Students are responsible for the content of their lockers and should not share lockers, or divulge locker combinations unless authorized to do so.

The building Principal and designees shall have sole custody of the combination or key to all locker locks in a storage place designed to guard against unauthorized access or use. He/She may search any locker at any time. Such search may be made without notice to the student to whom such locker has been assigned. Random searches will be conducted. Students are prohibited from placing locks, other than the regularly issued school lock, on their lockers. Law enforcement officers may be asked to assist, but school officials must supervise searches that school officials instigate pursuant to policy 8130.

If a law enforcement officer desiring to search a student's locker has a warrant for such search, the Principal shall immediately take such person to the student's locker and permit him/her to search the locker. Whenever possible, such search shall be made in the presence of the Principal.

If a law enforcement officer desires to search the student's locker without a warrant, the building Principal shall ask what facts lead the officer to believe that evidence of a crime will be lost, destroyed or moved if the search and seizure does not take place immediately, before a warrant is obtained. If the building Principal is not of the same opinion, he/she shall not participate in the search, but shall allow the law enforcement officer to proceed on his/her own responsibility. The Principal shall report the incident to the Superintendent who may notify the officer's superior of the incident.

## **Section 8000 – Students**

### 8130-R Searches of Motorized Vehicles, Lockers, and Students

8130-R-2

Prohibited items recovered from a student's locker shall remain in the custody of the building Principal, until such items are turned over to law enforcement officials. The Principal shall receive a receipt for such items so delivered.

#### Search of Motorized Vehicles

The building Principal or designated representative may search any motorized vehicles brought onto school premises by a student at any time upon reasonable suspicion that the motorized vehicle contains an item(s) hazardous to the health, safety, and welfare of students, personnel, or property. These items include but are not limited to firearms, explosives, liquor, flammable material, dangerous weapons, narcotics, or other matter prohibited by law or school regulations from being on school property. Such search may be made without notice to the student. Students refusing to cooperate in allowing a search of the motorized vehicle shall immediately lose their parking/driving privileges and shall be subject to further disciplinary action up to and including long term suspension or expulsion.

Prohibited items recovered from motorized vehicles shall remain in the custody of the building Principal, until such items are turned over to law enforcement officials. The Principal shall receive a receipt for such items so delivered.

#### Search of the Person

When it has been determined by the building Principal that there is reason to suspect that a student is in possession of an object which can jeopardize the health, welfare or safety of other students, that student shall be ordered to report to the building Principal's office. This determination may be based on any information received by the building Principal or by a member of the faculty or staff. It also may be based on knowledge of the student's disciplinary problems, the student's association with known drug offenders, the students' exhibiting objects associated with drug use, or the students' exhibiting such objects as bullets or a knife sheath that could be associated with dangerous weapons.

## **Section 8000 – Students**

8130-R Searches of Motorized Vehicles, Lockers, and Students

8130-R-3

Once in the Principal's office, the student shall be advised of the reason why he/she has been ordered to report to the Principal's office. The student shall then be requested to empty items such as, but not limited to, pockets, purses, shoulder bags, and briefcases. Items that the building Principal believes may be connected with illegal activity may remain in the custody of the building Principal, until such items are turned over to law enforcement officials, and if this is done, the Principal shall receive a receipt for such item so delivered.

If the student refuses to comply with this request, the building Principal shall notify the student's parent(s)/guardian(s) and request that they come to the school at once. The building Principal shall advise the parent(s)/guardian(s) of the situation. If the parent(s)/guardian(s) of the student are unable to persuade the student to comply, the parent(s)/guardian(s) and the student shall be advised that law enforcement officials will be notified, and the matter turned over to an appropriate law enforcement agency.

If the parent(s)/guardian(s) refuse to come to the school or are unable to be notified and the student continues to refuse to cooperate, the building Principal shall notify law enforcement officials and inform them of the facts, which give him/her reasonable suspicion to believe that the student has illegal or dangerous objects on his/her person. Any further search of the student shall be at the discretion and under the control of the law enforcement officials with a valid warrant, if law requires a warrant. Once the building Principal has relinquished control of the student to the law enforcement officials, the building Principal or representative shall remain with the student and request to be present during any search of the student made by law enforcement officials on school property.

Upon any search, a written report shall be made to the Superintendent or designee and kept on file.

## **Section 8000 – Students**

### 8140 Interrogation and Investigations Conducted in School

8140

It shall be the policy of the District that a reasonable cooperative effort is maintained between the school administration and law enforcement agencies. Law enforcement officials may be summoned in order to conduct an investigation of alleged criminal conduct on the school premises or during a school-sponsored activity or to maintain the educational environment. They may also be summoned for the purpose of maintaining or restoring order when the presence of such officers is necessary to prevent injury to persons or property. Administrators have the responsibility and the authority to determine when the presence and assistance of law enforcement officers is necessary within their respective jurisdictions. The District's administrators shall at all times act in a manner which protects and guarantees the rights of students and parent(s)/guardian(s) and shall cooperate with law enforcement officials as provided in 8140-R.

School staff members shall be informed of any changes to the contents of this policy and rules.

Approved: August 17, 2009

## **Section 8000 – Students**

8140-R Interrogation and Investigations Conducted in School

8140-R

In these rules, the administration is reminded that a student who has attained the age of 18 enjoys the responsibility of speaking for him/herself without the agreement of the parent(s)/guardian(s), or representative as to whether or not he/she will submit to questioning.

If possible, the parent(s)/guardian(s), or representative of the student shall be notified by the Principal or other school administrator before the student is taken into custody by law enforcement officers or as quickly thereafter as possible. The administrator shall document such notification or attempted notification.

## **Section 8000 – Students**

8220 Alcohol, Inhalants, Steroids, and Drug Abuse

8220

Students, who unlawfully possess, use or distribute alcohol, inhalants, steroids, and/or illicit drugs on school premises or at a school-activity or event will be subject to discipline up to and including expulsion and referral to the police for prosecution, in accordance with the District’s “Student Code of Conduct.” Students may also be required to complete an appropriate rehabilitation program successfully.

The Board of Education and the School District encourage students who are experiencing problems with alcohol, inhalants, steroids, and/or drug abuse to seek assistance for such problems through treatment, counseling, and/or rehabilitation programs voluntarily. Information regarding these programs is available at the counseling office.

Approved: August 17, 2009

LEGAL REF: MCL 380.1170

## Section 8000 – Students

8230 Tobacco Products

8230

The use and/or the possession by any student, regardless of age, of any tobacco product are prohibited at school which includes in any school building, at school-sponsored events - regardless of location, or on any school property at any time.

Possession of tobacco products by any student under the age of 18 years may be reported to appropriate law enforcement authorities. (Cf. 2790)

Approved: August 17, 2009

LEGAL REF: MCL 380.1170; 333.12601 *et seq.*; 722.642; 750.473; OAG, 1977-1978, No 5202, p 167 (July 11, 1977); OAG, 1977-1978, No 5336, p 502 (June 28, 1978)

## **Section 8000 – Students**

8240 Student Appearance

8240

Students' dress and grooming must not disrupt the educational process, interfere with the maintenance of a positive teaching/learning climate, or compromise reasonable standards of health, safety, and decency. Procedures for handling students who dress or groom inappropriately will be developed by the Superintendent, or designee, and included in the Student Handbooks.

Approved: August 17, 2009

## Section 8000 – Students

8245 Student Behavior

8245

The Board desires to keep District schools and students free from threats or harmful influences. The Superintendent, or designee, shall maintain visible supervision of District premises to deter intimidation and confrontation between and among students.

The Superintendent, or designee, shall:

- Establish open lines of communication with local law enforcement authorities so as to share information and provide mutual support in this effort,
- Provide in-service training to help staff identify gangs and gang symbols, recognize early manifestations of disruptive activities, and respond appropriately to gang behavior, and
- Keep the staff informed about conflict management techniques and alerted to intervention measures and community resources, which helps students.

The Board prohibits the presence of any apparel, jewelry, accessory, notebook or manner of grooming which, by virtue of its color, arrangement, trademark or any other attribute, denotes membership in groups or gangs, which advocate drug use, violence, or disruptive behavior.

At the Principal's discretion, staff may use the following techniques to discourage the influence of gangs:

1. Any student wearing or carrying overt gang paraphernalia or making gestures that symbolize gang membership shall be referred to the Principal or designee. The student's parent(s)/guardian(s) shall be contacted and the student sent home to change clothes if necessary.
2. Any gang graffiti on District premises shall be quietly removed, washed down, or painted over as soon as discovered.
  - a. Daily checks for graffiti shall be made throughout the campus, including restroom walls and doors.

## **Section 8000 – Students**

8245 Student Behavior

8245-2

- b. Graffiti shall be photographed before it is removed. The photographs will be shared with local law enforcement authorities and used in future disciplinary or criminal action against offenders.
- c. Promote constructive activities available in the community.
- d. Encourage positive school behavior.

Approved: August 17, 2009

LEGAL REF: Statewide School Safety Information Policy

## **Section 8000 – Students**

8255 Terroristic Threats/Acts

8255

The Board recognizes the danger that terroristic threats or acts by students present to the safety and welfare of District students, staff, and community. The Board acknowledges the need for an immediate and effective response to a situation involving such a threat or act.

A terroristic threat shall mean a threat to commit violence communicated with the intent to terrorize another, to cause evacuation of a building, or to cause serious public inconvenience, in reckless disregard of the risk causing such terror or inconvenience.

A terroristic act shall mean an offense against property or involving danger to another person.

The Board prohibits any District student, at any time, regardless of whether school is in session, from communicating terroristic threats or committing terroristic acts directed at any student, employee, Board member, community member, school building, or property. Any such threat, either real or intended as a joke, or any terroristic act will not be tolerated in or around the Battle Creek Public School District, its properties or in or on any vehicle or watercraft owned, leased, rented or used in connection with any school activity.

The Board directs the Superintendent to react promptly and appropriately to information and knowledge concerning a possible or actual terroristic threat or act and to initiate or recommend the most serious disciplinary action available under the law for such threats or acts.

## **Section 8000 – Students**

8255 Terroristic Threats/Acts

8255-2

Staff members and students shall be responsible for informing the Principal or designee, regarding any information or knowledge they may have relevant to a possible or actual threat or act. The Principal or designee is responsible to notify the Superintendent. Failure to bring forward information or knowledge relative to a possible or actual threat or act shall result in disciplinary consequences for students up to and including permanent expulsion and for staff members up to and including discharge.

When the Superintendent has evidence that a student has made a terroristic threat or committed a terroristic act, the following guidelines shall be applied:

1. The Principal shall immediately suspend the student.
2. The Principal shall promptly report the incident to the Superintendent, who will inform members of the Board of Education.
3. Based upon further investigation, the Principal will determine whether the student shall be reported to law enforcement officials.

The Principal, based upon further investigation, shall recommend expulsion, if appropriate, of the student.

If a student is expelled for making terroristic threats or committing terroristic acts, the student may be required, prior to readmission, to provide competent and credible evidence that the student does not pose a risk of harm to others.

Approved: August 17, 2009

LEGAL REF: MCL 380.1308; Statewide School Safety Information Policy

## Section 8000 – Students

8260 Bullying (Cf. 8018)

8260

### Bullying Prohibited

Bullying is a form of harassment. For the purposes of this policy, “bullying” is defined as: “The repeated intimidation of others by the real or threatened infliction of physical, verbal, written, electronically transmitted, or emotional abuse, or through attacks on the property of another. It may include, but not be limited to, actions such as verbal taunts, name-calling and put-downs, including ethnically-based or gender based verbal put-downs, extortion of money or possessions, and exclusion from peer groups within school.” Such conduct is disruptive of the educational process and, therefore, bullying is not acceptable behavior in this District, and is prohibited.

Students who engage in any act of bullying while at school, at any school function, in connection to or with any District sponsored activity or event, or while enroute to or from school are subject to disciplinary action, up to and including suspension or expulsion. As may be required by law, law enforcement officials shall be notified of bullying incidents.

The Superintendent or designee shall develop administrative regulations and programs that will increase awareness of the problem of bullying, and train teachers and other staff to intervene effectively if bullying is witnessed in their presence or brought to their attention. In designing administrative regulations and anti-bullying programs or strategies, the Superintendent or designee should consult with the greater school community, including students.

This policy shall not be interpreted to prohibit a reasoned and civil exchange of opinions, or debate that is protected by state or federal law.

Approved: August 17, 2009

LEGAL REF: “Policies on Bullying,” Michigan State Board of Education, 7-19-01; Tinker v Des Moines Independent School District, 393 US 503(1969). See also: Saxe v State College Area School District, 240 F3d 200(CA 3, 2001)

## Section 8000 – Students

8270 Hazing

8270

### Hazing Prohibited

The act of “hazing” is a crime in the state of Michigan and will not be tolerated by the Battle Creek Public Schools. The District will comply, in all ways, with Michigan law regarding any “hazing” incidents.<sup>5</sup>

Students engaging in any hazing or hazing-type behavior will be subject to the provisions of the Student Code of Conduct as would apply to any other student violation of State law.

This policy shall be included in all student handbooks of the District.

Approved: August 17, 2009

LEGAL REF: MCL 750.411t (PA 11 of 2004, AKA “Garret’s Law”)

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<sup>5</sup> As defined in MCL 750.411t, “hazing” means “an intentional, knowing, or reckless act by a person acting alone or acting with others that is directed against an individual and that the person knew or should have known endangers the physical health or safety of the individual, and that is done for the purpose of pledging, being initiated into, affiliating with, participating in, holding office in, or maintaining membership in any organizations. Further, the term “organization” means “a fraternity, sorority, association, corporation, order, society, corps, cooperative, club, service group, social group, athletic team, or similar group whose members are primarily students at an educational institution.”

## Section 8000 – Students

8280 Electronic Devices - Students

8280

Students, upon the request of, and with permission of their parent(s)/guardian(s), or request of the student him/herself if over eighteen years of age, may be in possession of a cellular telephone, pager/beeper or other electronic device. Use of the device shall be limited to the period before classes begin in the morning and after the student's last class in the afternoon. Such devices shall not be used during instructional time or in the passing time between classes unless there is a bona fide health or safety emergency.<sup>6</sup> In no case will any electronic device be used for illegal activities, violation of school rules, or invasion of privacy.

Students violating this policy may be subject to disciplinary action; i.e., detention, suspension and/or expulsion.

The administration shall promulgate rules to enforce this policy at the building level.

Approved: August 17, 2009  
LEGAL REF: MCL 380.1303 (PA 132 of 2003)

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<sup>6</sup> THE REVISED SCHOOL CODE (EXCERPT) Act 451 of 1976; MCL 380.1303 (PA 132 of 2003)  
Pocket pager, electronic communication device, or other personal communication device; applicability of subsection (1). Sec. 1303. (1) Until the end of the 2003-2004 school year, unless the Board or Board of directors adopts its own local policy to the contrary, the Board of a school District or Board of directors of a public school academy shall not permit any pupil to carry a pocket pager, electronic communication device, or other personal communication device in school except for health or other unusual reasons approved by the Board or Board of directors. A Board or Board of directors may develop penalties that it considers appropriate for a pupil who violates this prohibition or its own policy. (2) Beginning with the 2004-2005 school year, subsection (1) does not apply and the Board of a school District or Board of directors of a public school academy may adopt and implement its own local policy concerning whether or not a pupil may carry a pocket pager, electronic communication device, or other personal communication device in school.

**History:** Add. 1988, Act 215, Imd. Eff. July 1, 1988;—Am. 1995, Act 289, Eff. July 1, 1996;—Am. 2003, Act 132, Imd. Eff. Aug. 1, 2003.

## **Section 8000 – Students**

8300 Student Discipline (Cf. 5220)

8300

The Board approves student disciplinary actions including but not exclusive to the following:

1. Deny participation in special school activities,
2. Before or after school detention, (parents/guardians are always to be notified by phone if any child is being kept after school)
3. Disciplinary contractual arrangements and/or disciplinary probation,
4. In-school suspension,
5. Out-of-school suspension,
6. Long-term Suspension – up to 90 days,
7. Expulsion – up to 180 days,
8. Expulsion – permanent.

The Superintendent and District's administrators shall develop the appropriate procedures dealing with student conduct and shall enact an effective parental/guardian communication plan. All employees are responsible for the regulation of student conduct.

### Positive Behavior Support (PBS)

The Board believes that Positive Behavior Support systems ensure effective strategies that promote pro-social behavior and respectful learning environments. Research-based positive behavior support systems are appropriate for all students, regardless of age. Positive interventions that support adaptive and pro-social behavior and build on the strengths of the student lead to an improved learning environment. It is the policy of the Board, therefore, that the Superintendent is authorized and directed to implement a system of school-wide positive behavior support (PBS) strategies.

## Section 8000 – Students

8300 Student Discipline (Cf. 5220)

8300-2

The Superintendent and District's administrators shall develop the appropriate procedures dealing with student conduct and shall consider an effective parent/guardian communication plan; the use of the District's counselors, social workers, and psychologists; and/or shall arrange such services with other units of state government. In addition, appropriate rules shall be promulgated regarding any use of seclusion or restraint as means of student control.

Approved: August 17, 2009

LEGAL REF: MCL 380.1311; 380.1312; Michigan State Board of Education Publication, *Supporting Student Behavior: Standards for the Emergency Use of Seclusion and Restraint*, December 2006.

## Section 8000 – Students

8300-R Student Discipline (Cf. 5220)

8300-R

### Corporal Punishment

The Board does not condone the use of force, fear, hitting, paddling, spanking, slapping, or other forms of corporal punishment as an appropriate procedure in student discipline.

No employee, volunteer, or contractor of the District shall inflict physical pain by hitting, paddling or spanking, or cause to be inflicted, corporal punishment upon a student. Reasonable and necessary physical force may be used upon a student to refrain to maintain order and control in a school or a school related setting for the purposes of providing an environment conducive to safety and learning.

The District subscribes to the philosophy of Positive Behavior Support (PBS) as recommended by the State Board of Education and set forth in the State Board publication entitled *Supporting Student Behavior: Standards for the Emergency Use of Seclusion and Restraint*, December 2006. By reference, that document is included and incorporated in these rules. Any application of restraint or seclusion shall abide by the recommendations of that document. In any case, emergency or otherwise, the following practices are prohibited at all times:

### Prohibited Practices - Restraint

The following procedures are prohibited under all circumstances, including emergency situations:

- Mechanical restraint;
- Chemical restraint;
- The deprivation of basic needs;
- Anything constituting child abuse;
- Any restraint that negatively impacts breathing;
- Prone restraint

## Section 8000 – Students

8300-R Student Discipline (Cf. 5220)

8300-R-2

(School personnel who find themselves involved in the use of a prone restraint – restraint of a student face down - as the result of responding to an emergency must take immediate steps to end the prone restraint)

- The intentional application of any noxious substance(s) or stimuli which results in physical pain or extreme discomfort. A noxious substance or stimuli can either be generally acknowledged or specific to the student.

### Definition of Emergency Seclusion

Seclusion is a last resort emergency safety intervention that provides an opportunity for the student to regain self-control. Seclusion is the confinement of a student in a room or other space from which the student is physically prevented from leaving and which provides for continuous adult observation of the student.

### Seclusion

#### A. The room or area used for seclusion:

- Must not be locked;
- Must not prevent the student from exiting the area should staff become incapacitated or leave that area; and
- Must provide for adequate space, lighting, ventilation, viewing, and the safety of the student.

#### B. Limitations in Use

##### 1. Seclusion shall not be used:

- For the convenience of staff;
- As a substitute for an educational program;
- As a form of discipline/punishment;
- As a substitute for less restrictive alternatives;
- As a substitute for adequate staffing; or

## Section 8000 – Students

8300-R Student Discipline (Cf. 5220)

8300-R-3

- As a substitute for staff training in positive behavior supports and crisis prevention and intervention.

2. Seclusion is inappropriate for students who are severely self-injurious or suicidal.

### C. Definition of Timeout

Timeout is a behavior intervention in which a student, for a limited and specified time, is placed in an environment where access to positive reinforcement is unavailable. Timeout should not be confused with seclusion because in a timeout setting a student's movement is not physically restricted. Timeout lies within a continuum of procedures that help students self-regulate and control their behavior. The timeout continuum<sup>7</sup> is:

- Planned ignoring
- Withdrawal of materials
- Contingent observation
- Exclusionary timeout

Physical force upon a student may be necessary to restrain, seclude, or remove a student whose behavior is interfering with the orderly exercise and performance of District functions within a school or school related activity if that student has refused to comply with a request to refrain from further disruptive acts; for self defense or the defense of another; to prevent a student from inflicting harm on him/herself; to quell a disturbance that threatens physical injury to any person; to obtain possession of a weapon or other dangerous object; and to protect property.

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#### <sup>7</sup> Timeout Continuum

Planned Ignoring – is the systematic withdrawal of social attention for a predetermined time period upon the onset of mild levels of problem behavior.

Withdrawal of Materials – materials that the student is using are removed upon the occurrence of the inappropriate behavior.

Contingent Observation – student remains in a position to observe the group without participating or receiving reinforcement for a specified period of time.

Exclusionary Timeout – student is removed from the immediate instructional setting in response to behavior that requires immediate and direct cessation. This form of timeout can take place within the same classroom or in a nearby location that can be supervised by an adult. (Using Timeout in an Effective and Ethical Manner)

## **Section 8000 – Students**

8300-R Student Discipline (Cf. 5220)

8300-R-4

Employees should not find it necessary to resort to physical force, violence, or threats to compel obedience. If all means fail, staff members may always resort to the removal of the student from the classroom or school through established suspension or expulsion procedures.

## Section 8000 – Students

### 8320 Assaults Committed by Students

8320

#### Assaults Committed Against School Personnel

##### Physical Assaults

The Board shall permanently expel a student in grade 6 or above if the student commits a physical assault, as defined by MCL 380.1311a (12)(B)<sup>8</sup>, against a District employee or against a person engaged as a volunteer or contractor for the District, on school property, on a school bus or other school related vehicle, or at a school-sponsored activity or event.

##### Threats of Assault Committed by Students

Any student in grade 6 or above who commits a verbal, written or electronically transmitted threat of assault on school property, on a school bus or other school related vehicle, or at a school-sponsored activity or event against a District employee or against a person engaged as a volunteer or contractor for the District shall be suspended or expelled by the Board for up to 180 days. The Board may modify the expulsion period on a case-by-case basis.

For the purpose of this policy, “threat of assault” shall be defined as any willful verbal, written, or electronically transmitted threat to inflict injury upon another person, under such circumstances that create a reasonable fear of imminent injury, coupled with an apparent ability to inflict injury.

##### Physical Assaults Committed Against Other Students

The Board shall suspend or expel a student in grade 6 or above for up to 180 days if the student commits a physical assault, as defined by MCL 380.1310(3) (b), against another student on school property, on a school bus or other school related vehicle, or at a school-sponsored activity or event. The Board may modify the suspension or expulsion period on a case-by-case basis.

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<sup>8</sup> MCL 380.1311a(12)(B) and MCL 380.1310(3)(B) define “Physical Assault” as “intentionally causing or attempting to cause physical harm to another through force or violence.”

## **Section 8000 – Students**

8320 Assaults Committed by Students

8320-2

### Reinstatement

The parent(s)/guardian(s) of an expelled student, or an emancipated expelled student may petition the Board for reinstatement. The Board or designee shall provide all due process rights to reinstatement as outlined in state law.

### Application to Students with Disabilities

This policy shall be applied in a manner consistent with the rights secured under federal and state law to students who are determined to be eligible for special education programs and services.

### Implementation

The Superintendent or designee shall develop specific procedures for dealing with suspensions or expulsions authorized by this policy. Regulations ensuring due process to all students before a long-term (10 days or more) suspension or expulsion is imposed shall be developed with the advice of the District's attorney.

The regulations shall include procedures for reporting violations of this policy to the Board, procedures for referring permanently expelled students to Department of Human Services or County Community Health Agencies and specifics for the reinstatement of students.

Approved: August 17, 2009  
LEGAL REF: MCL 380.1310; 380.1311a

## Section 8000 – Students

8350 Student Suspension and Expulsion (Cf. 8080)

8350

The Superintendent, building Principals, individual teachers (for up to one school day only - see "Suspensions by Teachers"; "Class, Subject or Activity Suspensions") or a Board appointed hearing officer may suspend, either for a short-term or long-term, or may make a recommendation to the Board regarding the permanent expulsion of a student guilty of any of the following:

- Willful violation and/or persistent disobedience of any published regulation for student conduct authorized, adopted or approved by the Board,
- Willful misconduct which substantially disrupts, impedes, or interferes with the operation of any school,
- Willful misconduct which substantially impinges upon or invades the rights of others, or
- Disobedience of an order of a teacher, police officer, school security officer or other school authority, when such disobedience can reasonably be anticipated to result in disorder, disruption or interference with the operation of any school or substantial and material impingement upon or invasion of the rights of others.

### Suspensions

The Board authorizes the Superintendent or designee to suspend, expel, or permanently expel a student for up to 180 school days without Board action or approval. A suspension may be for a “short-term” of up to ten school days, or for a “longer-term,” exceeding ten school days up to 180 school days.

Should a suspension be imposed for a number of days exceeding the remaining days in a semester, the days remaining on the suspension will commence with the beginning of the next semester unless otherwise determined by the Superintendent.

A short-term suspension may be imposed immediately upon a student without first affording the student or the parent(s)/guardian(s) a hearing if the presence of the student endangers other persons or property or substantially disrupts, impedes or interferes with the operation of the school.

## **Section 8000 – Students**

8350 Student Suspension and Expulsion (Cf. 8080)

8350-2

A long-term suspension shall not be imposed upon a student unless the student has first been suspended for a short-term and not until an opportunity for a formal hearing on the suspension has been afforded the student.

### Suspensions by Teachers

#### Class, Subject or Activity Suspensions

A teacher is authorized to immediately remove and suspend a student from a class, subject, or activity when the student engages in conduct prohibited by law, Board of Education Policy, or the school's Student Code of Conduct.

Any student suspended pursuant to this policy shall not be allowed to return to the class, subject, or activity from which he or she was suspended from or participate in after school extracurricular activities until the passage of one full school day from the time of the student's infraction unless otherwise permitted by the teacher who ordered the suspension and the school Principal.

Students attending separate class periods throughout the school day shall be permitted during the term of the suspension to attend other classes taught by other teachers only when the student's conduct does not rise to the level of requiring a multiple day suspension or expulsion in accordance with Board of Education Policy and the school's Student Code of Conduct.

#### Application to Students with Disabilities

This policy shall be applied in a manner consistent with the rights secured under federal and state law to students who are determined to be eligible for special education programs and services. Any student suspended from the same class, subject, or activity for ten accumulative days during the school year shall given a formal procedural hearing for each additional suspension beyond the tenth day in accordance with due process requirements required by Board of Education policy for suspensions of ten days or more.

## Section 8000 – Students

8350 Student Suspension and Expulsion (Cf. 8080)

8350-3

### Implementation

The Superintendent or designee shall develop detailed written regulations to implement this policy in compliance with state and federal law requirements. He/She shall ensure uniform and consistent application of the policy and shall report to the Board as required on its effectiveness.

The regulations shall include safeguards for the dismissal of students suspended for more than ten accumulative days, procedures for reporting violations of this policy to appropriate members of the District's administration, and procedures for calling an immediate conference with parent(s)/guardian(s) subsequent to the student's suspension.

### Appeals

The student and parent(s)/guardian(s) may appeal a long-term suspension and expulsion as provided by state law. Short-term suspensions may be appealed using procedures developed by the Superintendent or designee.

### Written Notices

All required written notices may be mailed to the residence of the parent(s)/guardian(s) at the address on file in the school records of the student. In lieu of mailing the written notice, it may be personally delivered.

Approved: August 17, 2009

LEGAL REF: MCL 380.1204a; 380.1309; 380.1311, OAG, 1985-1986, No 6271, p 13  
(February 7, 1985); 20 USCA § 7151 (No Child Left Behind Act)

## **Section 8000 – Students**

8440 Early Graduation (Cf. 7630)

8440

A student who, for educational and vocational reasons, wishes to graduate from high school in less time than the normal four-year grade 9-12 sequence may request permission for early graduation. The student and parent(s)/guardian(s) shall consult with high school administrative and/or guidance personnel in order to develop a graduation plan.

The student shall request in writing to their high school counselor and building Principal permission for early graduation with reasons supporting his/her plan and request. Examples of reasons to be given consideration are:

- Completion of all high school graduation requirements

The student, parent(s)/guardian(s) of the student must submit a letter in support of the student's request for early graduation, and such letter is to accompany the student's written request. The request letters are to be submitted to the Superintendent. The student must reasonably be expected to complete all state and local graduation requirements of subjects and credit units or their accepted equivalents satisfactorily in order for consideration to be given to any request.

Each request is to be determined by the Board on the merits of the individual circumstances; one case shall not set a precedent for others.

Approved: August 17, 2009

## **Section 8000 – Students**

8450 Student Welfare (Cf. 8590, 8590-R)

8450

The Board and Superintendent will endeavor to provide a suitable environment conducive to the general health, safety, and welfare of each student in school attendance and at school-sponsored activities. The Superintendent shall promulgate appropriate administrative rules, known, generally, as the “Student Code of Conduct”, also known as the Student Handbook in order to implement this policy.

Approved: August 17, 2009  
LEGAL REF: MCL 333.26301-26306

## **Section 8000 – Students**

8450-R Student Welfare

8450-R

The Superintendent and his/her staff shall develop and enforce the necessary rules and regulations relating to student welfare.

The building Principal, in cooperation with the building custodian, will periodically inspect areas of the school building and ground, for potential health and safety hazards; and, if found, such hazards are to be reported to the Superintendent, or designee, immediately or as provided herein.

Every building Principal shall have the authority to correct any health or safety hazard without consulting with the Superintendent if no costs are involved.

If the building Principal determines that the costs of correcting a potential or real health or safety hazard exceed his/her allocated funds for building maintenance or that his/her custodial staff does not have the equipment to correct the hazard, the Principal shall requisition from the Superintendent, or designee, the necessary funds or personnel to correct the situation.

## Section 8000 – Students

8453 Student Wellness Policy (Cf. 4450, 4460)

8453

The Battle Creek Public Schools is committed to creating a healthy school environment that enhances the development of lifelong wellness practices to promote healthy eating and physical activities that support student achievement and hereby adopts this Student Wellness Policy.<sup>9</sup>

### Nutrition Education

Every year, all students, Pre - K-12, shall receive nutrition education that is aligned with the *Michigan Health Education Content Standards and Benchmarks*.<sup>10</sup> Nutrition education that teaches the knowledge, skills, and values needed to adopt healthy eating behaviors shall be integrated into the curriculum. Nutrition education information shall be offered throughout the school campus including, but not limited to, school dining areas and classrooms. Staff members who provide nutrition education shall have the appropriate training.

### Nutrition Standards

The District shall ensure that reimbursable school meals meet the program requirements and nutrition standards found in federal regulations.<sup>11</sup> The District shall encourage students to make nutritious food choices.

The District shall monitor all food and beverages sold or served to students, including those available outside the federally regulated child nutrition programs. The District shall consider nutrient density<sup>12</sup> and portion size before permitting food and beverages to be sold or served to students.

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<sup>9</sup> (MASB Note: This local Student Wellness Policy, was adopted, unanimously, by the Michigan State Board of Education on Monday, October 10, 2005. It is the product of a collaborative effort between the Michigan Department of Education and MASB as reviewed and finalized by a panel of health, nutrition, and physical education specialists from across the State. It is a MODEL, and is not MANDATED, so local districts are free to modify it some based on local needs and circumstances – particularly the administrative rules. We urge, however, that local boards give serious consideration to adoption of the POLICY itself as it is written, and allow, then, the administration to modify the administrative rules to meet local needs and expectations.)

<sup>10</sup> Michigan Department of Education Health Education Content Standards and Benchmarks, July 1998.  
[http://www.michigan.gov/documents/Health\\_Standards\\_15052\\_7.pdf](http://www.michigan.gov/documents/Health_Standards_15052_7.pdf).

<sup>11</sup> Title 7—United States Department of Agriculture, Chapter ii - Food and Nutrition Service, Department of Agriculture, Part 210 - National School Lunch Program.  
[http://www.access.gpo.gov/nara/cfr/waisidx\\_04/7cfr210\\_04.html](http://www.access.gpo.gov/nara/cfr/waisidx_04/7cfr210_04.html)

<sup>12</sup> Nutrient dense foods are those that provide substantial amounts of vitamins and minerals and relatively fewer calories. Foods that are low in nutrient density are foods that supply calories but relatively small amounts of

## Section 8000 – Students

8453 Student Wellness Policy (Cf. 4450, 4460)

8453-2

The Superintendent shall continually evaluate vending policies and contracts. Vending contracts that do not meet the intent and purpose of this policy shall be modified accordingly or not renewed.

### Physical Education and Physical Activity Opportunities

The District shall offer physical education opportunities that include the components of a quality physical education program.<sup>13</sup> Physical education shall equip students with the knowledge, skills, and values necessary for lifelong physical activity. Physical education instruction shall be aligned with the *Michigan Physical Education Content Standards and Benchmarks*.<sup>14</sup>

Every year all students, Pre-K-12, shall have the opportunity to participate regularly in supervised physical activities, either organized or unstructured, intended to maintain physical fitness and to understand the short- and long-term benefits of a physically active and healthy lifestyle.

### Other School-Based Activities Designed to Promote Student-Wellness

The District may implement other appropriate programs that help create a school environment that conveys consistent wellness messages and is conducive to healthy eating and physical activity.

### Implementation and Measurement

The Superintendent shall implement this policy and measure how well it is being managed, and enforced. The Superintendent shall develop and implement administrative rules consistent with this policy. Input from teachers (including specialists in health and physical education), school nurses, parents/guardians, students, representatives of the school food service program, the Board of Education, school administrators, and the public shall be considered before implementing such rules.

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m micronutrients (sometimes not at all).

[http://www.health.gov/dietaryguidelines/dga2005/report/HTML/G1\\_Glossary.htm](http://www.health.gov/dietaryguidelines/dga2005/report/HTML/G1_Glossary.htm)

<sup>13</sup> Offering physical activity opportunities is required by federal law (Section 204 of Public Law 108-265). Physical education, while recommended, is not required.

<sup>14</sup> Michigan Department of Education Physical Education Content Standards and Benchmarks, July 1998. [http://222.michigan.gov/documents/Physical\\_Education\\_Content\\_Standards\\_42242\\_7.pdf](http://222.michigan.gov/documents/Physical_Education_Content_Standards_42242_7.pdf)

## **Section 8000 – Students**

8453 Student Wellness Policy (Cf. 4450, 4460)

8453-3

A sustained effort is necessary to implement and enforce this policy. The Superintendent shall report to the Board, as requested, on the District's programs and efforts to meet the purpose and intent of this policy.

Approved: August 17, 2009

LEGAL REF: Section 204 of Public Law 108-265 (Child Nutrition and WIC Reauthorization Act of 2004) (Approved by the Michigan State Board of Education, October 10, 2005.)

## Section 8000 – Students

8453-R Student Wellness Policy (Cf. 4450, 4460)

8453-R

### Administrative Rules regarding Battle Creek Public Schools Student Wellness Policy

In order to enact and enforce Battle Creek Public Schools Student Wellness Policy, the Superintendent and administrative team, with input from teachers (including specialists in health and physical education), parents/guardians, students, representatives of the school food service program, the school Board, school administrators, and the public, have developed these administrative rules.

#### Coordinated School Health Team

To assist in the creation of a healthy school environment, the District shall establish a Coordinated School Health Team<sup>15</sup> that will provide an ongoing review and evaluation of the Battle Creek Public Schools Student Wellness Policy and these administrative rules.<sup>16</sup>

The Superintendent shall appoint a member of the administrative staff of the District to organize the Coordinated School Health Team and invite appropriate District stakeholders to become members of the Coordinated School Health Team. A Coordinated School Health Team may include representatives from the following areas:

- Administration,
- Counseling/psychological/and social services,
- Food services,
- Health education,
- Health services,
- Parent/Guardian, student and community (including health care providers, hospital and public health department staff, non-profit health organizations, physical activity groups, community youth organizations, and university or other governmental agencies),

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<sup>15</sup> Centers for Disease Control’s Coordinated School health web site:

<http://www.cdc.gov/HealthyYouth/CSHP/index.htm>.

<sup>16</sup> State of Michigan’s State Board of Education’s Policy on Coordinated School Health Programs To Support Academic Achievement and Healthy Schools:

[http://www.michigan.gov/documents/CSHP\\_Policy\\_77375\\_7.pdf](http://www.michigan.gov/documents/CSHP_Policy_77375_7.pdf)

## Section 8000 – Students

8453-R Student Wellness Policy (Cf. 4450, 4460)

8453-R-2

- Physical education.

Staff shall be reminded that healthy students come in all shapes and sizes.

Students should receive consistent messages and support for:

- Self respect;
- Respect for others;
- Healthy eating; and
- Physical activity.<sup>17</sup>

These rules are subject to ongoing administrative review and modification as necessary to help assure compliance with the purpose and intent of Battle Creek Public Schools Student Wellness Policy. Any District stakeholder wishing to express a viewpoint, opinion, or complaint regarding these rules should contact:

Superintendent of Schools  
Battle Creek Public Schools  
Phone: 269-965-9500  
Fax: 269-965-9474

Students, staff, and community will be informed about the Student Wellness Policy annually.

### Nutrition Education

Nutrition education, a component of comprehensive health education,<sup>18</sup> shall be offered every year to all students of the District. The District may offer age appropriate nutrition education classes. In addition, nutrition education topics shall be integrated into the entire curriculum when appropriate.

The District shall implement a quality nutrition education program that addresses the following:

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<sup>17</sup> The Role of Michigan Schools in Promoting Healthy Weight. 2001  
<http://www.emc.cmich.edu/pdfs/Healthy%20Weight.pdf>

<sup>18</sup> The Michigan Model for Comprehensive School Health Education is a planned, sequential, K-12 curriculum that addresses the physical, mental, emotional and social dimensions of health <http://www.emc.cmich.edu/cshp/healthed.htm>

## Section 8000 – Students

8453-R Student Wellness Policy (Cf. 4450, 4460)

8453-R-3

### Curriculum:<sup>19</sup>

- Has a curriculum aligned with the *Michigan Health Education Content Standards and Benchmarks*.<sup>20</sup>
- Equips students to acquire the knowledge and skills needed to engage in sound nutrition behavior.<sup>21</sup>

### Instruction and Assessment:

- Aligns curriculum, instruction, and assessment.
- Builds students' confidence and competence in making healthy nutrition choices.
- Engages students in learning that prepares them to choose a healthy diet.
- Includes students of all abilities.
- Is taught by “highly qualified teachers of health education.”<sup>22</sup>

### Opportunity to Learn:

- Includes students of all abilities.
- Provides adequate instructional time to build students' confidence and competence in health-enhancing skills.

Nutrition education should also be made available to parents/guardians and the community. This nutrition education may be provided in the form of handouts, wall or bulletin board posters or banners, postings on the District website, community and student oriented presentations or other communications focused on promoting proper nutrition and healthy lifestyles.

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<sup>19</sup> Michigan Model for Comprehensive School Health Education nutrition lessons meet this administrative rule: <http://www.emc.cmich.edu/Health/Maps/nutrition.htm>

<sup>20</sup>Health Education Content Standards And Benchmarks, Michigan Department of Education, July 1998. [http://www.michigan.gov/documents/Health\\_Standards\\_15052\\_7.pdf](http://www.michigan.gov/documents/Health_Standards_15052_7.pdf)

<sup>21</sup>Michigan Model for Comprehensive School Health Education nutrition content map: <http://www.emc.cmich.edu/Health/Maps/nutrition.htm>

<sup>22</sup>Michigan State Board Of Education, Policy On Comprehensive School Health Education, June 2004. [http://www.michigan.gov/documents/Health\\_Education\\_Policy\\_final\\_94135\\_7.pdf](http://www.michigan.gov/documents/Health_Education_Policy_final_94135_7.pdf)

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### Nutrition Standards

The District shall offer school meal programs with menus meeting the meal patterns and nutrition standards established by the United States Department of Agriculture (USDA). The District shall encourage students to make food choices based on the most current Dietary Guidelines for Americans. Food and beverages that compete with the District's policy of promoting a healthy school environment shall be discouraged.

Each school building in the District shall offer and promote the following food and beverages in all venues outside federally regulated child nutrition programs:

- Whole and enriched grain products that are high in fiber, low in added fats and sugars, and served in appropriate portion sizes consistent with the current USDA standards;
- Fresh, frozen, canned or dried fruits and vegetables using healthy food preparation techniques, and 100 percent fruit or vegetable juice in 12-ounce servings or less;
- Nonfat, low-fat, plain and/or flavored milk and yogurt, nonfat and/or low-fat real cheese, rather than imitation cheese. Offer the following serving sizes: yogurt in eight-ounce servings or less, milk in 16-ounce servings or less, cheese in 1.5-ounce (two-ounce, if processed cheese) servings or less;
- Nuts, nut butters, seeds, trail mix, and/or soybean snacks in one-ounce portions or less<sup>23</sup>; portions of three ounces or less of cooked lean meat, poultry, or fish using healthy food preparation techniques; and
- Accompaniments (sauces, dressings, and dips), if offered, in one-ounce servings or less.<sup>24</sup>

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<sup>23</sup> The District shall assure that the dietary needs of food-allergic students are taken into consideration in menu planning.

<sup>24</sup> State of Michigan's Board Of Education's Policy On Offering Healthy Food And Beverages In Venues Outside Of The Federally Regulated Child Nutrition Programs.

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The District shall monitor food service distributors and snack vendors to ensure that they provide predominantly healthy food and beverage choices that comply with this policy’s purpose in all venues. (See Appendix A)

The District shall discourage using food as a reward. Alternatives to using food as a reward are found in appendix B.

The District shall encourage serving healthy food at school parties. Notices shall be sent to parents/guardians either separately or as part of a school newsletter, reminding them of the necessity of providing healthy treats for students and/or encouraging the use of non-food treats for classroom birthday or award celebrations. (See Appendix C)<sup>25</sup>

The District shall encourage healthy fundraisers as alternatives to fundraising that involve selling food items of limited nutritional value, such as candy, cupcakes, or sugary beverages. Example: Sales of candy items (candy bars, sugar coated chocolate snacks, or the like) as a school or grade level fundraising project should be replaced with non-food items such as candles, wrapping paper, greeting cards, etc. (See Appendix D)<sup>26</sup>

Vending sales of soft drink, artificially sweetened drinks, and candy will not be permitted on school grounds prior to the start of the school day and throughout the instructional day, but may be permitted at special events that begin after the conclusion of the instructional day. For suggestions on healthier foods, see Appendix E. For the federal law memorandum stating, “it is not permissible for a school to serve FMNV during a meal service period...” refer to the following link:

<http://www.fns.usda.gov/cnd/Governance/Policy-Memos/2001-01-16.pdf>

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<sup>25</sup> <http://www.tn.fcs.msue.msu.edu/Stateboardofeducationnutritionpolicy12003.pdf>

<sup>26</sup> For healthier fundraisers, page 19 of the Nutrition Tips and Tools document as a guide:  
<http://www.tn.fcs.msue.msu.edu/toolkit.pdf>

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### Physical Education and Physical Activity Opportunities

Developmentally appropriate physical education shall be offered every year to all students of the District.<sup>27</sup> In addition, physical education topics shall be integrated into the entire curriculum when appropriate.

The District shall implement a quality physical education program that addresses the following:

#### Curriculum:<sup>28</sup>

- Equips students with the knowledge, skills, and attitudes necessary for lifelong physical activity.
- Has a curriculum aligned with the *Michigan Physical Education Content Standards and Benchmarks*.<sup>29</sup>
- Influences personal and social skill development.

#### Instruction and Assessment:

- Aligns curriculum, instruction, and assessment.
- Builds students' confidence and competence in physical abilities
- Engages students in curriculum choices that prepare them for a wide variety of lifetime activities.
- Includes students of all abilities.
- Is taught by a certified physical education teacher trained in best practice physical education methods.
- Keeps all students involved in purposeful activity for a majority of the class period

#### Opportunity to Learn:

- Builds students' confidence and competence in physical abilities.

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<sup>27</sup> Offering physical activity opportunities is required by federal law (Section 204 of Public Law 108-265). Physical education, while recommended, is not required.

<sup>28</sup> The Exemplary Physical Education Curriculum (EPEC) meets this administrative rule: <http://www.michiganfitness.org/EPEC>

<sup>29</sup> Physical Education Content Standards and Benchmarks, State Board of Education, July 1998. [www.michigan.gov/documents/Physical\\_Education\\_Content\\_Standards\\_42242\\_7.pdf](http://www.michigan.gov/documents/Physical_Education_Content_Standards_42242_7.pdf)

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- Has a teacher to student ratio consistent with those of other subject areas and/or classrooms.
- Has enough functional equipment for each student to actively participate.
- Includes students of all abilities.<sup>30</sup>
- Offers instructional periods totaling 150 minutes per week (elementary) and 225 minutes per week (middle and high school).<sup>31</sup>
- Provides facilities to implement the curriculum for the number of students served.

The District should offer daily opportunities for unstructured physical activity, commonly referred to as recess, for all students Pre-K through grade six. Recess should be in addition to physical education class time and not be a substitute for physical education. Each school shall provide proper equipment and a safe area designated for supervised recess in the elementary setting. School staff should not withhold participation in recess from students or cancel recess to make up for missed instructional time. Schools should provide opportunities for some type of physical activity for students in grades seven through twelve apart from physical education class and organized sports. Physical activity opportunities might include: before and after school extracurricular physical activity programs, Safe Routes to School Programs,<sup>32</sup> and use of school facilities outside of school hours.

### Other School-Based Activities Designed to Promote Student-Wellness

The District shall strive to create a healthy school environment which promotes healthy eating and physical activity.<sup>33</sup> In order to create this environment the following activities shall be implemented:

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<sup>30</sup> The Exemplary Physical Education Curriculum (EPEC) meets this administrative rule: <http://www.michiganfitness.org/EPEC>

<sup>31</sup> State Board of Education, Policy on Quality Physical Education. September 2003. [www.michigan.gov/documents/HealthPolicyPE\\_77380\\_7.pdf](http://www.michigan.gov/documents/HealthPolicyPE_77380_7.pdf)

<sup>32</sup> Safe Routes to Schools Program Information: [www.saferoutesmichigan.org](http://www.saferoutesmichigan.org)

<sup>33</sup> Michigan's Healthy School Action Tool: <http://mihealthtools.org/schools/>

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8453-R Student Wellness Policy (Cf. 4450, 4460)

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### Dining Environment:

The school District shall provide:

- A clean, safe, enjoyable meal environment for students,
- Enough space and serving areas to ensure all students have access to school meals with minimum wait time,
- Drinking fountains in all schools, so that students can get water at meals and throughout the day,
- Encouragement to maximize student participation in school meal programs, and
- Identity protection of students who eat free and reduced price meals.

### Time to Eat:

The school District shall ensure:

- Adequate time for students to enjoy eating healthy foods with friends in schools,
- That lunch time is scheduled as near the middle of the school day as possible, and
- That recess for elementary schools is scheduled before lunch so that children will come to lunch less distracted and ready to eat.<sup>34</sup> (See Appendix F)

### Food or Physical Activity as a Reward or Punishment:

The school District shall:

- Prohibit the use of food as a reward or punishment in schools, (See Appendix B)
- Not deny student participation in recess or other physical activities as a form of discipline or for classroom make-up time, (See Appendix F)
- Not use physical activity as a punishment, and
- Encourage using physical activity as a reward, such as teacher or principal walking or playing with students at recess. (See Appendix F)

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<sup>34</sup> A Recess Before Lunch Policy Implementation Guide, Montana Team Nutrition Program, Office of Public Instruction school Nutrition Programs, September 2003.

<http://www.opi.state.mt.us/schoolfood/recessBL.html>

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### Consistent School Activities and Environment

The school District shall:

- Have all school buildings complete the Michigan Healthy School Action Tool to ensure that school activities and the environment support health behaviors,<sup>35</sup> (See Appendix G)
- Ensure that all school fundraising efforts support healthy eating and physical activity, (See Appendix D)
- Provide opportunities for on-going professional training and development for foodservice staff and teachers in the areas of nutrition and physical education,
- Make efforts to keep school or District-owned physical activity facilities open for use by students outside school hours,
- Encourage parents/guardians, teachers, school administrators, students, foodservice professionals, and community members to serve as role models in practicing healthy eating and being physically active, both in school and at home,
- Encourage and provide opportunities for students, teachers, and community volunteers to practice healthy eating and serve as role models in school dining areas,
- Provide information and outreach materials about other FNS programs such as Food Stamps, and Women, Infants, and Children (WIC) to students and parents/guardians,
- Encourage all students to participate in school meals program, i.e. the National School Lunch, including snacks for After School Program, and School Breakfast programs, and

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<sup>35</sup> Michigan's Healthy School Action Tool: <http://mihealthtools.org/schools>

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8453-R-10

- Implement physical activity across the curriculum throughout the school day or in all subject areas, for example, brain breaks<sup>36</sup>. (See Appendix G)

### Implementation and Measurement

All employees of the District are encouraged to be a positive healthy lifestyle role model for students by following, at a minimum, these administrative rules. Students can learn healthy lifestyle habits by observing the food and physical activity patterns of school personnel and other adults who serve as role models in their lives. In order to send consistent messages to students, all adults in the school environment are encouraged to make healthy food choices and engage in physical activity.<sup>37</sup> The District shall work through its Coordinated School Health Team and building level staff to find cost effective ways to encourage staff wellness.

### *Appendices:*

**Appendix A:** Healthy Food and Beverages Criteria and Healthy Snack List<sup>38</sup>

**Appendix B:** Alternatives to Using Food as a Reward<sup>39</sup>

**Appendix C:** Healthy School Parties<sup>40</sup>

**Appendix D:** Healthy School Fundraisers<sup>41</sup>

**Appendix E:** Serving Healthy Beverages<sup>42</sup>

**Appendix F:** Michigan Physical Education and Activity Resources

**Appendix G:** Healthy School Action Tool Brochure<sup>43</sup>

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<sup>36</sup> Tips and Tools to Help Implement Michigan's Healthy Food and Beverage Policy

<http://www.tn.fcs.msue.msu.edu/toolkit.pdf>

<sup>37</sup> Tips and Tools to Help Implement Michigan's Healthy Food and Beverage Policy, 2004.

<http://www.tn.fcs.msue.msu.edu/toolkit.pdf>

<sup>38</sup> Tips and Tools to Help Implement Michigan's Healthy Food and Beverage Policy, 2004.

<http://www.tn.fcs.msue.msu.edu/toolkit.pdf>

<sup>39</sup> Tips and Tools to Help Implement Michigan's Healthy Food and Beverage Policy, 2004.

<http://www.tn.fcs.msue.msu.edu/toolkit.pdf>

<sup>40</sup> Tips and Tools to Help Implement Michigan's Healthy Food and Beverage Policy, 2004.

<http://www.tn.fcs.msue.msu.edu/toolkit.pdf>

<sup>41</sup> Tips and Tools to Help Implement Michigan's Healthy Food and Beverage Policy, 2004.

<http://www.tn.fcs.msue.msu.edu/toolkit.pdf>

<sup>42</sup> Tips and Tools to Help Implement Michigan's Healthy Food and Beverage Policy, 2004.

<http://www.tn.fcs.msue.msu.edu/toolkit.pdf>

<sup>43</sup> Healthy School Action Tool, <http://www.mihealthtools.org/schools>

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### Appendix A: Healthy Food and Beverages Criteria and Healthy Snack List

#### Your Resource to Health Packaged Food and Beverage Products

The two lists below will help schools identify healthy food and beverages that are available from food-service distributors and snack vendors for vending machines, a' la carte, and other venues.

Single – serving-size snacks (except for nuts, seeds, and cheese) should have no more than 6 grams of fat and meet at least two of the following three criteria:

- 1) Contain 300 or fewer calories,
- 2) One or more grams of fiber, or
- 3) At least 10% of Calcium, Iron, Vitamin A or Vitamin C

#### List 1: Health Snack Options Available through Foodservice Distributors

Contact the Nutrition Resource Center at Gordon Food Services to request the most recent list of healthy packaged food and beverage product options: 1-800-968-4426.

The following professionals may be interested in using this information:

*Food Service Operator* - One who manages a foodservice program, i.e. a school foodservice Director.

*Food Service Distributor* – A business that purchases, warehouses and delivers products from many manufacturers. These products are in turn sold and delivered to restaurants, institutions, and schools.

*Food Service Broker* – A company which represents products from many manufacturers.

*Manufacturer Representative* – A person who represents products from just one manufacturer.

#### List 2: Health Snack Options Available through Snack Vendors

Visit [www.accesskent.com/snacks](http://www.accesskent.com/snacks) for the most recent list of healthy packaged food and beverage product options.

Tips and Tools to Help Implement Michigan's Healthy Food and Beverage Policy,  
<http://www.tn.fcs.msue.msu.edu/toolkit.pdf>

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Contact the Kent County Health Department at 616-336-3034 for more information.

The following professionals may be interested in using this information:

*School Leader* – A person who is working with a vending company and making decisions regarding the snack vending selections.

*Vending Operator* – A company that services (fills, repairs) vending machines in schools.

Because the food industry is constantly providing new products, please determine if a food or beverage meets the criteria by using the Nutrition Facts label on the package.

Appendix B: Alternatives to Using Food as a Reward

At school, home and throughout the community, children are offered food as a reward for “good” behavior. Often these foods have little or no nutritional value by are easy, inexpensive, and can bring about short-term behavior change.

There are many disadvantages to using food as a reward:

- It undermines nutrition education being taught in the school environment.
- It encourages over consumption of foods high in added sugar and fat.
- It teaches children to eat when they’re not hungry as a reward to themselves.

Children learn preferences for foods made available to them, including those that are unhealthy.<sup>44</sup> Poor food choices and inadequate physical activity contribute to overweight and obesity. Currently, obesity among children, particularly teen age children, is at epidemic levels and can often lead to serious health problems.<sup>45</sup>

Students Learn what they Live

Students naturally enjoy eating healthy and being physically active. Schools and communities need to provide them with an environment that supports healthy behaviors. Below are some alternatives for students to enjoy instead of being offered food as a reward at school.

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<sup>44</sup> Birch L.L. Development of Feed Preferences. *Annu. Rev. Nutr.* 1999, 19:41-62.

<sup>45</sup> Ogden CL, Flegal KM, Carroll MD, and Johnson CL. Prevalence and Trends in Overweight among US Children and Adolescents, 1999-2000. *JAMA*, October 9, 2002 Vol 288, No. 14.

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### ZERO-COST ALTERNATIVES

- Sit by Friends
- Read Outdoors
- Have extra Art time
- Have an extra recess
- Read to a younger class
- Make deliveries to the office
- Listen to music while working
- Play a favorite game or puzzle
- Earn play money for privileges
- Walk with a teacher during lunch
- Eat lunch outdoors with the class
- Be a helper in another classroom
- Eat lunch with a teacher or principal
- Dance to favorite music in the classroom
- Get “free choice” time at the end of the day
- Listen with a headset to a book on audiotape
- Have a teacher perform special skills (ie. Sing)
- Give a 5-minute chat break at the end of the day

### LOW-COST ALTERNATIVES

- Select a paperback book
- Enter a drawing for donated prizes
- Take a trip to the treasure box (non-food items)
- Get stickers, pencils, and other school supplies
- Receive a video store or movie theatre coupon
- Get a set of flash cards printed from a computer
- Receive a “mystery pack” (notepad, folder, sports cards, etc.)

### IDEAS FROM MICHIGAN TEACHERS

*GAME DAY: “I have my students earn letters to spell game day... after the letters have been earned, we play reading or phonics-type board games. The kids beg for Game Day”!*

*FRIDAY FREE TIME: I give my students thirty minutes at the beginning of the week and they can earn or lose free time according to their behavior. I use a timer and turn it on (they can hear it) if they are too loud working, lining up, etc., I add time when their behavior is good. Adding time is the most effective. I save time by not waiting for them to settle down so I don’t feel bad about their free time”.*

Adapted from a project funded by Michigan Department of Community Health’s Cardiovascular Health, Nutrition and Physical Activity Section at Lincoln Elementary School in South Haven, Michigan. Lincoln Elementary is a Team Nutrition School. For more information about Team Nutrition, contact Chris Flood at 269-639-0002, or go to: [www.tn.fcs.msue.msu.edu](http://www.tn.fcs.msue.msu.edu)

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Tips and Tools to Help Implement Michigan's Healthy Food and Beverage Policy,  
<http://www.tn.fcs.msue.msu.edu/toolkit.pdf>

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### Appendix C: Healthy School Parties

Schools play a major role in helping students become fit, healthy and ready to learn. One way to accomplish this is for foods offered in schools to support lessons learned in the classroom regarding nutrition and physical activity. What better venue than schools – which have a great impact on children – to support the message that proper nutrition and physical activity are a key part of a healthy lifestyle? Positive examples of making healthy eating choices and encouraging physical activity should be visible throughout the school. Parties as well as cafeterias, school stores, vending machines, and after-school events offer opportunities for schools to reinforce the message that making healthy food choices and being physically active means a healthier body and a sharper mind.

### Snack Ideas for School and Classroom Parties

Of course, the foods offered at school parties should add to the fun, but try to avoid making them the main focus. Remember, schools are responsible for helping students learn lessons about good nutrition and healthy lifestyles and students should practice these lessons during school parties. For example, consider combining student birthday parties into one monthly event that incorporates physical activities as well as healthy snacks. Also, be sure to consider ethnic and medical food restrictions and allergies when providing classroom snacks.

Here is a list of healthy snack choices to consider for classroom events. Serving all healthy foods and incorporating physical activities make a powerful statement. Actions speak louder than words: Lead by example.

- Fresh fruit and vegetables
- Low fat popcorn
- Yogurt
- Soft pretzels and mustard
- Baby carrots and other vegetables with low fat dip
- Trail mix\*
- Nuts and seeds\*
- Fig cookies
- Animal crackers
- Baked rather than fried chips
- Buy locally when possible
- Granola bars\*
- Bagels with low fat cream cheese
- Granola bars\*
- Pizza (no extra cheese and no more than one meat)
- Pudding
- String cheese
- Cereal bar
- Single-serve low fat or fat free milk (regular or flavored)
- 100% fruit juice (small single-serves)
- Bottled water (including flavored water)

\*May be allergens and/or a choking risk for some people, please check with a healthcare provider.

Note: See “Recipes” in the Resources by Topic section.

Tips and Tools to Help Implement Michigan’s Healthy Food and Beverage Policy,

<http://www.tn.fcs.msue.msu.edu/toolkit.pdf>

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8453-R-16

### Appendix D: Healthy School Fundraisers

#### Smart Fundraisers for Today’s Health Schools

Raising money may present a constant challenge for schools. School fundraisers may help pay for computers, field trips, athletics, music, art, and other programs that educate and enrich young lives – important programs that are not always covered by shrinking school budgets. More than just raising money to pay for valuable programs, a well-run fundraiser can also be an experience that educates, builds self-esteem, provides community service, and promotes school and community spirit.

Fundraising doesn’t have to involve selling food items of limited nutritional value, such as candy. Following are web sites and fundraising ideas that offer alternatives to selling candy. When healthy food choices are used as fundraising items, the healthy eating message presented in the schools is reinforced. Some of the ideas even have the added benefit of providing additional physical activity opportunities for students.

Take a look and help your school select a creative fundraising alternative to selling foods of limited nutritional value.

#### Search the Web

Select a search engine and type in “school fundraisers” to access 112,000+ sites.

A few of these sites follow:

[www.afrds.org/homeframe.html](http://www.afrds.org/homeframe.html)

Association of Fund-Raising Distributors and Suppliers. Site includes a Toolbox with “Fundraising Fundamentals”, a checklist for evaluating fundraising companies, and a resource on product fundraising issues and trends.

[www.PTOtoday.com](http://www.PTOtoday.com)

Lists fundraising activities by categories, has a “work vs. reward” equation, contains a parent sharing section on “what works, what doesn’t and why”.

[www.fundraising-ideas.com](http://www.fundraising-ideas.com)

Offers a free newsletter with programs, services, and press releases. Links to [www.amazon.com](http://www.amazon.com) with books on fundraising.

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8453-R-17

### Appendix E: Serving Healthy Beverages

#### Recommendations for Serving Healthy Beverages

The following beverages are recommended:

- Plenty of Water
- 100% juice in 12-ounce servings\* or less
- Fat free, low fat, plain and/or flavored milk in 16-ounce servings\* or less
- Fruit/Fruit juice smoothies in 16-ounce servings\* or less

#### Choosing your Drinks can be Difficult! Watch out for:

These are not 100% juice!

- Fruit punches
- Fruit drinks
- Juice drinks

\*Suggested serving-sizes are based on what is commonly available for use in vending machines. It should be noted that excessive juice consumption may result in an increase in calorie intake and may contribute to the development of unhealthy weight. It should also be noted that 70% of teen boys and 90% of teen girls do not meet daily calcium requirements. Offering fat free or low fat single-serve milk is another opportunity to help teens meet their nutrition needs. (Refer to Healthy Food and Beverages Policy for additional rationale).

Read the Label! To determine if a food or beverage meets the criteria, use the Nutrition Facts label on the package.

Tips and Tools to Help Implement Michigan's Healthy Food and Beverage Policy,  
<http://www.tn.fcs.msue.msu.edu/toolkit.pdf>

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### Appendix F: Michigan Physical Education and Activity Resources

#### Cross-Curricular Instruction: Integrating Physical Activity into Classroom

##### Subjects:

Cross-curricular integration of lessons will help students to see connections among the subject areas and provide opportunities for teachers to work together. Below are several ideas for integrating physical movement into various subject areas:

Physical activity guides for elementary classroom teachers that integrate physical movement into classroom subjects; language arts, math, science and social studies.

- Brain Breaks: [www.emc.cmich.edu/BrainBreaks](http://www.emc.cmich.edu/BrainBreaks)
- Energizers: [www.ncpe4me.com/energizers.html](http://www.ncpe4me.com/energizers.html)
- Take Ten: [www.take10.net](http://www.take10.net)

Michigan Team Nutrition booklist: The list contains short, one-paragraph annotations for over 300 books about food, healthy eating, and physical activity for children in pre-school through third grade. [www.tn.fcs.msue.msu.edu/booklist.html](http://www.tn.fcs.msue.msu.edu/booklist.html)

##### Examples:

- *Get Moving: Tips on Exercise*, Feeney, Kathy, Bridgestone Books, 2002.
- *Let the Games Begin*, Ajmera, Maya and Michael J. Regan Charlesbridge, 2000.
- Display poster or banners with physical activity themes:  
[www.nal.usda.gov/wicworks/Sharing\\_Center/KYactivitypyramid.pdf](http://www.nal.usda.gov/wicworks/Sharing_Center/KYactivitypyramid.pdf)

##### Using Physical Activity to Reward Students

Have an extra recess; Walk with a teacher during lunch; Dance to favorite music in the classroom; Hold Friday Physical Activity Time where students earn extra physical activity time based on their good behaviors during the week; and Challenge another homeroom to a sport or activity.

##### Ideas for School Parties

Make your party a dance; Modify traditional games for classroom use; Hold contests or relays.

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### Resources

- *All Children Exercising Simultaneously (ACES) day*: A one day event where millions of children of all ages exercise at the same time work-wide in a symbolic event of fitness and unity. [www.michiganfitness.org](http://www.michiganfitness.org)
- *Hoops for Heart*: Engages student in playing basketball while learning the lifelong benefits of physical activity, volunteering, and fundraising. [www.americanheart.org](http://www.americanheart.org)
- *Jump Rope for Heart*: Engages students in jumping rope while learning the lifelong benefits of physical activity, the seriousness of heart disease and stroke, volunteering and fundraising. [www.americanheart.org/jump](http://www.americanheart.org/jump)
- *National Physical Education & Sport Week*: Designated week for encouraging and promoting physical activity. [www.aahperd.org/naspe/may](http://www.aahperd.org/naspe/may)
- *Walk to School Day/Safe Routes to School*: Join in the effort to promote walking to school as a way to provide an opportunity for more physical activity! [www.michiganfitness.org/](http://www.michiganfitness.org/)

### Recess before Lunch

Scheduling recess before lunch makes sense! Good nutrition goes hand in hand with improved behavior and learning. Recess before Lunch gives students the opportunity to excel in both.

Find everything you need to establish a recess before lunch program including, how to implement, resources and supporting information, and educational and marketing materials. [www.opi.state.mt.us/schoolfood/index.html](http://www.opi.state.mt.us/schoolfood/index.html)

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8453-R-20

### Appendix G: Healthy School Action Tool Brochure

#### HSAT Module Topics

The HSAT (assessment and action plan) helps school to assess and take positive action in these eight areas of their school health environment:

1. School Health Policies & Environment
2. Health Education
3. Physical Education & Other Physical Activity Programs
4. Nutrition (Food) Services
5. School Health Services
6. School Counseling, Psychological & Social Studies
7. Health Promotion for Staff
8. Family & Community Involvement

The Healthy Schools – Healthy Students website also offers:

- General information and resources about ways to create a healthy school environment
- Links to policy documents and fact sheets to support efforts to create healthy school environments
- Resources to assist schools in completing the HSAT and in making positive changes to their school health environment

*“Schools can do more than perhaps any other single institution in society to help young people, and the adults they will become, live healthier, longer, more satisfying and more productive lives.”* – Carnegie Council on Adolescent Development

The Healthy School Action Tool (HSAT) was adapted from the School Health Index for Physical Activity, Healthy Eating, and a Tobacco-Free lifestyle: A Self-Assessment and Planning guide from Centers for Disease Control and Prevention (2002) and the Changing the Scene Healthy School Nutrition Environment Improvement Checklist from USDA Food and Nutrition Service. Team Nutrition (2000).

## **Section 8000 – Students**

8453-R Student Wellness Policy (Cf. 4450, 4460)

8453-R-21

The development of the HSAT was a collaborative effort of the Michigan Department of Community Health, the Michigan Department of Education, Michigan State University Extension, Michigan Team Nutrition, and United Dairy Industry of Michigan.

For more information, contact Shannon Carney Oleksyk via email at [carneys@michigan.gov](mailto:carneys@michigan.gov) or via phone at 517-335-9373.

## **Section 8000 – Students**

8455 Unsafe School Choice Policy

8455

The Board directs the Superintendent or designee to comply with the Michigan Statewide Unsafe School Choice Policy for schools that receive funds under the No Child Left Behind Act of 2001 (NCLB of 2001). The Superintendent or designee may enact rules to implement compliance with the state policy.

Should any school receiving funds under NCLB of 2001 be designated, “persistently dangerous,” as defined by the state policy, the required, “corrective action plan,” shall be prepared and presented to the Board for review and approval before transmittal to the state. The Superintendent or designee shall also ensure that the transfer and notice requirements found in state policies are implemented, and that the Board is kept informed.

A copy of the current Statewide Unsafe School Choice Policy shall be available in the District office.

Approved: August 17, 2009

LEGAL REF: 20 USCA § 7912; Michigan Statewide Unsafe School Choice Policy (2003)

## **Section 8000 – Students**

8460 Student Insurance Programs

8460

The Board recommends that all students engaging in athletics, shop courses, science laboratories, cooking classes, physical education classes, or any other hazardous activity be covered by some type of accident insurance. Such insurance may be provided by each student's parent(s)/guardian(s) through personal insurance coverage. Any medical expense not covered by the student's insurance is the responsibility of the parent(s)/guardian(s).

Approved: August 17, 2009

## **Section 8000 – Students**

8460-R Student Insurance Programs

8460-R

Students who participate in all interscholastic athletics will pay \$10 insurance for each sport they participate in. Students must have a physical on file in the athletic office prior to try outs.

## Section 8000 – Students

8480 Student Health Services

8480

The Board and Superintendent will endeavor to maintain a healthful environment for each student in school attendance and in school-sponsored activities.

### Immunization of Students and Vision Testing

All Kindergarten students and other students entering school for the first time shall submit evidence that they have complied with the state's immunization requirements<sup>46</sup> by:

1. Submitting a statement by a physician that the child has been tested for, immunized, or protected against, diseases specified by the Director of public health, or
2. Submitting a statement signed by the parent(s)/guardian(s) to the effect that the child has not been immunized because of religious convictions or other objections to immunization.

The parent(s)/guardian(s) of each enrolling child shall submit a statement signed by a District, county, or city health department Director stating that the child has passed the department of public health preschool vision screening test, or signed by a licensed medical or osteopathic physician, or a licensed optometrist stating that the child's eyes have been examined during the preschool years after age 3 and before initial entrance. A vision test is not required if there is a statement signed by the parent(s)/guardian(s) to the effect that the child cannot be subjected to the test because of religious conviction.

The District shall adhere to the requirements of the Michigan Department of Public Health for assessing local immunization needs and implementing an immunization program.

Approved: August 17, 2009  
LEGAL REF: MCL 333.9208-9215; 380.1177

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<sup>46</sup> Sec. 9208. (1) A parent, guardian, or person in loco parentis applying to have a child registered for the first time in a school in this state and, beginning in 2002-2003, a parent, guardian, or person in loco parentis of a child entering the sixth grade, shall present to school officials, at the time of registration or not later than the first day of school, a certificate of immunization or statement of exemption under section 9215.

## **Section 8000 – Students**

8485 Fees for Interscholastic Athletics

8485

The Board may establish a student participation fee for sponsored athletic teams. The fee for each sport shall be established by July and may be reviewed by the Board prior to the second semester. In order to participate in athletics, students will be assessed an insurance fee for each sport in which they participate. Students must have a physical on file in the athletic office.

Approved: August 17, 2009

## **Section 8000 – Students**

### 8490 Interscholastic Athletics Defined as Club or Varsity Sport

8490

An interscholastic athletic team within the District shall be defined as either “club” or “sport”. The definitions and requirements for each are as follows:

#### Club Sports

A “club” is defined as a parental/guardian/student funded athletic program involving interscholastic competition that is operated directly under the supervision of the building Principal and athletic Director. “Club” sports originate only with the approval of the building Principal.

#### Requirements to Achieve “Club” Status

In order to achieve “club” status, a student group must meet the following requirements:

- Demonstrate adequate student interest.
- If the faculty sponsor is not the coach, a qualified coach will be approved by the building Principal and athletic Director.
- There will be no minimum number of opponents or contests required to achieve or retain “club” status.
- “Club” sports and coaches shall comply with all Michigan High School Athletic Association (M.H.S.A.A) and the Battle Creek Public Schools rules and regulations.

#### Administrative Requirements

The faculty sponsor of the “club” sport shall ensure that the following administrative requirements are met:

1. A written plan is approved by the building Principal and athletic Director. The plan shall include student interest, state and local competition, facilities, coaching, available funding, anticipated revenue, scheduling, equality of programs, and total impact on athletic and other District programs.

## Section 8000 – Students

### 8490 Interscholastic Athletics Defined as Club or Varsity Sport

8490-2

2. An annual program report is completed and submitted to the building Principal and athletic Director.
3. Adequate administrative resources and physical facilities are available.

#### Varsity Sports

A “varsity” sport is defined as an athletic program operated under the direct supervision of the athletic Director and funded, under normal conditions, from a subsidy from the Board.

#### Requirements to Achieve “Varsity” Status

In order to achieve “varsity” status, an athletic program must meet the following requirements:

- Must have operated successfully as a club sport within the District for a minimum of two years.
- Must have demonstrated adequate student interest for the preceding two consecutive years. Adequate student interest is defined as double the minimum squad size.
- Must have adequate and appropriate competition for the given sport, defined as the interscholastic opponents as determined by the Superintendent or designee in association with the MHSAA. Must comply with M.H.S.A.A. and the Battle Creek Public Schools’ rules and regulations.

#### Periodic Review

All “club” and sports will be reviewed annually by the Superintendent or designee to determine compliance with the above guidelines and other standards as established by the school system. The level of participation, including the number of participants and availability of competition, should be the major determinants for achieving and/or retaining “varsity” status for individual sport offerings. Other factors to consider are cost, safety, risk, and minority representation.

Approved: August 17, 2009

**Battle Creek Public Schools**

## **Section 8000 – Students**

### 8500 Addition and Deletion of Interscholastic Athletics

8500

The addition of new athletic teams will come only after the Board has thoroughly reviewed the proposed sport as recommended by the athletic department. The review shall include student interest, state and local competition, facilities, coaching, available funding, anticipated revenue, scheduling, equality of programs, and total impact on athletic and other District programs.

There is no obligation for the District to provide funding for athletics. A sport may be “parental/guardian funded” on a year-to-year basis as one process to measure and establish student interest. A sport may also be partially funded by the District while being considered for addition or deletion.

Proposals for adding new sports to the program shall be presented to the Board prior to January 31 of the school year prior to the year the sport would be added.

The Board shall establish criteria and procedures to follow when considering the addition or deletion of team sports.

Approved: August 17, 2009

## **Section 8000 – Students**

8500-R Addition and Deletion of Interscholastic Athletics

8500-R

The following criteria will be considered by the Board prior to the addition of any interscholastic sport as "varsity" sport. The initial request shall be from interested parties (i.e., parent(s)/guardian(s)) through the District's athletic Director.

### Student Interest - Indicators of student interest are:

1. Successful operation as a "club" sport within the District for two years,
2. Petitions with signatures of students agreeing to participate in the sport,
3. Level of participation in area recreation programs,
4. Involvement of participants at lower levels (i.e. middle school), or
5. District students participating out of the school District.

### State Athletic Association

1. The sport must be sanctioned and recognized through the Michigan High School Athletic Association.

### Competition

1. There must be organized interscholastic competition offered within contiguous counties with a minimum of five interscholastic school opponents.

### Facilities

1. Existing facilities must be appropriate for practice and contests. Facilities must also be appropriate for use by teams of the same sport at different competition levels. Addition of a team must not displace existing teams for adequate practice and competition space. The athletic Director will create a proposed practice schedule to assess this.

### Locker Room

1. A team locker room for the additional team is to be considered.

### Equipment

1. The cost, extent, and storage of equipment shall be considered.

## Section 8000 – Students

8500-R Addition and Deletion of Interscholastic Athletics

8500-R-2

### Funding

The extent to which the District has the ability to fund the additional sport is a priority consideration. The expenses of the sport must be reasonable and not excessive (i.e. transportation, practice/game facility costs, equipment, etc.)

### Revenue

The potential to generate revenue to offset costs will be given strong consideration and high priority.

### Scheduling

The potential of scheduling competition will be a priority consideration.

### Equal Opportunity

Priority will be given to those sports that best equalize the opportunities for boys and girls in accordance with Title IX requirements.

### Process for Adding Interscholastic Varsity Sports

Petitions and requests for additional sports shall be submitted to the athletic Director and respective building Principal prior to September 30.

Approval is given by the Board to participate on a parental/guardian-funded basis as a "club" activity for an initial period of at least two years. This probationary period will be one measure in assessing the level of interest, adequacy of facilities, coaches, scheduling, revenue, and other criteria.

At the conclusion of the parental/guardian-funded time, the following evaluations will occur:

- Number of participants - Is the sport growing or declining in participation?
- Degree to which previous predictions on revenue, participation, facilities, etc. were accurate.
- Likelihood of continued participation and increased involvement.
- Transportation or other logistical considerations.

## Section 8000 – Students

8500-R Addition and Deletion of Interscholastic Athletics

8500-R-3

After review and recommendation from the administration, the Board may take the following positions:

- Continue the sport on a parental/guardian-funded basis for an additional year, and reassess its statistics,
- Provide 50% funding for the following season, or
- Change the status of the sport to a "Varsity" sport.
- Continued funding of the sport shall be as determined under the procedures regarding the continuation or non-continuation of all other sports.

### Criteria for Deleting Interscholastic Sports

The following criteria will be considered prior to the dropping of an interscholastic sport and will be monitored by the Athletic Director:

1. Student Interest

Student interest has declined below a median point of student participation as determined by student participants over the past five years.

Student interest remains below the median for two consecutive years.

2. Sanctions

The District's current athletic league or the Michigan High School Athletic Association does not sanction the sport.

3. Coaching

It becomes very difficult to secure or maintain coaches with experience in coaching the sport.

4. Facilities

Facilities are inadequate, do not exist, or the use of existing facilities conflict with other athletic or academic programs that are growing and have a greater amount of student interest.

5. Funding

Funding from the District to run the program is no longer feasible.

## Section 8000 – Students

8500-R Addition and Deletion of Interscholastic Athletics

8500-R-4

### 6. Compliance

Interscholastic sports must be in compliance of Title IX regulations.

### 7. Scheduling

The scheduling of contests by the athletic Director becomes increasingly difficult due to the lack of other teams against which to compete. Travel costs are disproportionately high in comparison to other sports.

### 8. Revenue

The sport has little or no opportunity to generate revenue or the revenue proposed in the past has shown a decline.

#### Process for Deleting Interscholastic Sports

After declining participation, and declines in other criteria, the sport may be placed on probation for the following year. The Board may supersede this process at its discretion.

Probationary Status - Student participation and interest must increase above previous median participation. If other indications of decline are continued, for a period of one year, the recommendation of the Board will be to place the activity on a parental/guardian-funded status and be treated the same as a sport being considered for addition. Individual teams may be continued on a parental/guardian-funded status, be funded at 50% by the District, or be dropped from the District's athletic program.

## **Section 8000 – Students**

8510 Communicable Diseases - Students and Staff (Cf. 5370)

8510

It is the policy of the Battle Creek Public Schools to work cooperatively with the Calhoun County Health Department to enforce and adhere to the Michigan Public Health Code (Act 368 of 1978, as amended), and the Revised School Code, for prevention, control, and containment of communicable diseases in schools. These guidelines are established to ensure that proper procedures are taken to assure both the rights of the individual and the concerns of the community are addressed. The Battle Creek Public Schools is committed to providing educational opportunities for all students in a safe, supportive and inclusionary environment. The District will, therefore, assure that staff members or students who have contracted a communicable disease, which is serious in nature, will be able to have their individual situation reviewed by a panel and have that panel recommend whether they may continue to be involved in the public school setting.

1. Students are expected to be in compliance with the required immunization schedule. The building Principal is required, under Part 92, Act 368 of Public Acts of 1978, to exclude children from school attendance who are out of compliance with the immunizations required by this Act. School personnel will cooperate with public health personnel in completing and coordinating all immunization data, waivers, and exclusions, including the necessary Immunization Assessment Program forms (C-100s), to provide for preventable communicable disease control.
2. The Superintendent of Schools has the authority to exclude a student or staff member from school when reliable evidence or information from a qualified medical source confirms him/her of having a communicable disease or infection that is known to be spread by any form of casual contact and is considered a health threat to the school population. Such a student or staff member shall be excluded unless their physician approves school attendance or the condition is no longer considered contagious.

## **Section 8000 – Students**

8510 Communicable Diseases - Students and Staff (Cf. 5370)

8510-2

The Calhoun County Health Department will be advised by the Director of Personnel and Administration, of a reportable communicable disease concerning an employee, volunteer or student.

### SERIOUS COMMUNICABLE DISEASE OR INFECTION THAT IS NOT KNOWN TO SPREAD BY CASUAL CONTACT

1. When reliable evidence or information from a qualified source confirms that a student/staff member is known to have a serious communicable disease or infection that is known not to be spread by casual contact, the decision as to whether the affected person will remain in the school setting will be addressed on a case-by-case basis by a Review Panel to ensure due process. (Protocol and Review Panel membership outlines in "Procedures.") Communicable disease or infections that are serious in nature include:
  - a. AIDS - Acquired Immune Deficiency Syndrome
  - b. ARC - Aids Related Complex
  - c. HIV - Human Immunal Deficiency Virus
  - d. Hepatitis B
  - e. Other like diseases that may be specified by the Health Department as potentially serious health problems for those who come in contact with the disease and/or disease carrier.

If the above individual is a student who has been determined to be handicapped pursuant to the administrative rules for Special Education, or is suspected of being physically or otherwise health impaired (POHI), the protocol for Special Education students will be followed.

## **Section 8000 – Students**

8510 Communicable Diseases - Students and Staff (Cf. 5370)

8510-3

2. Mandatory screening for communicable diseases, that are known not to be spread through casual contact, is not warranted as a condition for school entry or for employment or continued employment.

All persons privileged with any medical information that pertains to students or staff members shall be required to treat all proceedings, discussions, and documents as confidential information.

Approved: August 17, 2009

LEGAL REF: MCL 333.5111; 333.5131; Family Educational Rights and Privacy Act of 1974, MDE Bulletin, September 23, 1999

## Section 8000 – Students

8510-R Communicable Diseases - Students and Staff (Cf. 5370)

8510-R

1. The District will allow students and staff members to attend school unless there is definitive medical evidence to warrant exclusion. The Superintendent is the designated school official to receive information from the local or State Health Department pertaining to serious communicable diseases listed on pages 1-2.<sup>47</sup> When the Superintendent has been informed by an official of the local or State Health Department that a student or district employee may be infected with a communicable disease, which is serious in nature, as defined above, the Superintendent shall immediately obtain written consent from the employee or a student's parents<sup>48</sup> to disclose confidential information to the Communicable Disease Review Panel (CDRP) and to communicate such information as may be necessary to appropriate members of the District staff. If the employee or parents refuse to consent to the disclosure, the Superintendent shall direct the local Health Department to make a "need to know" determination that disclosure is necessary to the CDRP.

The Superintendent is hereby designated as the authorized individual to receive information from the County or State Department of Health pertaining to a student or employee who has a non-casual contact communicable disease. Should an employee of the Battle Creek Public Schools identify a student's status as HIV positive, the employee shall immediately notify the Director of Pupil Personnel or Director of Personnel and Administration.

2. The Communicable Disease Review Panel
  - a. Communicable diseases defined above will be addressed on a case-by-case basis by a Review Panel.

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<sup>47</sup> In all circumstances arising under this policy the Director of Personnel and Administration shall act for the Superintendent in his/her absence.

<sup>48</sup> Student may give permission if he/she is of age of majority.

## Section 8000 – Students

8510-R Communicable Diseases - Students and Staff (Cf. 5370)

8510-R-2

### b. Panel Membership

- (1) The physician who is treating the affected individual.
- (2) A physician who is familiar with the disease from the Calhoun County Health Department and/or one recommended by the Calhoun County Health Department who will give the recommendations of the Health Department.
- (3) Either the parent/guardian of child, student if over 18, employee, or their representative.
- (4) The Director of Pupil Personnel and Guidance (if a student is involved) or the Director of Personnel and Administration (if a staff member is involved.)
- (7) The Director of the area in which the student is enrolled or in which the employee is employed. If the student has been identified as having a handicap, the Director of Special Education will be appointed to the team.
- (8) A school representative familiar with the child's behavior in the school setting or the employee's work situation (in most cases the building principal).

This Review Panel shall perform the following duties:

#### 1. Students

The Panel shall make a written recommendation to the Superintendent as to whether the affected student should continue to be involved in the public school setting.

## Section 8000 – Students

8510-R Communicable Diseases - Students and Staff (Cf. 5370)

8510-R-3

The Panel shall protect the student's rights to a) remain in the school setting unless he or she has a secondary communicable disease condition, as verified by a physician, that poses a significant health or safety risk to others, and b) to participate in all school activities, including sports, if he or she is otherwise qualified.

### Employees

The Panel shall make a written recommendation to the Superintendent as to what action shall be appropriate for an affected school employee.

2. If the recommendation is to allow the person to continue attendance in the public school setting or workplace, then the Panel must make a written recommendation regarding what precautions should be taken within the school or work environment. If a student's condition warrants changes in educational services, the Panel shall identify within said recommendations, all reasonable accommodations within the school environment and shall consider the providing of special education services, if the student is eligible to receive services.
3. If the recommendation is to exclude the person from the public school setting or workplace, the Panel must make a written statement as to the conditions of under which it would reconsider the denial. If the affected person is a student, the Panel must also make a recommendation regarding the advisability of an alternative delivery of educational program and special educational services.
4. The Panel shall also make a recommendation as to the need to review the case on a periodic basis.

The Director of Pupil Personnel and Guidance or the Director of Personnel and Administration shall serve as the Chairperson of the Panel.

## Section 8000 – Students

8510-R Communicable Diseases - Students and Staff (Cf. 5370)

8510-R-4

It is his/her responsibility to convey all written materials to the Superintendent, including the Panel's recommendations and decision. If the Panel's decision is not unanimous, majority and minority reports should be submitted to the Panel Chairperson within two (2) days and turned over to the Superintendent upon receipt.

### Case Review Process:

The process for reviewing an individual case shall be:

1. When an administrator or other staff member becomes aware that there is an individual within the school system who has a communicable disease, that person shall contact the Director of Pupil Personnel. The Director of Pupil Personnel will notify the Public Health authorities and the Superintendent.
2. If the Superintendent believes a Panel review is appropriate, he/she shall inform the affected staff person or the parent/guardian of the affected student, or the student, if 18 years of age, that the affected person may not continue attendance in the workplace and/or school or any other school sponsored activity until the Panel's written recommendations have been received and acted upon by the Superintendent. This decision will be dependent upon whether or not the disease is spread by casual contact and applicable law and regulations.
3. The Director of Pupil Personnel or the Director of Personnel and Administration shall obtain the name of the physician treating the affected person and shall request that the physician be part of the Panel. The parent/guardian or affected person shall provide the school district with a release of information so that the Panel may review the needed data.
4. The Review Panel Chairperson shall, within five (5) school days after the receipt of all pertinent information, call a meeting of the Panel, at which time the case shall be reviewed.

## Section 8000 – Students

8510-R Communicable Diseases - Students and Staff (Cf. 5370)

8510-R-5

The parent/guardian, student, or affected person shall be notified of the meeting and shall have the opportunity to present written reports and verbal testimony to the Panel.

5. Items the Review Panel is to review:
  - a. circumstances in which the disease is contagious;
  - b. likelihood of infections or illnesses attendant to the disease that could be spread to other students/staff members through casual contact;
  - c. age, behavior, cognitive functioning and neurologic development (if a child);
  - d. circumstances in which the disease is contagious to others;
  - e. nature of the interaction with others in the school environment and health/safety implications of that interaction;
  - f. psychological aspects to the infected person and others in the environment, if the person remains in the current setting;
  - g. potential risk of casual contact contagious diseases occurring while the infected person is in attendance.
  - h. likelihood of a request from the affected individual to be excused from attendance at school or at the job;
  - i. methods for protecting the privacy of the student or staff member, including maintaining confidentiality both of records and the person's condition;
  - j. recommendations as to whether the student or staff member should continue in the school setting or, if not attending, under what circumstances he/she may return;

## Section 8000 – Students

8510-R Communicable Diseases - Students and Staff (Cf. 5370)

8510-R-6

- k. recommendations as to whether a restrictive environment or alternative assignment or delivery of program should be considered;
    - l. recommendations as to when the Panel should review the case again.
6. Within three (3) school days from the date of the Review Panel's convening, the Panel Chairperson shall provide the Superintendent with a written report containing the Panel's decision, if it is unanimous. If the decision is not unanimous, the reports shall be conveyed to the Superintendent within five (5) school days. If the Panel's decision is not unanimous, the Superintendent shall receive copies of all materials and a summary of each member's position. The Superintendent shall then make the final determination within two (2) school days of the receipt of the reports. Copies of the Superintendent's decision shall be sent to the affected person or parent/guardian, the Review Panel, and the Board of Education.
7. If the student is enrolled in a Special Education program, a copy of the Superintendent's decision shall be sent to the Director of Special Education. If a change of educational placement is recommended by the Panel, based upon health considerations, the Director shall convene an Individualized Educational Planning Team Meeting (IEPT) within three (3) school days of the receipt of the report. If the parent/guardian or the student, of 18 years if age, requests a Hearing as a result of the IEPT recommendation, placement of the student, in the interim, shall be based upon the recommendation of the Review Panel.

## Section 8000 – Students

8510-R Communicable Diseases - Students and Staff (Cf. 5370)

8510-R-7

8. If an appeal of the Superintendent's decision is to be made, it must be submitted in writing to the Board of Education by the affected individual or the parent/guardian of the affected individual, or the student, if 18 years of age, within five (5) school days after the decision has been rendered. The Board shall conduct a Hearing within twenty (20) school days, if an appeal request has been received.

The appellant(s) shall be notified of the right to be represented by legal counsel at the Hearing.

The Board shall render its final decision, in writing, within seven (7) school days after the Hearing has been conducted.

All persons involved in these procedures shall be required to treat all proceedings, deliberations, and documents as confidential information. Records of the Review Panel's activities and information regarding a student's communicable disease status will remain confidential unless there is parental permission to share this information and an "educational need to know" by school staff. The Director of Pupil Personnel and Guidance is responsible for clearly defining and communicating to staff, on a case by case basis, the legitimate educational interest for disclosing a student's communicable disease status to another staff member. This confidential information and record shall be kept by the Superintendent. The affected person or parent/guardian of the affected person, or the student directly, if 18 years of age, shall be notified of the identity of those individuals who shall have access to information. Only by written directive of the Superintendent will confidential information and records be released in written, oral or other form.

The rights of any affected student, as well as those of any affected staff member, shall be protected in accordance with Federal and State law on privacy, confidentiality, and due process.

## **Section 8000 – Students**

8510-R Communicable Diseases - Students and Staff (Cf. 5370)

8510-R-8

In addition, the exclusion of any staff member from the District by the Superintendent's decision will be done in accordance with relevant sections of a current collective bargaining agreement or school district policies covering the employee.

A breach of confidentiality related to a student's communicable disease or infection or medical condition shall be brought to the attention of the Director of Personnel who shall conduct an internal investigation, file an investigative report, and make a recommendation of discipline and disposition to the Superintendent.

During the first week of September of each school year, the Battle Creek Public Schools shall give written notice of this communicable disease policy and procedures to all staff, parents, and appropriate medical personnel in the community. Immediate supervisors shall review and update existing staff on this policy in September of each school year and each employee will file written verification of said review and update with the personnel office.

During the first week of September of each school year the Director of Personnel and Administration shall review the policy and policy implementation. Within 60 days of employment, all new employees and any volunteers shall receive training and orientation on this Communicable Disease Policy and the Battle Creek Public Schools exposure control plan for bloodborne pathogens. The above-noted training and orientation will be implemented and this policy distributed regardless of the existence of a student or employee having a positive communicable disease status.

Consistent with Section 1169 of the Michigan School Code, instructional staff will offer and provide to each student HIV/STD prevention education at least once at the elementary, middle and senior high levels.

## **Section 8000 – Students**

8510-R Communicable Diseases - Students and Staff (Cf. 5370)

8510-R-9

All persons, including parents of students who are known to have or who are perceived to have a disability such as HIV infection or other communicable disease, with or without symptoms, will not be unlawfully discriminated against and treated differently by an employee of the Battle Creek Public Schools. The Battle Creek Public Schools will not tolerate harassment of a student with a communicable disease or infection.

## Section 8000 – Students

8515 Head Lice Policy

8515

The School District will periodically conduct “head checks” to screen for head lice infestation. Designated school personnel trained to look for head lice will do this.

If a student is found to be infested with head lice, or to have nits, he/she will be sent home for treatment and a notification letter will be transmitted to the parent(s)/guardian(s).

The student shall not be readmitted to school until the child, parent(s)/guardian(s) can show proof, acceptable to the Principal, of an approved treatment.

The student must remain nit-free upon inspection at school. If the student is found to still have nits after returning to school, the parent(s)/guardian(s) will be notified and the child will be sent home for nit removal.

Copies of this policy, along with District rules and regulations governing head lice control and advice to parent(s)/guardian(s) on head lice control in the home, will be distributed to students and parent(s)/guardian(s) in a manner to be determined by the Superintendent or designee.

Approved: August 17, 2009

LEGAL REF: *Michigan Head Lice Manual*, Michigan Department of Education,  
Michigan Department of Community Health, July 2004 – Version 1.0

## **Section 8000 – Students**

8530 Student Assistance Program(s) (Cf. 7110)

8530

The Board believes school based K-12 student assistance programs provide a means for the District to continue quality education in each classroom while providing a mechanism for addressing risky behaviors in students which may interfere with their academic and/or social development.

The Board believes that Board policies regarding substance abuse are intended to assist in supplementing parent(s)/guardian(s) and community efforts. The Board shall support a program or programs to provide education, assistance, and support for students affected by chemical dependency or other substance abuse-related problems.

Approved: August 17, 2009

## Section 8000 – Students

### 8580 Child Abuse and Neglect - Duty to Report

8580

Pursuant to MCL 722.622(f), child abuse must be reported to the Department of Human Services (DHS) where the suspected perpetrator is the parent(s)/guardian(s), or any other person responsible for the child's health or welfare or by a teacher, a teacher's aide, or a member of the clergy.

Any school administrator, school counselor, or teacher, or staff person of the District who has reasonable cause to know or suspect that a child has been subjected to abuse or neglect or who has observed the child being subjected to circumstances or conditions which would reasonably result in abuse or neglect will immediately report it to the Department of Human Services.<sup>49</sup> The person making the report must notify the building school administrator that a report has been filed. School employees will not contact the child's family or any other persons to determine the cause of the suspected abuse or neglect. It is not the responsibility of the school employees to determine or prove that the child has been abused or neglected.

#### Access to Students on School Premises (Cf. 8140, 9570)

The District recognizes that the DHS may, lawfully, interview a child alleged to have been abused without the presence of the building Principal or other school personnel, or the parent/guardian. School employees will not contact the child's family or any other persons regarding DHS access to students. It is the sole responsibility of DHS to notify the parent/guardian regarding access to the student. However, in appropriate cases, the Principal may request that he or she, or a designated representative, be present during the interview.

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<sup>49</sup> Reasonable Cause exists where the facts and circumstances within a person's knowledge and of which he/she has reasonably trustworthy information are sufficient to warrant a mandate of reasonable caution in the belief that abuse/neglect has or is occurring.

## Section 8000 – Students

8580 Child Abuse and Neglect - Duty to Report

8580-2

### Cooperation between School and Agencies

Elementary and secondary schools, DHS, and law enforcement agencies shall cooperate with each other in the investigation of reports of suspected child abuse or neglect.

Approved: August 17, 2009

LEGAL REF: MCL 722.621-638; *Commonwealth v Allen*, 980 S.W. 2d 278 (Ky., 1998); *People v Beardsley*, \_\_\_ Mich App\_\_\_ (#246202, 8-24-2004); OAG Opinion No. 6869, September 6, 1995

## **Section 8000 – Students**

8580-R Child Abuse and Neglect - Duty to Report

8580-R

In Michigan, anyone making a report in accordance with state law or participating in a resulting judicial proceeding is presumed to be acting without malice and in good faith and, in so doing, is immune from any civil or criminal liability that might otherwise be imposed.

Unauthorized disclosure of child abuse information to persons other than School Administrators, Law Enforcement personnel or DHS, may result in criminal and/or civil sanctions.

## **Section 8000 – Students**

### 8590 Student Safety

8590

The District will endeavor to provide a safe environment for students while in school attendance or in extra-class activities.

#### Bicycle Use

Each building Principal will formulate plans and procedures for the safe use of and parking of bicycles on school property and publish them in the appropriate student handbooks.

#### Walkers and Riders

Any student who uses school-provided transportation shall be under the jurisdiction of the vehicle driver while in the vehicle and shall be subject to all rules and regulations developed by the Superintendent or designee and building Principals to cover such activities. Such rules and regulations shall be published in the appropriate student handbooks.

Students who walk to and from school are urged to become familiar with traffic safety laws governing such activities.

#### Eye Protective Devices

Building Principals shall assume the responsibility of seeing that sufficient eye protective devices are available to accommodate all classes or persons requiring them. All guidelines and rules shall be published in the appropriate staff and student handbooks.

#### Mercury Elimination

The District prohibits the purchase, storing, or use of free flowing elemental mercury or items or instruments containing free flowing elemental mercury. Each building administrator will be responsible for enforcing this policy and reporting any violations to the District MIOSHA compliance officer.

## **Section 8000 – Students**

8590 Student Safety

8590-2

### Safety Patrols

Building Principals are authorized to organize student safety patrols to assist in the safety of students to and from school and/or loading/unloading school buses.

Approved: August 17, 2009

LEGAL REF: MCL 324.81101; 380.1274b; 380.1288; R 340.1301-1305; OAG, 1981-1982, No 6097, p 727 (August 31, 1982)

## **Section 8000 – Students**

8590-R Student Safety

8590-R

### Inspection of Buildings and Grounds (Cf. 4040)

The building Principal, together with his/her custodial staff, shall make frequent inspections of areas of the building and grounds, which may be potential safety hazards.

If any such hazards are found, the building Principal will order the hazard removed, corrected, or marked in some appropriate way as a “dangerous area.” (Cf. 8450-R)

Students will be notified of such “dangerous areas.”

All hazards or “dangerous areas” will be reported, in writing, to the Superintendent or designee.

## **Section 8000 – Students**

8640 Use of Motorized Vehicles

8640

Students are discouraged from driving motorized vehicles to school. However, if a student chooses to drive a motorized vehicle to school, the student is required to follow all legal and safety regulations governing the use of motorized vehicles on or near school property. The Superintendent or designee shall formulate plans and procedures regulating the driving, parking and use of student operated motorized vehicles during the school day. Failure of student drivers to observe the District's regulations governing student use of motorized vehicles may result in disciplinary action and/or revocation of on-campus driving privileges.

Approved: August 17, 2009

LEGAL REF: OAG, 1989-1990, No 6657, p 327 (August 21, 1990)

## **Section 8000 – Students**

8640-R Use of Motorized Vehicles

8640-R

All such rules and regulations will be published in the student handbook annually to each student driver and his/her parent(s)/guardian(s).

Such rules and regulations shall include but will not be limited to the following:

- Students who are observed driving recklessly on or near school property will be reported by any District employee to the high school Principal. The Principal or designee will warn the driver in the incident at the first opportunity thereafter, and a written notice will be mailed to the parent(s)/guardian(s) of the driver.
- A copy of all student driving warning notices may be reported to the local civil authorities.
- Further violation of these rules and regulations may result in disciplinary action by the school pursuant to the disciplinary code.

### **Students are NOT Allowed:**

1. To ride in or drive a vehicle to and from classes held at the Field House.
2. To drive, ride, or sit in a vehicle at any time during the school day. This includes the lunch period, except when a student does not have a scheduled class period and must leave the vicinity.

### **CACC/Math Science Center/Post-Secondary Enrolled Students:**

May drive to and from the Calhoun Area Career Center or Math and Science Center, provided that parent/guardian permission has been communicated in writing to the appropriate administrator.

## **Section 8000 – Students**

8650 Student Accidents

8650

Accident and illness may occur in the classroom and on school grounds. All school personnel shall be prepared to follow the necessary first aid procedures and other rules. Any school employee who discovers an accident involving a student on school property shall, in a timely manner, report the accident to the building Principal and follow the rules approved by the Superintendent.

Approved: August 17, 2009

## Section 8000 – Students

8650-R Student Accidents

8650-R

Generally, school employees are not trained to administer medical treatment to students.

The Superintendent or designee will develop procedures to be followed in case of a student accident or injury. Such procedures will be distributed to all employees at the beginning of each school year.

In the event of a student accident which appears to require medical treatment other than emergency first aid, only qualified school employees may treat a student suspected of injury other than attempting to make the student as comfortable as possible while waiting for competent medical treatment. Qualified employees, for the purpose of this policy, are those employees who have successfully completed an approved Red Cross first aid program or who have otherwise been approved by the Superintendent or designee to administer treatment.

Primary first aid procedures to be followed include visually determining, if possible, the extent of the injury and having an appropriate staff member call the parent(s)/guardian(s). (Cf. 8660, First Aid)

### Records

Demographic data for each student containing the following information shall be on file in the building Principal's office:

- Names and addresses of parent(s)/guardian(s), their telephone phone number(s),
- Names of some other persons to be called in the event of an accident and their phone number(s),
- Names of the family physician and his/her office phone number, and
- Any physical condition of the student for which it would be considered appropriate to indicate a medical alert.

## **Section 8000 – Students**

8660 First Aid

8660

The District may provide appropriate first aid and CPR training for identified personnel. This training may be provided as part of the District's in-service plan or other program established by the Board.

Only those school employees qualified by District approved training and then only in case of emergency may administer first aid and CPR to students. School employees shall not attempt to treat any student injury after the initial treatment of emergency first aid. The District will not assume liability under these policies for employees acting outside the scope of their authority.

Approved: August 17, 2009  
LEGAL REF: MCL 691.1504

## **Section 8000 – Students**

8670 Administration of Medications by School Personnel (Cf. 2780)

8670

This policy is intended to cover all students. It includes students with disabilities who have an Individualized Educational Program (IEP) or Section 504 Plan. The following definition of “medication” is adopted for use in this District: “Medication,” includes prescription, non-prescription, and herbal medications, and includes those taken by mouth, by inhaler, those that are injectable, and those applied as drops to eyes, nose, or medications applied to the skin.

Whenever possible, medications for students should be administered by parent(s)/guardian(s) at home. As a service to the family, the Superintendent or designee shall establish procedures for the administration of medication by school personnel in circumstances where such administration is deemed necessary for the student’s well being by the student’s parent(s)/guardian(s) and physician. The pupil’s parent(s)/guardian(s) must provide all medication to the school and provide written permission and a written request to administer medications to their child. Written instructions from a physician for prescription medication, which include the name of the pupil, name of the medication, dosage of the medication, route of administration, and time the medication is to be administered to the pupil must accompany the request and be kept on record by the school. A medication that a pupil possesses must be labeled and prepared by a pharmacy or pharmaceutical company and include the dosage and frequency of administration. The parent(s)/guardian(s) request/permission and a physician’s instructions for administration of prescription medication shall be renewed every school year.

Any and all “biohazards” generated, such as, but not limited to: sharps, bandages, gauze, towelettes, and discarded live or attenuated vaccines, due to the administration of medications by school personnel shall be disposed of in accordance with the Michigan Medical Waste Regulatory Act, 1978 PA 368, R 325.1545(10).

## **Section 8000 – Students**

8670 Administration of Medications by School Personnel (Cf. 2780)

8670-2

Students who “self administer” medications shall be responsible for returning any such wastes to their home for disposal. The Superintendent or designee shall be responsible for providing staff members with written procedures to implement this requirement.

Each building shall have a plan for handling medical emergencies.

The school administrator will designate an individual(s) responsible for administering medications to pupils at that school. Medications may be administered by Student Health Center professional staff in accordance with the physician’s orders. A school administrator, teacher, licensed professional, or others authorized to do so by the school administrator, must administer medication to a pupil in the presence of another adult pursuant to written permission of the pupil’s parent(s)/guardian(s), and in compliance with, the written instructions of a physician. Where the individual administering the medication is a licensed registered professional nurse, or when an emergency threatens the life or health of the pupil, a second adult need not be present.

### Self-Administration/Self-Possession of Medications

The following definition of “self-administration/self-possession” is adopted for use in this District: “Self-administration” means that the pupil is able to consume or apply prescription and non-prescription medication in the manner directed by the physician without additional assistance or direction. Self-possession means that the pupil may carry medication on his/her person to allow for immediate and self-determined administration.

A pupil whose parent(s)/guardian(s) and physician provide written permission will be able to self-administer and self-possess his/her own medications. A medication that a pupil possesses must be labeled and prepared by a pharmacy or pharmaceutical company and include the dosage and frequency of administration. A pupil’s use shall not be denied if the conditions of written permission and physician direction are met. A building administrator may discontinue a pupil’s right to self-administer and self-possession if there is misuse by the pupil.

## **Section 8000 – Students**

8670 Administration of Medications by School Personnel (Cf. 2780)

8670-3

The denial shall come only after a consultation with the parent(s)/guardian(s). For example, a pupil who requires the use of an inhaler for relief or prevention of asthma symptoms shall be allowed to carry and use the inhaler if there is written approval from the pupil's physician and parent(s)/guardian(s) on record at the school (as described in the Michigan Revised School Code, Section 380.1179). A pupil who is in possession of an inhaler under the above conditions shall have each of his/her teachers notified of this by the building administrator.

### Diabetic Emergencies

Staff shall be made aware of the symptoms of a diabetic emergency. Staff with diabetic students should know the signs of possible side effects of diabetic medications, and be aware which side effects are serious enough to warrant reporting to the child's parent(s)/guardian(s) or health provider.

### Management of Students with Asthma in the School Setting

If needed, school administrators may have direct communication with the child's health care provider in order to resolve individual problems that may arise because of a child's asthma. All staff shall be informed about the early warning signs of an acute asthma episode and should be aware of emergency procedures and contacts in case a child needs medical assistance.

### Exercise Induced Asthma Attacks

Physical education teachers, playground aides, and teachers are to be informed that exercise can induce acute episodes for many students with asthma. It shall be the responsibility of the administration to inform school staff who are responsible for students during physical activity of the identity of those students who have exercise-induced asthma. A child with exercise-induced asthma shall be allowed to stop any physical activity if they are having difficulty.

The Superintendent or designee will promulgate rules and guidelines to implement this provision.

## **Section 8000 – Students**

8670 Administration of Medications by School Personnel (Cf. 2780)

8670-4

### School Staff Training

All individuals designated or authorized to administer medication are required to receive in-service training on all District policies and procedures related to this responsibility. School staff must be trained by a licensed registered professional nurse, physician, or physician assistant who has knowledge of local school medication policies and procedures.

### Storage and Access to Medications

All medication shall be kept in a labeled container as prepared by a pharmacy, physician, or pharmaceutical company with the pupil's name, the name of the medication, dosage, and the frequency of administration. Medications shall be stored in a school location that is kept locked. However, emergency medications may be stored in an area readily accessible to the individuals designated to administer them. All controlled-substance medications will be counted and recorded upon receipt from the parent(s)/guardian(s). The medication shall be recounted on a regular basis (monthly or bi-weekly) and this count shall be reconciled with the medication administration log/record.

### Record Keeping of Medications

A log of medication administration shall be kept in a school.

Approved: August 17, 2009

LEGAL REF: MCL 380.1178; MCL380.1179; OAG, 1979-1980, No 5679, p 7-0 (April 11, 1980); OAG, 1993, No 6746, (January 13, 1993); MDE Bulletin, October 18, 1999, PA 378, 1978, Medical Waste Regulatory Act, R 325.1545(2)

## **Section 8000 – Students**

8670-R Administration of Medications by School Personnel

8670-R

The following administrative rules are to be followed by District personnel in the implementation of policy 8670. These rules and procedures may not be changed or amended without the express approval of the Superintendent of Schools in accordance with State and federal laws.

### School Administration of Medications – Prescription

Prescription medications shall not be stored or dispensed by District personnel without written permission and instructions from both:

- a. The parent(s)/guardian(s) who shall request and authorize District personnel to give medication in the dosage prescribed by the physician. The prescribing physician provides instructions to school personnel regarding the administration of medication via the prescription label or specific written instructions. Instructions from the physician must include:
  - Name of the pupil,
  - Name of the medication,
  - Dosage of the medication,
  - Route of administration,
  - Time the medication is to be administered, and
  - The length of time (not to exceed the current school year) that medications are to be administered.

Any “biohazardous” wastes produced shall be disposed of in accordance with law, and the written instructions distributed by the administration.

New parental/guardian and physician written instructions and permission must accompany any change in medication, dosage, or time of administration.

## **Section 8000 – Students**

8670-R Administration of Medications by School Personnel

8670-R-2

### Storage and access to medications in school

Prescription medication to be given at school must be delivered, by the parent(s)/guardian(s), in its original container as prepared by a pharmacy, physician, or pharmaceutical company with a printed label specifying:

- a. The child's full name,
- b. The name of the medication and the dosage,
- c. The time of day medication should be administered, and
- d. The name of the physician.

All prescription medication shall be kept in locked storage or other safe place.

The Principal of each building shall designate the school personnel authorized to administer medication to students.

A building administrator may set a reasonable designated time for the administration of medications. The parent(s)/guardian(s) shall be informed of this designated time and communicate this to the physician when he/she writes medication administration instructions. The school may request that the parent/guardian provide a physician's written explanation with the prescription medication administration instructions to the school if an exception to the school's designated time is necessary. School personnel authorized to administer prescription medication shall be given appropriate instruction in the administration of medications. After medication is administered, students should be observed for possible reactions to the medication. This observation may occur at the site of administration or in the classroom as part of the normal routine.

Except in the case of an emergency that threatens the life or well being of the student, all administration of medication shall be conducted in the presence of two or more adults.

## **Section 8000 – Students**

### 8670-R Administration of Medications by School Personnel

8670-R-3

When necessary for a pupil to have medication administered while on a school-sponsored field trip or off-site activity, the individual designated to administer medication must carry the medication in the original container, and record the necessary information on the medication log upon return from the trip/activity.

#### Staff Training

In-service training is recommended to be not less than four hours in length and include actual "hands-on" practice in identifying and dispensing medications. Individuals, with the exception of a licensed registered professional nurse, who are responsible for administering any medications that must be given by injection, by nebulizer, or administered rectally, vaginally, or into the bladder, must receive training by a licensed health professional. Documentation that school personnel have completed the required in-service training shall be maintained by the school and made available, upon request, to a pupil's parent(s)/guardian(s), physician, licensed registered professional nurse, or by a school District official.

#### Training Guidelines

Training for all individuals who are designated to administer medications to pupils in local and intermediate school Districts, public school academies, and nonpublic schools must include all of the following content and skill practice:

1. A review and discussion of all Michigan and federal laws pertaining to the administration of medications to pupils in schools, including discussion of confidentiality issues.
2. A review and discussion of all policies and procedures relating to medications in schools including areas of responsibility of school administrators, individuals designated to administer medications (i.e., secretaries, aides, teachers, bus drivers, parent(s)/guardian(s)), and medical professionals (i.e., physicians, physician assistants, nurses).

## Section 8000 – Students

### 8670-R Administration of Medications by School Personnel

8670-R-4

3. Identification of the forms related to the administration of medications in schools.
4. Safe storage and handling of medications in school including procedures for receiving and disposing of medications.
5. The use, effect, and route of administration of the most commonly prescribed medications in schools, including adverse effects.
6. Procedures for safely dispensing medications to pupils in schools, on field trips, and other off-site school activities.
7. Practice in identifying and dispensing medications to pupils.
8. Policies and procedures related to pupil self-administration and self-possession of medication in schools.
9. Review and practice recording administration of medications.
10. Review and discuss procedures for dealing with medication administration errors. It is the responsibility of the student to report to the appropriate school official at the time any prescription is to be taken.

#### Records

School personnel designated to administer medications shall maintain an accurate and confidential system of record keeping. The medications log shall include the following:

- c. The full name of the student,
- d. The physician instructions for administration,
- c. A log of the date and time, dosage, name of medication, administering adult, second adult present for each administration, and the signature of the administering adult and signature of witnessing adult for each administration.

(If an error is made in recording, the individual who administered the medication shall cross out, initial the error, and make the correction in the log), and

- d. Any noted effects of, or reaction to the medication.

## **Section 8000 – Students**

8670-R Administration of Medications by School Personnel

8670-R-5

School personnel must take care to ensure that each student is provided the proper medication in the proper dosage, and shall log each administration immediately. In the event of a mistake in administration or dosage, the building administrator shall be contacted immediately. The building administrator is responsible for reporting the medication error to the pupil's parent(s)/guardian(s) immediately. The school staff member shall write up the error on a District incident/accident report form and place a copy into the pupil's school record. Any adverse reaction to medication, as described on the physician's written instructions, shall be reported to the pupil's parent(s)/guardian(s) immediately.

Medications should be brought to the school by the student's parent(s)/guardian(s). School personnel, appropriately trained, shall, throughout the school year, periodically review medication instructions on file and inventory medications being stored by the school. Expiration dates on prescription medication, epi-pens, and inhalers shall be checked at least twice each school year.

Parent(s)/Guardian(s) request/permission and a physician's instructions for administration of medications shall be renewed every school year. No changes to medication dosage or time of administration will be made except by instruction from a physician. Medications must be claimed by parent(s)/guardian(s) at the end of the school year. If this is not done, the individual who administers the medication will dispose of the medication and record this disposal on the medication log. This procedure shall be witnessed and initialed by a second adult. Parents/Guardians whose child will be attending a District summer school program are responsible for claiming the medication from the original school site, then providing the medication information to the summer school program staff.

## **Section 8000 – Students**

8670-R Administration of Medications by School Personnel

8670-R-6

Unless otherwise dictated by law, the building Principal may refuse to administer or may choose to discontinue the extra service of administering medication at his/her discretion, provided that appropriate notice is given to the parent(s)/guardian(s).

### School Administration of Medications – Non-prescription

The procedures for administering non-prescription medications to students by the District shall be in accordance to current laws.

### Student Self-Administration of Medications

Upon the written request of the parent(s)/guardian(s), and with written instructions from the physician for prescription medication, and with the approval of the school administration, students may self-possess small quantities of medication for self-administration. Upon the written request of the parent(s)/guardian(s) for non-prescription medication, and with the approval of the school administration, students may self-possess small quantities of medication for self-administration.

Any student may possess and use an inhaler or a dry powder inhaler to alleviate asthmatic symptoms, or before exercise to prevent the onset of asthmatic symptoms, at school, on school-sponsored transportation, or at any activity, event, or program sponsored by or in which the pupil's school is participating if proper approvals are on file in writing. All self-possessed medications must be labeled and prepared by a pharmacy or pharmaceutical company and include the dosage and frequency of administration.

Any “biohazardous” wastes produced by the student in the process of self-administration are to be carried back to the home by the student for proper disposal by the student/parent(s)/guardian(s).

All necessary written permission forms detailed above for school administration of medications must be obtained and filed by the school prior to possession, storage, or self-administration by a student.

### Assisting a Student in Distress

Each building shall have a plan for handling medical emergencies.

## **Section 8000 – Students**

8670-R Administration of Medications by School Personnel

8670-R-7

Any District staff member may assist a student in distress in self-administration of a medication (ex. Epi-pen injection, asthma inhaler, etc.). For the purpose of this policy, distress refers to any obvious and serious discomfort or threatening condition.

As soon as possible, the staff member shall notify the school administration, designated school medical response person, and/or the local emergency medical system. The staff member shall also complete a District incident/accident report form following the incident.

### Diabetic Emergencies

Staff with diabetic students should know the signs of possible side effects of diabetic medications, and be aware which side effects are serious enough to warrant reporting to the child's parent(s)/guardian(s) or health provider.

### Management of Students with Asthma in the School Setting

Staff shall be made aware that chalk dust, animals in the classroom, strong odors (perfumes and paints), cleaning agents, molds, and numerous other substances may be asthma triggers for some children. Staff with asthmatic students should know the signs of possible side effects of asthma medications, and be aware which side effects are serious enough to warrant reporting to the child's parent(s)/guardian(s) or health care provider.

## **Section 8000 – Students**

8700 Student Activities

8700

The expenditure of activity funds shall be approved as part of the school District budget. An annual report may be provided to the Board by each building Principal listing the activities involving fees and the amount of each fee. Any proposed student activities not funded with public monies shall first have the approval of the Superintendent.

### Activity Fees

Fees for various student activities shall be established by the building Principal with the approval of the Board. In the event that a student is unable to pay such fees, the District may make an arrangement for reimbursement with the parent/guardian.

### Activity Fund Management (Cf. 3800)

The building Principals shall maintain an accurate record of all student activity funds in the respective attendance centers. Each building Principal shall make a monthly report to the finance department of the revenue and expenditures of the activity fund under his/her administration. The funds are expended at the discretion of the building Principal in accordance with Board policy and District guidelines; however no funds shall be expended from these accounts except in support of the student activity program.

### Musical Instruments

The school shall facilitate access to a variety of musical instruments for student use. The Superintendent or designee may require a reasonable deposit for instrument use in order to protect the District against loss or damage.

Approved: August 17, 2009

## **Section 8000 – Students**

8700-R Student Activities

8700-R

The building Principal shall be responsible for the organization of all student activities. With the assistance of delegated members of the faculty, he/she shall approve all student activities and make certain that adequate supervision is available.

The parent(s)/guardian(s) may request that a student be excused from certain types of student activities for religious or medical reasons. The Principal shall review the request in terms of the welfare of all students as well as in terms of the welfare of the individual.

### Activity Fees

Fees for special student activities may be established by the building Principal.

### Activity Fund Management (Cf. 3800)

Receipts shall be issued for all revenue taken into the activity fund of each attendance center. All payments from the activity fund shall be by checks provided for that purpose.

### Shop and Laboratory Class Materials

The school shall furnish materials needed to perform required projects in shop and laboratory classes. The projects shall remain the property of the District unless the student makes reimbursement for materials or the Principal determines that the District will not require reimbursement.

## **Section 8000 – Students**

### **8710 School-Sponsored Student Clubs (Closed Forum)**

8710

All school-sponsored student organizations shall be curriculum related. Only students actually enrolled in and attending the Battle Creek Public Schools may participate in any school-sponsored student clubs, co-curricular events, or extracurricular offerings of the District. Consequently, the Board establishes a closed forum regarding school-sponsored organizations and clubs. By way of limited example, a “school-sponsored, curriculum related student club or organization” would be those such as: Foreign language clubs; Astronomy Club, Math Club, American History Club, American Literature Club, Student Council, or the like.

Membership in all student organizations shall be open to all students of the school without regard to race, color, sex, religion, handicap, creed, or national origin. All school-sponsored student organizations shall operate within a framework of state and federal law, Board policy and administrative rules and regulations. Persons who are not students in this District shall not be allowed membership in any school-sponsored student organization.

The Superintendent shall develop general guidelines for the establishment and operation of school-sponsored student organizations. Such guidelines shall include the approval of the building Principal prior to the formation of any club or organization, the assignment of at least one faculty advisor to each student organization, and provisions for the establishment of bylaws or operating procedures which provide a linkage to the curriculum relatedness of the organization.

The building Principal shall deny requests for forming a school-sponsored student organization where the requirements of Board policy and administrative rules and regulations have not been met. When a request has been denied, the students shall be informed of the reasons for the denial.

## **Section 8000 – Students**

8710 School-Sponsored Student Clubs (Closed Forum)

8710-2

The students may submit a written request to the Superintendent or designee within ten school days of the notice of denial for a review of the Principal's decision. The Superintendent or designee's decision shall be final.

Approved: August 17, 2009

LEGAL REF: MCL 380.1299; 20 USCA §4071, *et seq.* (Equal Access Act)

## **Section 8000 – Students**

8710-R School-Sponsored Student Clubs (Closed Forum)

8710-R

### School-Sponsored Student Clubs

The administration shall establish regulations for the operation of school-sponsored clubs. Such clubs shall operate for the welfare and in the best interests of the students and the school. School-sponsored clubs are those directly under the supervision of school personnel.

Every school-sponsored club must have a faculty or staff sponsor appointed and approved by the building Principal. All meeting times and places of the club must have the advance approval of the faculty/staff sponsor and the building Principal, and the sponsor or designated representative must be present at all meetings. Every school-sponsored club shall have on file in the school office a constitution, bylaws, and operating procedures approved by the building Principal.

The Student Code of Conduct and all other Board policies and District rules and regulations will be in full force and effect during all meetings or functions of any school-sponsored club.

### Student Government

A student council may be established in each attendance center if it is under the direct supervision of the building Principal or designated faculty representative.

Student councils shall exercise only that authority expressly delegated to them by the building Principal.

### School-Sponsored Student Publications (Cf. 8730)

“School-sponsored student publication” means any publication, as defined herein, which is composed, compiled, published, or distributed under the official supervision of a faculty sponsor.

### Advertisements

Advertisements concerning drug paraphernalia or any controlled substances are prohibited in any publications planned for distribution on school premises.

## **Section 8000 – Students**

8710-R School-Sponsored Student Clubs (Closed Forum)

8710-R-2

School-sponsored student publications shall be under the supervision of the building Principal or designated faculty representative. All material published in school-sponsored publications must have the prior approval of the faculty sponsor. Any student or student club who desires to distribute publications shall submit the publication to the building Principal for review and approval prior to distribution and follow procedures detailed in policy 8730. The final decision on content for school-sponsored student publications shall rest with the building Principal

### Student Social Events

Student social events, such as dances and parties, contribute an important element in the development of the individual. All such events must have the prior approval of the building Principal and the faculty sponsor of the club or class sponsoring the event at least one month in advance.

Student social events shall be held, normally, after the last regular class period during the school day unless otherwise approved by the building Principal during other, non-instructional times before school or during the lunch period. Any “food items” served at such functions shall comply with policy 4460 – Food Allergies.

Any fee charged for a dance or party must have the prior approval of the Superintendent.

The class organization for each grade level shall be limited to one social event per semester.

Middle school or junior high dances will be limited to one per semester and include only middle school or junior high students and sponsors. Parent(s)/Guardian(s) are welcome to attend.

Unless otherwise approved by the Board, attendance at all social functions is limited to students of the District.

## **Section 8000 – Students**

8710-R School-Sponsored Student Clubs (Closed Forum)

8710-R-3

Any high school social events must end by 11:00 p.m. on nights followed by a school day and by 12:00 midnight on weekends. All middle school events must end by 10:00 p.m. on nights followed by a school day and by 11:00 on weekends. The Superintendent or designee, in consultation with the building Principal, may grant specific permission in advance for any deviations, except in an emergency.

The building Principal may make such other rules and regulations as he/she deems necessary for the conduct of student social events. These rules and regulations and any amendments thereto shall be published in such a manner so that all students are aware of such rules and regulations and understand their importance.

## Section 8000 – Students

### 8720 Non-School-Sponsored Student Clubs and Organizations

8720

- A. The District will not discriminate against or deny equal access to students of the District who wish to conduct club meetings that fall within the Equal Access Act guidelines, as long as:
1. The meetings are student initiated and voluntary.
  2. The school and its employees and agents do not sponsor the meeting.
  3. Agents or employees of the school are present only in a non-participatory capacity.
  4. The meeting does not interfere with the orderly conduct of the school's educational activities materially or substantially.
  5. Non-school persons do not direct, conduct, control, or regularly attend the activities of student groups.
- B. Student meetings, held under the Equal Access Act, may take place before actual classroom instruction begins in the morning, or after actual classroom instruction ends in the afternoon. School personnel can be assigned to a group for custodial purposes under the Equal Access Act to:
1. Maintain order and discipline on school premises and enforce the Student Code of Conduct, District policies and administrative rules and regulations.
  2. Protect the well-being of students and faculty.
  3. Assure that student attendance at all meetings is voluntary.
- C. The District may deny access to a student group if meetings are for a purpose that is unlawful or for a purpose, which would interfere with the orderly conduct of educational activities within the school materially or substantially.

#### Student Equal Access

District employees shall not promote, lead, or participate in the meetings of non-curricular/non school-sponsored related student groups.

Approved: August 17, 2009

LEGAL REF: MCL 380.1299; 20 USCA §4071, et seq. (Equal Access Act); 20 USCA §7905 (Boy Scout Equal Access Act).

## Section 8000 – Students

8730 Non-School-Sponsored Student Publications (Cf. 8720)

8730

Students are exposed to diverse opinions on an infinite number of topics through the various mass media. Students who have facts and opinions should be allowed to express them in print as well as through oral communication. However, student editors and writers of non school-sponsored student publications must observe the same legal responsibilities as those imposed upon conventional newspapers and communication media. Thus, no student shall distribute in any school any student publication that:

- Is obscene as to minors according to current legal definitions,
- Is libelous according to current legal definitions, or
- Creates a material or a substantial disruption of the normal school activity or appropriate discipline in the operation of the school.

After approval by the building Principal, student publications, that are not libelous, disruptive or obscene, may be distributed on school property during school hours in areas designated by the building Principal. Distribution that substantially interferes with the normal flow of traffic within the school corridors and entranceways, which is coercive of any other person's right to accept or reject any publication or which causes substantial and material interference with "normal school activities," shall not be permitted. The procedures for approval of student and non-student publications will be the same.

Approved: August 17, 2009

LEGAL REF: *Hazelwood School Dist. v. Kuhlmeier*, 484 U.S. 261, 108 S.Ct. 562, 98 L.Ed.2d 592 (1988)

## **Section 8000 – Students**

8730-R Non-School-Sponsored Student Publications

8730-R

Any student who desires to distribute a non school-sponsored student publication shall submit the publication to the building Principal for review and approval prior to distribution.

At the time of submission, the student, if requested by the Principal, must meet personally with the Principal so that the student and the Principal may freely exchange views on why the distribution of the non school-sponsored student publication is or is not appropriate. The student or his/her representative may support the case for distribution with relevant witnesses and materials.

In determining whether a non school-sponsored student publication is disruptive, school personnel should consider the context of the distribution as well as the content of the material. In this regard, consideration should be given to experience with similar material, to experience in dealing with and supervising students, to current events influencing student attitudes and behavior and to any instances of actual or threatened physical disruption prior to or contemporaneously with the submission of the non school-sponsored student publication in question.

The Principal shall render his/her decision to approve or disapprove the distribution of the non school-sponsored student publication and notify the student within five school days of its submission. If approval to distribute is not granted, the Principal shall state his/her reason to the student in writing.

1. In exercising the right of prior review, school personnel shall be guided by the following guarantees and definitions. The First Amendment to the Constitution of the United States protects students in their exercise of freedom of expression. It is the responsibility of the school and its staff, while establishing the kind of environment, which is necessary for an orderly program of classroom learning, to ensure that the right of students to express themselves freely shall not be infringed upon at the same time.

## Section 8000 – Students

8730-R Non-School-Sponsored Student Publications

8730-R-2

2. Students are not permitted to distribute special interest literature nor use school facilities such as bulletin boards for special interest purposes of an obvious controversial nature. Any literature to be distributed by students, or posters, to be placed on bulletin boards, must have prior approval of the administration. This policy is not intended to stifle academic discussion and examination of controversial issues in a classroom setting.

Distribution of the non school-sponsored student publication during the period of initial review by the Principal, after a negative decision of the Principal or during the period of appeal shall be sufficient grounds for suspension of the student(s) responsible for the distribution by the Principal in accordance with the procedures set forth in law or Board Policies.

In order for a non school-sponsored student publication to be considered disruptive, specific articulable facts must exist upon which it would be reasonable to forecast that a clear and present likelihood of an immediate, substantial, and material disruption to normal school activity or school discipline would occur if the material were distributed. School personnel must be able to show, affirmatively, substantial facts, that reasonably support a forecast of likely disruption. Such disruption would include, but are not limited to, student rioting, unlawful seizures of property, destruction of property, threats against persons or property, or acts of violence, widespread shouting or boisterous conduct, or substantial participation in a school boycott, sit-in, stand-in, walkout, or other related forms of activity.

### Ads

Ads concerning drug paraphernalia or any controlled or non-controlled substances that are medically known to be misused or abused are prohibited in any publications planned for distribution on school premises regardless of source.

## **Section 8000 – Students**

8730-R Non-School-Sponsored Student Publications

8730-R-3

Ads that advocate obscenities, drugs, alcohol, violence, or sexually suggestive messages (including logos or references to sexual action) will not be permitted. Students may not wear any uniform or clothing that implies membership in a gang.

### Definitions of Terms Used in Discussing Student Publications

“School day” means any day during the regular school year or summer session on which regularly scheduled classroom instruction takes place.

“Publication” means any non school-sponsored book, magazine, pamphlet, newspaper, yearbook, picture, photograph, drawing, or any other written or printed matter or visual representation of a staff member.

“Student publication” means any publication as defined herein which is composed, compiled, published, or distributed by students without school sponsorship.

“Distribution” means circulation or dissemination of the student publication to students at the time and place of normal school activity or immediately prior to subsequent thereto by means of handing out free copies, selling or offering copies for sale, accepting donations for copies of the publication or displaying the material in areas of the school building or property which are generally frequented by students. In dealing with material that is “obscene” or “libelous,” the term “distribution” refers to dissemination of one or more copies; whereas in dealing with all other types of material, the term “distribution” refers to a substantial circulation or dissemination of the student publication to make the student publication generally available to the students of the school.

“Normal school activity” means organized educational activity of students under the direct supervision of a member of the school staff which includes, but is not limited to, classroom work, library activities, physical education classes, official assemblies and other similar gatherings, school athletic contests, band concerts, school plays and scheduled-in-school lunch periods.

## **Section 8000 – Students**

8730-R Non-School-Sponsored Student Publications

8730-R-4

“Minor” means any person under the age of 18 years.

“Obscene as to minor” means that an average person, applying contemporary community standards would find that the publication, taken as a whole, appeals to the prurient interest and has no redeeming social value; that the publication depicts or describes, in a patently offensive way, sexual conduct specified in applicable law; and that the work taken as a whole lacks serious literary, artistic, educational, political or scientific value.

“Libel” is the false and unprivileged (unprotected by immunity) publication in writing or the printing of pictures, effigies or other fixed representations to the eye which expose a person to public hatred, contempt, ridicule or obloquy which causes him/her to be shunned or avoided or which has a tendency to injure him/her in his/her occupation.

When the publication concerns “public officials,” i.e., those who hold government office or “public figures,” i.e. those who, by reason of the notoriety of their achievements or employment or by reason of the vigor and success with which they seek the public’s attention, the defamatory falsehood must be made with actual malice in order to be libelous, i.e., with knowledge that it was false or with reckless disregard of whether or not it was false. “Public figures” also includes administrators, teachers, and coaches.

## **Section 8000 – Students**

8740 Student Photographs (Cf. 3660, 8940)

8740

### Commercial Photographers

The Board allows the practice of contracting with commercial photographers to take student pictures and make them available to parent(s)/guardian(s) as a part of the total school program.

The school may contract with commercial photographers to take pictures of students for specific purposes such as graduation pictures, yearbooks, class pictures, student records, or identification cards.

No student, however, shall be pressured to purchase photographs. High school seniors may substitute photographs taken by photographers of their choice to be used in yearbooks. The school may establish reasonable specifications for such pictures.

The Superintendent, or designee, shall be authorized to select and contract with commercial firms to provide the photographing service. Good business practices and Board purchasing guidelines prevail in such selection.

### Other Photographic or Video Images

Permission to shoot close-up pictures of students via regular film or digital imaging, or to videotape students participating in school sports or other school-related activities, and to identify those students, may be granted to the media (newspapers and television stations) only with parent(s)/guardian(s) approval for students less than 18 years of age. Parent(s)/Guardian(s) approval also shall be required before pictures of students may be used, or students identified, in non-school publications with the exception of photographs or video images taken by news media in the normal course of news coverage of District activities.

The Superintendent shall establish guidelines for implementing this policy.

## **Section 8000 – Students**

8740 Student Photographs (Cf. 3660, 8940)

8740-2

### Video Cameras

It is the policy of the Board to authorize the installation and use of video cameras to create a record of conduct. Recorded information from these cameras (“videos”) showing students shall be treated as an “education record” and shall not be produced outside of School District except pursuant to a subpoena, court order, or release in accord with the Family Educational rights and Privacy Act [“FERPA,” 20 United States Code 1232 (g), 34 CFR Part 99]. Videos showing employees shall be treated as a confidential personnel record. A video shall be maintained as an education or personnel record when the video is to be used at a disciplinary or other proceeding authorized by law.

Approved: August 17, 2009

## **Section 8000 – Students**

8750 Student Volunteers

8750

Students are encouraged to volunteer their time and services to school sponsored activities and to community activities, however, students will not participate in any community activities during school hours without the prior permission of the building Principal.

Approved: August 17, 2009

## **Section 8000 – Students**

8820 Awards and Scholarships

8820

Student awards for having represented a school in the District shall be limited to those approved by the administration and the Board. Awards for interscholastic activities shall be limited to those approved by the Michigan High School Athletics Association (MHSAA).

The Superintendent, or designee, shall develop procedures to ensure that students are advised that accepting cash or merchandise for participation in an activity may jeopardize the student's amateur standing and eligibility in that identical activity before the MHSAA.

Each faculty sponsor bears the responsibility for monitoring his/her student activity sponsorship and must make his/her students aware of those activities, which put him/her in violation for this policy and MHSAA regulations.

Approved: August 17, 2009

## **Section 8000 – Students**

8860 Homebound Instruction

8860

The District will provide homebound instruction to students who are eligible for homebound instruction in accordance with the law.

Approved: August 17, 2009

LEGAL REF: MCL 388.1709

## **Section 8000 – Students**

8920 Foreign Exchange Students

8920

The District will cooperate with students who are interested in entering the foreign student exchange program that is authorized by Homeland security and Immigration and Customs Enforcement. The District may accept a maximum of ten (10) students from other nations who come to the District from authorized foreign exchange programs. Foreign exchange students sponsored by groups other than those officially recognized by the Board may be accepted by special Board action.

Approved: August 17, 2009

LEGAL REF: OAG, 1985-1986, No 6316, p 151 (September 25, 1985)

## **Section 8000 – Students**

### 8940 Student Records

8940

The educational interests of students require the collection, retention, and use of data about individuals and groups of students while ensuring individual rights of privacy. The school District will maintain educational records of students for legitimate educational purposes.

School student records are confidential and information from them shall not be released except as provided by law. The information contained in school student records shall be kept current, accurate, clear, and relevant. All student records, including those maintained in District electronic database(s), shall be safeguarded during collection, maintenance, and dissemination to protect against unauthorized access or accidental release. The District will release Directory information in accordance with law.

#### Directory Information

Directory information for students of this District includes the following information about the student: The student's name, participation in recognized activities grade placement; and honors and awards received.

Middle and high schools will provide the student's name, address, and telephone number to armed forces recruiters and service academies in accordance with ESEA/NCLB.

Pursuant to federal law, parent(s)/guardian(s) are notified of their right to opt out of the disclosure of Directory information to the military recruiters, and the process.

The District shall inform students and their parent(s)/guardian(s) annually and upon initial enrollment of their rights under law and Board policy with respect to student records, and of the procedures for exercising those rights. This notice shall be modified to accommodate the needs of the disabled or those whose dominant language is other than English.

## **Section 8000 – Students**

8940 Student Records

8940-2

The Superintendent, or designee, shall ensure that upon verification of the student's enrollment in another school District, a student's school record, including disciplinary records, is transferred to the student's new District within 30 days after receipt of the request, pursuant to federal law and state mandate.

The Superintendent shall develop rules and procedures for implementing this policy and state and federal law with respect to student records. The Superintendent shall designate one or more records custodian(s) for each site and/or media in which student records are kept, and shall provide them with appropriate training. The District may charge an appropriate fee to cover the expense of providing copies of records requested by the parent(s)/guardian(s).

In accordance with the applicable state and federal laws the District shall protect the rights of privacy of students and their families in connection with any surveys or data-gathering activities conducted, assisted, or authorized by the Board or Superintendent. Regulations established under this policy shall include provisions controlling the use, dissemination, and protection of such data.

If students are to be surveyed or monitored by researchers, parent(s)/guardian(s) shall be notified of the dates of the planned activities, given an opportunity to review the survey instruments, and given the opportunity to opt out.

Annual notice will be given to parent(s)/guardian(s) of the administration of any health or physical screening, and given the opportunity to opt out.

Student names and addresses shall not be disclosed to businesses or organizations that plan to use the information for commercial purposes. Exceptions may be made where the purpose has been approved in advance by the Superintendent and where parent(s)/guardian(s) have given, in writing, express permission for this information to be disclosed.

## Section 8000 – Students

8940 Student Records

8940-3

For the purposes of this policy, whenever a student has attained 18 years of age, or is attending an institution of post-secondary education, the consent required of and the rights accorded to the parent(s)/guardian(s) of the student shall only be required of and accorded to the student.

Approved: August 17, 2009

LEGAL REF: MCL 15.231 *et seq.*; 380.1134-1135; 380.1139; 20 USCA §1232g (Family Educational Rights and Privacy Act); 20 USCA § 7908 (No Child Left Behind Act); Michigan Department of Education Memo dated 4/6/04.

## **Section 8000 – Students**

8940-R Student Records

8940-R

For the purposes of this rule, whenever a student has attained 18 years of age, or is attending an institution of post-secondary education, the consent required of and the rights accorded to the parent(s)/guardian(s) of the student shall only be required of and accorded to the student.

### Custodians

Each building Principal shall designate one or more full-time staff members as student records custodian(s) for the school. The system or database administrator at each site is designated custodian for all student records maintained in an electronic database or other computer media. The Superintendent shall designate one or more full-time staff members as custodian for any student record information maintained at the District central office.

Each custodian will be trained in their duties by their immediate supervisor. Custodians shall become familiar with law, Board policy, and these rules with respect to student records. The custodian(s) should work closely with other staff members to ensure that all data maintained in student records is current, accurate, clear, and relevant.

### Record Types

Student record files shall include, but shall not be limited to, the following: permanent, supplemental, and tentative record files.

### Permanent records

This classification includes official administrative records that constitute data necessary for operating the educational system, which is of long-term value or importance. It includes basic identifying information, academic transcripts, attendance records, accident and unofficial health reports, withdrawal and re-entry records, honors and activities, date of graduation, information pertaining to release of records, records concerning suspension and expulsion actions against the student, and other information deemed to be of permanent value by the District.

## Section 8000 – Students

8940-R Student Records

8940-R-2

### Supplementary records

This classification includes verified information that is important in operating the educational system but is of a more sensitive nature and of less historical importance. It includes: test scores on standardized achievement, aptitude and intelligence tests; observational data gathered from teachers; counselor evaluation and observations of social and personal assets; psychological reports; health data; family background information; educational and vocational plans; and other information determined by the administration to be appropriate for this category.

### Tentative records

This classification includes useful information that has not been verified or is not clearly needed beyond the immediate present. It includes unevaluated reports of teachers or counselors that may be needed in ongoing counseling or disciplinary actions and student electronic mail.

### Storage

The custodian is responsible for ensuring that the records under his/her care are stored in such a fashion as to protect them from harm and unauthorized alteration or access. Physical records should generally be kept in a storage area, which is well supervised and lockable; electronic records should be protected by regular back up and password or encryption security of good integrity.

### Data Gathering

Only the school Superintendent or designee with respect to an individual school, and the Superintendent or Board with respect to the District, may authorize the collection of survey or other data pertaining to students or their families. The administrator shall confirm that the data collection will be in accord with law and Board policy prior to authorizing it.

## **Section 8000 – Students**

8940-R Student Records

8940-R-3

At the time of authorization, the administrator is to see to it that safeguards are in place to ensure the confidentiality and security of the information gathered, including appropriate training of the persons who will be collecting or handling the data.

Survey instruments and procedures shall be made available for inspection prior to use, and notice of the planned activity and an opportunity to opt out shall be granted.

### Missing Student

When law enforcement officials have notified the District that a student has been reported missing, the building Principal shall tag this in an obvious way on that student's records. The tag shall remain until notified by law enforcement that the tag should be canceled, or until the student's eighteenth birthday. If a request had been received for a tagged student's records, the custodian shall not comply with the request but shall immediately notify the law enforcement agency.

### Inspection and Copying of Records

The District shall establish appropriate procedures for the granting of a request by the parent(s)/guardian(s) for access to their child's records within a reasonable period of time, but in no case more than 45 school days after the request has been made. Where such records or data include information on more than one student, the parent(s)/guardian(s) of any student shall be entitled to receive, or to be informed of, that part of such record as pertains to their child.

A school official competent in interpreting student records shall be present to explain the meaning and implications of the records that are examined.

In situations where the parents/guardians of a student are divorced or separated, each parent/guardian, custodial and/or non-custodial, has equal rights to their student's records unless a court order specifies otherwise.

## Section 8000 – Students

8940-R Student Records

8940-R-4

Copies of student record(s) will be made for the parent(s)/guardian(s) upon request. The District shall charge copying fees and shall be assessed according to the procedures established for FOIA requests.

### Requesting Amendments

Parent(s)/Guardian(s) may ask the District to amend a record that they believe is inaccurate, misleading, or in violation of a student's right to privacy by writing the school Principal or records custodian, identifying the part of the record they want changed, and specifying the reason(s) for the request. The appropriate school or District administrator shall make a determination on the request in a timely fashion and shall reply in writing to the parent(s)/guardian(s) detailing the actions taken. If the decision is to deny the request, the parent(s)/guardian(s) shall be provided with the information and procedures to request a hearing regarding their request for amendment.

When a hearing has been requested by the parent(s)/guardian(s) for challenging the content of the student's education record, the procedure to be followed in the hearing shall include the following:

- The hearing shall be conducted and the decision rendered by the Superintendent or designee. The parent(s)/guardian(s) of the student shall be given notice of the date, place and time of the hearing within a reasonable time in advance of the hearing,
- The parent(s)/guardian(s) may be assisted or represented by individuals of his/her choice at his/her own expense, including an attorney,
- The parent(s)/guardian(s) shall be afforded a full and fair opportunity to present relevant evidence,
- The decision shall be rendered in writing within a reasonable time after the hearing concludes, and

## Section 8000 – Students

8940-R Student Records

8940-R-5

- The decision of the school shall be based solely upon the evidence presented at the hearing and include a summary of the evidence and the reasons for the decision.

If the decision of the school following the hearing is to deny the request, the parent(s)/guardian(s) shall be afforded an opportunity to place a statement in the record commenting on the contested information or disagreement with the school. This statement shall be attached to the record in question and copied or disclosed along with the record for as long as the record is maintained.

### Disclosure without Consent

The custodian of records may disclose information contained in those records without the consent of the student's parent(s)/guardian(s) to the following persons or entities, on the condition that they agree not to disclose the information to any other party without the written consent of the parent(s)/guardian(s):

- Other school officials, including teachers within the District who have legitimate educational interests,
- The Comptroller General of the United States, the Secretary of Education, or state and local educational authorities,
- Authorized persons to whom a student has applied for or from whom a student has received financial aid,
- Organizations conducting studies for or on behalf of educational agencies or institutions,
- Accrediting organizations,
- In compliance with a judicial order or subpoena. In the absence of a court order or subpoena, to a court if the District initiates legal action against the parent(s)/guardian(s) or student and the records of the student are relevant for the District to proceed with the legal action, or if the parent(s)/guardian(s) or student initiates legal action against the District and the student's records are relevant for the District to defend itself, and

## Section 8000 – Students

8940-R Student Records

8940-R-6

- Appropriate persons if knowledge of the information is necessary to protect the health or safety of the student or other persons in an emergency. The custodian of the records shall take the following factors into consideration in deciding whether the information should be released: the seriousness of the emergency; whether the information is needed to meet the emergency; whether the persons to whom the information will be released are in a position to deal with the emergency; and whether time is of the essence in dealing with the emergency.

Except for local school officials, all persons, agencies, or organizations requesting or accessing the records of a student shall be recorded on a form (including electronic forms) kept permanently along with the student's records if the request or access involved any information, which personally identified the student, except for subpoenas, which prohibit disclosure. The form must identify the requesting party, the legitimate interest the party had in making the request, the information released or made accessible, the date the request and/or release was made, and the name of the custodian who handled the request.

Statistical data from student records may be disclosed without consent of the parent(s)/guardian(s) for research, statistical summary, or planning purposes if the information released cannot be used to identify an individual student. The custodian shall exercise care in this regard; as statistically small populations within the District may be identifiable through seemingly innocuous data, (Ex. Race and gender of a student may be sufficient to identify an individual in a District with a low minority population).

## Section 8000 – Students

8940-R Student Records

8940-R-7

### Disclosure with Written Consent

The custodian may disclose information in a student's records or provide access to the records following written instructions signed and dated by the parent(s)/guardian(s) of the student specifying the records, the reasons, and the person(s) to whom the release is to be made.<sup>50</sup> A copy of the parent(s)/guardian(s) instructions shall be kept along with the record.

Whenever the District requests the consent to release certain records, the custodian shall inform the parent(s)/guardian(s) of the right to limit such consent to specific portions of information in the records.

### Disposition of Records

The school shall maintain permanent records. When the student graduates, supplementary records shall be destroyed or shall be transferred to the permanent record if they have permanent usefulness. Tentative records shall be destroyed when the use for which they were collected is ended.

However, tentative records may be placed in the supplementary classification if the continuing usefulness of the information is demonstrated and its validity verified.

To eliminate unnecessary or outdated information, the official custodian shall review a student's records when the student moves from elementary to a middle school or junior high, from a middle school or junior high to high school and upon high school graduation.

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<sup>50</sup> Per 34 CFR part 99, "signed and dated written consent" may include a record and signature in electronic form that (1) identifies and authenticates a particular person as the source of the electronic consent; and (2) indicates such person's approval of the information contained in the electronic consent." Per the Standards for Electronic Signatures in Electronic Student Loan Transactions, an electronic signature may include "a shared secret, such as (a) a personal identification number (PIN) or password; (b) a unique credential or token; (c) a computer file or number that corresponds to a biometric measurement uniquely associated with the borrower, such as a fingerprint or retinal pattern; (d) a signature image (a computer file that is created from the scanned image of the borrower's handwritten signature); or (e) a typed name, combined with (a), (b), (c), or (d)."

## **Section 8000 – Students**

8940-R Student Records

8940-R-8

### Custodial Discretion in Exceptional Circumstances

If the custodian of student records has special information that would indicate granting or denying access to student records in accordance with these rules would be harmful to the student, he/she may exercise discretion in granting or denying access in a manner other than provided herein.

### Student Disciplinary Records

Pursuant to the directive of the Michigan Department of Education of April 6, 2004, disciplinary records that concern suspension or expulsion action against the student shall be considered to be a part of the “student’s record” and shall be transferred to any private or public school in which the student has enrolled within 30 days after the receipt of the request from a public or private school for the student’s record.

### Notification

Each school within the District shall disseminate to each student and family at least annually the following statement of rights. Parent(s)/Guardian(s) who are non-native speakers of English shall be provided a translation or otherwise contacted to inform them of these rights.

### Disposition

Annual notice shall be given to parent(s)/guardian(s) and eligible students concerning the student’s records. In addition, the custodian of the educational records shall give annual public notice of the class of records the institution has designated as Directory information. The appropriate forms for said notices are on file in the office of the custodian of the educational records.

**STUDENT AND FAMILY RIGHTS CONCERNING SCHOOL RECORDS**

The Family Educational Rights and Privacy Act (FERPA) afford parent(s)/guardian(s) and students over 18 years of age (“eligible students”) certain rights with respect to the student’s education records. They are:

1. The right to inspect and copy the student’s education records within 45 school days of the day the District receives a request for access.
  - a. Parent(s)/Guardian(s) or students should submit to the school custodian of student records a written request that identifies the record(s) they wish to inspect.
  - b. The custodian will arrange for access and notify the parent(s)/guardian(s) or eligible student of the time and place where the records may be inspected.
2. The right to request the amendment of the student’s education records that the parent(s)/guardian(s) or eligible student believes are inaccurate, misleading or an invasion of privacy.
  - a. Parent(s)/Guardian(s) or eligible students may ask the District to amend a record that they believe is inaccurate, misleading, or an invasion of privacy. They should write the school Principal or records custodian, clearly identify the part of the record they want changed, and specify the reason.
  - b. The right to challenge school student records does not apply to: (1) academic grades of their child, and (2) references to expulsions or out-of-school suspensions, if the challenge is made at the time the student’s school student records are forwarded to another school to which the student is transferring.

## Section 8000 – Students

8940-R Student Records

8940-R-10

- c. If the District decides not to amend the record as requested by the parent(s)/guardian(s) or eligible student, the District will notify the parent(s)/guardian(s) or eligible student of the decision and advise him/her of their right to a hearing regarding the request for amendment.  
  
Additional information regarding the hearing procedures will be provided to the parent(s)/guardian(s) or eligible student when notified of the right to a hearing.
3. The right to permit disclosure of personally identifiable information contained in the student’s education records, except to the extent that the FERPA or Michigan law authorizes disclosure without consent.
4. The right to be informed that, pursuant to federal law and state mandate, records of suspension or expulsion action against the student are considered to be a part of the “student record” and the District is required to transfer those records pertaining to suspension or expulsion to any public or private school in which the student has enrolled within 30 days of the date of the request from the other school.
5. The right to be informed that disclosure is permitted without consent to school officials with legitimate educational or administrative interests. A school official is a person employed by the District as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the Board; a person or company with whom the District has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or the parent(s)/guardian(s). A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

## Section 8000 – Students

8940-R Student Records

8940-R-11

6. The right to know that, upon request, the District discloses education records, including records of suspension or expulsion action against the student, without consent to officials of another school District in which a student has enrolled or intends to enroll as well as to person(s) specifically required or allowed by State or federal law.
7. The right to know that disclosure is also permitted without consent to: any person for research, statistical reporting, or planning, if no student or parent(s)/guardian(s) can be identified; any person named in a court order; and appropriate persons if the knowledge of such information is necessary to protect the health or safety of the student or other persons.
8. The right to prohibit the release of Directory information concerning the parent(s)/guardian(s) child.

Throughout the school year, the District may release Directory information regarding students, limited to:

- Name,
- Grade level,
- Academic awards, degrees and honors,
- Information in relation to school sponsored activities, organizations and athletics, and

*Any parent(s)/guardian(s) or eligible student may prohibit the release of any or all of the above information by delivering a written objection to the building Principal, or designee, by October 31 of each school year. No Directory information will be released within this time period, unless the parent(s)/guardian(s) or eligible student are specifically informed otherwise.*

## Section 8000 – Students

8940-R Student Records

8940-R-12

9. The right to prohibit the release of Directory information concerning the parent(s)/ guardian(s) child to Armed Forces recruiting personnel.

Student information to be released to the Armed Forces is to include:

- Name,
- Address, and
- Telephone number.

## **Section 8000 – Students**

8990 Student Fees, Fines, Charges and Deposits (Cf. 8040)

8990

### Fees and Charges

Building Principals or designated representatives shall be authorized to collect fees authorized by the Board.

### Fines

No fines shall be imposed upon any student provided, however, that school property lost, damaged, or destroyed by a student shall be paid for by such student in accordance with rules and regulations prescribed by the Superintendent.

### Deposits

The Board authorizes the Superintendent to charge reasonable deposits on the use of District textbooks or other District instructional materials distributed to students as part of a class or instructional program. Any deposits shall be returned, in full, to the student/parent/guardian upon termination of the use of the textbook or other materials if said items are returned in good and usable condition. The Superintendent and administrative staff shall promulgate appropriate administrative rules and procedures for the handling of and accounting for deposits.

The Superintendent or designee is authorized to reduce or waive any requirements for deposits in proven cases of indigence.

Approved: August 17, 2009

LEGAL REF: MCL 380.1332; 380.1422; R 340.241-243;

**9000—GENERAL PUBLIC AND ORGANIZATIONAL RELATIONS**

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## Section 9000 – General Public and Organizational Relations

TC-9000-2

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## **Section 9000 – General Public and Organizational Relations**

9001 School Community Relations (Cf. 1220)

9001

### Goals and Objectives

Educational public relations are a planned and systematic two-way process of communication between the Board, the District, and its internal and external publics. Its program serves to stimulate a better understanding of the role, objectives, accomplishments, and needs of the organization. Educational public relations are a management function, which interprets public attitudes, identifies the policies and procedures of an individual organization with the public interest, and executes a program of action to encourage public involvement and to earn public understanding and acceptance.

The Board shall, through its staff:

- Keep the patrons of the District regularly informed through available channels of communication on policies, programs, problems, and planning of the school system,
- Invite the advice and counsel of the District patrons, and
- Solicit input of the District patrons through advisory committees selected from the community and appointed by the Board.

The Board seeks to establish a satisfactory working relationship with all governmental, educational, and private agencies having an interest in the operation of all public schools and whose goals are compatible with those of the District.

Approved: August 17, 2009

## **Section 9000 – General Public and Organizational Relations**

9010 Public Information Program

9010

The Board accepts full responsibility for keeping the public informed about the function and operation of the District.

### Public's Right to Know (Cf. 1370)

All decisions of the Board shall be made in public with full opportunity extended to citizens to be heard prior to the making of these decisions. Closed sessions shall be held to a minimum and only for specific reasons as provided by current law.

### Hazardous Materials or Conditions

The Superintendent shall be responsible for informing the public about any hazardous materials or conditions in the District under the provision of the Michigan Public Health Code.

The implementation of the public information program of the District shall be the responsibility of the Superintendent.

Approved: August 17, 2009

## **Section 9000 – General Public and Organizational Relations**

9010-R Public Information Program

9010-R

### School-Sponsored Information Media

The Superintendent shall be responsible for the content of all District newsletters, bulletins, and special publications and such other District-sponsored information media that he/she deems necessary.

## **Section 9000 – General Public and Organizational Relations**

9020 News Media Relations (Cf. 1400, 9190)

9020

The Board shall cooperate fully with all responsible news media representatives in order that the public may be more fully informed about the operations of its schools. The Board President is the spokesperson regarding any media inquiries.

### News Releases

Routine news and information concerning school events and programs may be released to the press by or with the approval of the administrator of the school or program concerned. All other news releases prepared for public distribution under the auspices of the District by employees or students of the District must have the approval of the Superintendent prior to release. Exceptions shall be writings of athletic events, recreation, or community education activities, and school social events that relate only to a particular school.

### News Conferences and Interviews

All news conferences and interviews will be scheduled in such a manner that they do not disrupt the regular learning activities of the schools.

Approved: August 17, 2009

## **Section 9000 – General Public and Organizational Relations**

9020-R News Media Relations

9020-R

### News Releases

The Superintendent shall prepare copies of school news releases approved by his/her office for any member of the Board upon request.

Staff members shall observe the following procedure when releasing information to the news media, except concerning athletic events, recreation or community education activities, and school social events:

1. If a staff member is approached by the news media concerning a feature story or program peculiar to that staff member or building, a request for approval shall be made to the building Principal, who shall request authorization from the Superintendent,
2. If a staff member wishes to initiate a feature story for the news media, he/she should discuss the story with the building Principal. If it is agreed that the project will be pursued, the Principal shall seek the Superintendent's approval. If the Superintendent approves, he/she shall contact the appropriate media representative(s) or authorize the Principal to do so, and
3. Teachers are asked not to contact the media directly, but to work through the building Principal on all news releases or feature stories.

## **Section 9000 – General Public and Organizational Relations**

9060 Information and Campaigns

9060

All information campaigns of the District shall be under the direction of the Superintendent. District funds shall not be used to provide persuasive information in millage campaigns.

### Use of Students

Students shall not be used by the Board in any capacity to implement any information program of the District except that notes, attendance center announcements, or related information may be sent home via students.

Approved: August 17, 2009

LEGAL REF: MCL 169.257

## **Section 9000 – General Public and Organizational Relations**

### 9100 Board-Community Relations

9100

The Superintendent shall seek ways to involve citizens in the work of the school and to stimulate citizens to know more about the schools.

#### Community Involvement in Decision-Making

The Board shall inform the community about, and may involve the patrons of the District in, the decision-making process. Ideas may be solicited from community patrons in curriculum, program design and delivery, policies, career development, citizenship, funding, and other matters, as the Board deems necessary.

#### Student Community Activities and Performances

The Board encourages all students to participate in community activities insofar as such activities do not conflict with their school duties.

Approved: August 17, 2009

## **Section 9000 – General Public and Organizational Relations**

### 9170 Solicitations

9170

All persons seeking to sell, solicit, or display an item relating directly to expenditures of District funds to any school employee on school premises must first secure permission from the building Principal or Superintendent before any appointment is made. All such appointments approved by the Superintendent or building Principal shall be held before or after regular school hours. All other solicitations of, or by, District employees are prohibited except where expressly approved by the Superintendent.

The Board discourages all solicitations of and by staff members during regular school hours.

The Board discourages all solicitations of and by students during regular school hours.

#### Solicitations in Schools

Except as approved by the building Principal and the Superintendent or designee, commercial firms shall not be permitted to solicit students during school hours in attendance centers or on school grounds.

Solicitations from organizations outside the school are forbidden.

Commercial schools, colleges or other agencies shall be permitted to meet with seniors or solicit prospective students only when the invitation and arrangements are approved by the building Principal. Counseling of students relative to continuation of their schooling or to job placement by outside organizations shall be handled through the guidance department under the supervision of the guidance counselor.

#### Solicitation of Students

Solicitation of students by anyone within the schools or on school grounds for any cause is prohibited. This prohibition includes the selling of tickets to students for any purpose or cause other than for a school sponsored activity.

## **Section 9000 – General Public and Organizational Relations**

9170 Solicitations

9170-2

### Solicitation by Students

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

Approved: August 17, 2009

## **Section 9000 – General Public and Organizational Relations**

9170-R Solicitations

9170-R

Agents, solicitors, and salespersons shall not be permitted to take time of teachers or students from normal student or teaching activities.

The students and faculty of the District shall not be used to promote commercial or private financial interests, either through direct sales or through promotion of competitive goods or services.

This rule applies to those activities, promotions, and sales originating outside the school. Exception to this rule as written above shall be made in the case of jointly sponsored school activities and school-sponsored parent(s)/guardian(s)-teacher activities.

Materials and projects submitted for consideration under this rule must be made in writing to the Superintendent. Requests shall be considered in light of good taste, appropriateness, and the proposal's direct contribution to the educational values in the school. Consideration shall be given at all times against unreasonably added work and responsibility for staff members.

Any individuals or organizations violating the policy on solicitations shall be reported to the Board by the Superintendent. Violators may be denied further access to school premises by Board action.

### Solicitations of Staff Members

All vendors must secure permission from the building Principal to interview a school employee on District property. If any vendor violates this procedure, he/she may be barred from making appointments with school employees. The Principal may also recommend to the Superintendent not to purchase products or other such items from said vendor. If a vendor violates Board policy and is subsequently barred from soliciting in the school system, the Superintendent shall send appropriate notices to each building Principal.

## **Section 9000 – General Public and Organizational Relations**

9170-R Solicitations

9170-R-2

The notice will include the name of the vendor, his/her company, and reasons for and length of the suspension. The Superintendent may bar a vendor from soliciting sales from District employees for a period not to exceed 12 months from the date of suspension. Said notice will be sent to the vendor in question and to his/her immediate employer. The rights of the vendor may be restored, at a time sooner, upon petition by the vendor to the Board.

## **Section 9000 – General Public and Organizational Relations**

9190 Interviews with Students

9190

Any representative of the news media seeking to interview any student during regular school hours must first gain the approval of the building Principal or designated representative. The Principal may seek approval of the student's parent(s)/guardian(s) before the interview.

Approved: August 17, 2009

## **Section 9000 – General Public and Organizational Relations**

9190-R Interviews with Students

9190-R

The building Principal shall regulate all interviews with students so that such interviews do not interfere with the educational activities of the students involved.

## Section 9000 – General Public and Organizational Relations

### 9230 School Volunteers

9230

The purposes of the school volunteer program are:

1. To increase the educational attainment of students,
2. To provide enrichment experiences beyond those that the school can provide,
3. To provide more effective utilization of teacher time and skills,
4. To give more individual attention to students who need it, and
5. To promote greater community involvement in the academic and co-curricular programs of the District.

#### General Principles

“Volunteers in Education” is a program of the District and is at all times guided by the principles and policies of the District.

Volunteers are assigned to a school only upon the request of the teacher or Principal.

Volunteers serve only in an auxiliary capacity under the direction and supervision of the building Principal, Athletic Director or other certified school personnel.

A volunteer is not a substitute for a member of the school staff, but does supply supplemental and supportive services.

A volunteer does not have access to confidential files and records.

Wherever possible, volunteers are assigned to the particular school where they wish to serve.

The relationship between volunteers and the school staff should be one of mutual respect and confidence.

All school volunteers work under the direction of the school staff and provide supportive services to them. Volunteers are not teachers; they assist teachers and will only be assigned to those staff members who request them. The volunteers shall never replace the paid school staff, nor will their presence mean that fewer paid staff members will be needed.

## **Section 9000 – General Public and Organizational Relations**

9230 School Volunteers

9230-2

All students are expected to obey and attend to directives and instructions given to them by authorized volunteers of the District. Failure to abide by directives and instructions given by an authorized District Volunteer may result in disciplinary action under the Student Code of Conduct up to and including suspension from school.

Persons interested in volunteering time or services to the District should contact the building Principal or Athletic Director for assignment.

School volunteers serving in the District without financial compensation are bound by the policies, rules/regulations, and procedures of the District. They, as any other employee, are to be supervised by each building Principal or other authorized school employees. All volunteers shall be at least 18 years of age, unless their volunteer work is included as part of a District class offering or recognized student organization (such as a Future Teachers Club) of the District and approved, in advance, by the Superintendent.

At the discretion of the Superintendent, the District may conduct criminal and/or professional background checks on volunteers in the same manner as for employees of the District. The District will bear the cost for criminal background checks if required.

Approved: August 17, 2009

## Section 9000 – General Public and Organizational Relations

9230-R School Volunteers

9230-R

### General Guidelines

Each school initiates and directs its volunteer program with the assistance and cooperation of the school volunteer program District advisor. The District advisor shall work closely with the Principal, staff and volunteer coordinator in the respective schools to recruit, train and place volunteers.

Services offered by volunteers:

1. Service offered on a regularly scheduled basis,
2. Compiling the school newsletter, arranging transportation for field trips, supervising the playground or lunchroom, etc.,
3. Working on a one-to-one or small-group basis in the classroom,
4. Assisting the media specialist,
5. Assisting with the clerical load of the school, and
6. Assisting with the athletic program.

The District advisor will emphasize the line that separates the certified instructional staff from the volunteers. The following instructional tasks are strictly certified staff responsibilities and not to be performed by volunteers:

1. Diagnosing student needs,
2. Prescribing instructional materials,
3. Selecting appropriate materials,
4. Counseling with students,
5. Evaluating student programs and achievement, and
6. Initiating or determining the why, the how, the where, and the when of any instruction.

The volunteer can be of considerable assistance in accomplishing some tasks; however, it is primarily the teacher's sole duty to initiate and direct such tasks.

## Section 9000 – General Public and Organizational Relations

9230-R School Volunteers

9230-R-2

### The Role of the Principal

It is the Principal's responsibility:

1. To determine the scope and nature of the volunteer program in the building,
2. To designate a staff member within the school to assist with the development of the program,
3. To acquaint the staff with the program (goals, services available, ways to use services effectively) with help of the volunteer coordinator and the District advisor,
4. To provide whatever orientation is necessary in the acceptance of volunteers by teachers, students and parent(s)/guardian(s),
5. To provide orientation training, placement and evaluation of volunteers within the building with the assistance of the volunteer coordinator, staff and District advisor;
6. To provide orientation of school policies and procedures to the volunteers,
7. To provide access to the faculty lounge and cafeteria or provide them with similar space,
8. To provide space within the building for volunteer meetings, bulletin boards, assignment box, materials, etc.,
9. To provide a sign-in, sign-out sheet for all volunteers,
10. To take responsibility for disseminating information to the volunteer coordinator, volunteers and professional staff, and

### The Role of the School Staff Member

A teacher should take part in the program only because the teacher has a desire to use the volunteer in an effective way; the teacher shall:

1. Make requests for volunteer services to the Principal,
2. Determine what specific duties a volunteer can perform in the particular classroom/department,
3. Write a short job description for each volunteer assignment and gives specific instructions when assigning tasks to a volunteer,

## **Section 9000 – General Public and Organizational Relations**

9230-R School Volunteers

9230-R-3

4. Help train and use volunteers in any way that will be helpful to the students,
5. Plan ahead to provide meaningful activities for volunteers,
6. Help volunteers feel comfortable among the staff and students,
7. Meet with volunteers to mutually assess the effectiveness of their services, and
8. Have the option to request the Principal to reassign any volunteer.

### Athletic Department Volunteers

Upon the request of the Athletic Director, and with the approval of the Superintendent, volunteers may be used to assist in crowd control, locker room supervision, ticket selling and taking and other Athletic Department services that may be needed from time-to-time. Volunteers serving in such a capacity shall be authorized by the District to enforce the established rules and regulations of the District. Athletic Department volunteers shall be issued appropriate attire, identifying them as a volunteer. Specific training shall be given to such volunteers on appropriate methods and approaches to be used in supervising student behavior connected with athletic events.

## **Section 9000 – General Public and Organizational Relations**

9250 Use of District Facilities (Cf. 3340)

9250

The Board shall encourage the utilization of District buildings and District grounds by properly organized and responsible groups. Such use of any District facility or District grounds, however, shall not interfere with the daily school student routine or any school-sponsored student activity. District facilities and equipment shall not be used or made available for political campaigns.

The use of school facilities for school purposes has precedence over all other uses. Persons on school premises must abide by the District's conduct rules at all times. The Board directs the Superintendent or designee to develop rules to provide for the use of school facilities.

Recognized bargaining units may use District facilities and equipment as outlined in the current negotiated master contract.

### Fees and Rental Charges

The Board shall establish reasonable fees and/or rental charges for the use of any District facility or District grounds; such fees and/or rental charges shall cover costs of wages for any school personnel involved and utilities consumed.

### Lease Arrangements

Any lease arrangement entered into by the Board shall conform to state law. Any such lease, however, shall not exceed one year, but the Board may extend any such lease if good cause is shown by the Board.

### Use of District Facilities for Prayer or Religious Purposes during the School Day

The use of any District facility during the normal school day will not be allowed for prayer or religious purposes. This prohibition against religious use includes the use of District facilities by District personnel, patrons, and churches or any other individual or groups of individuals.

## **Section 9000 – General Public and Organizational Relations**

9250 Use of District Facilities (Cf. 3340)

9250-2

### Religious Accommodation in the Use of District Facilities

The use of District facilities or District grounds by community churches may be allowed by the Board on a temporary basis as is afforded community groups elsewhere in this policy.

### Gymnasium and Cafeteria

The District's gymnasium(s) and cafeteria(s) may be rented to community groups only if approved in advance by the Superintendent and/or Board. All organizations wanting to use these facilities must contact the Superintendent for approval and scheduling.

Religious groups are allowed to use these facilities when proper application is made with and approved by the Superintendent and/or the Board.

### Buildings and Grounds

Use of the buildings and grounds of the District by individual or outside organizations must be approved by the Director of Financial Services or designee.

### Equipment

Permission must be gained from the appropriate building Principal or immediate supervisor before any District equipment may be removed from the school grounds.

The building Principal may authorize staff members to utilize District-owned equipment to develop software and associated documents outside of their work assignment provided the development of the software is in the best interest of the District. Staff using District equipment and software shall comply with all copyright laws.

Recognized bargaining units may use District equipment as provided for in the current negotiated master contract.

The Superintendent may authorize District employees to utilize District-owned equipment when available to develop software and associated documents outside of their work assignment, provided the development of said software is in the best interest of the District.

## Section 9000 – General Public and Organizational Relations

9250 Use of District Facilities (Cf. 3340)

9250-3

### Federal Compliance

The District will comply with the provisions of the Boy Scouts of America Equal Access Act, and will not discriminate against or deny access to groups protected by the Act. (Cf. 8720)

### Services

A school custodian shall be on duty and shall have instructions to see that the building and equipment are properly cared for and used whenever any school facility is used by non-school groups or individuals.

A school custodian may not be required when, in the opinion of the Director of Facilities and Operations, it is not necessary. In this case, the sponsors and the Principal accept full responsibility for the building's use.

Approved: August 17, 2009

LEGAL REF: MCL 333.12601 *et seq.*; OAG, 1987-1988, No 6460, p 167 (August 25, 1987); *Lamb's Chapel v Center Moriches Union Free School District*, 508 U.S. 384 (1993); 20 USCA §4071, *et seq.* (Equal Access Act); 20 USCA §7905 (Boy Scout Equal Access Act).

## **Section 9000 – General Public and Organizational Relations**

9290 Crowd Control at School Sponsored Activities

9290

The Board and the administration shall do all in their power to ensure that every student and adult has an opportunity to attend school activities without fear or harm of injury to person or property. The Board shall not allow persons with disruptive intent to endanger the safety of students, school personnel or other adults; to damage school property; to interfere with school activities or the educational process; or to attempt to close the schools.

Disorder and disruption of school activities shall not be tolerated, and persons attempting such action shall be held accountable. When it becomes necessary to protect students, personnel, patrons and property, the Board shall seek the enforcement of all laws and prosecution of those who violate the law. Violation of any law and/or local city ordinance shall be referred to the appropriate law enforcement agency, prosecutor, and courts for proper disposition.

Prosecution of those causing disorder, disruption, or disturbances on school property will be conducted under existing city, county and state laws and ordinances.

The Board recognizes the right of peaceful dissent providing that dissent does not infringe upon the rights of others. Further, exercising that right encourages open and constructive communication that may lead to improvement and betterment of school activities.

In accordance with administrative guidelines to be developed by the Superintendent, Principals shall be held responsible for providing for the safety and welfare of students and adults and the protection of school property from damages or injury by any person or groups of persons.

### Definition of Disturbances or Disorders

For the purpose of this section, state statutes covering disturbance of the peace or disorderly conduct shall be used as a basis for prosecution.

## **Section 9000 – General Public and Organizational Relations**

9290 Crowd Control at School Sponsored Activities

9290-2

Any city, county, or township ordinance in effect at the time of any disturbance at a school activity shall be used by the Board to aid in the prosecution of any individual or groups of individuals responsible for such disturbance.

Upon conviction of any disturbance or disorderly conduct, the individual or groups of individuals will be barred by Board action from attending any District-sponsored activity or event held on school property. The length of the ban shall be determined by the Board and shall be based on the seriousness of the act or disturbance. The Board authorizes its staff members to enforce the ban, if any, by any reasonable force including calling law enforcement officials to aid them in carrying out their assigned duty.

Approved: August 17, 2009

## **Section 9000 – General Public and Organizational Relations**

9290-R Crowd Control at School Sponsored Activities

9290-R

### General Procedures

The following guidelines are for the use by Principals in the event of disturbances, disorder, or demonstration on or near the school site and apply to both students and adults.

The final decision for determining the nature of assistance needed at a disturbance, disorder, or demonstration is the responsibility of the school Principal. In the absence of the Principal, the determination is to be made by the assistant Principal or the person designated to be in charge of the building or activity.

The school administration and staff are responsible for handling any student or problems caused by adults. The Superintendent shall be notified immediately of any serious problem at the school. The Principal shall seek the advice of the Superintendent, as well as inform him/her of any decisions and progress toward resolving the problem.

In the event disturbances are caused by adults or non-students, the appropriate law enforcement officials shall be called for assistance. The chief administrative police officer or his/her designee should be alerted ahead of time when problems are suspected. Such official shall direct the activities of the police at the scene of any disturbance. The Principal shall serve as liaison when police are on the scene.

### Specific Procedures

In the event of a disturbance or disorder, the Principal or designee shall make an immediate assessment of the situation to determine the danger or potential danger to students, personnel, patrons, or school property. If there is apparent danger to any of the above, steps shall be taken immediately to reduce or eliminate the danger by whatever means necessary as granted under the Principal's authority to discipline or maintain crowd control. The Principal or designee shall decide upon a course of action and, to the extent possible, inform the school staff so that all can cooperate in carrying out that decision.

## **Section 9000 – General Public and Organizational Relations**

9290-R Crowd Control at School Sponsored Activities

9290-R-2

The Principal “on the scene” and in charge shall maintain a “log” in which are listed the date, time and nature of each incident, the names of persons involved and a description of action taken.

Whenever the situation requires the assistance of the police, the Principal or his/her designee shall request such assistance. Police action will be determined by police officials and their assessment of the situation.

The Board wishes to emphasize that any persons who create disturbances or disorders at any school activity shall be prosecuted fully under the law. The Principal “on the scene” and in charge shall sign the necessary complaint papers or encourage available witnesses of the act to do so. In any event, a complaint will be signed. The Board’s attorney shall take whatever action is necessary to expedite proceedings to prosecute anyone causing a disturbance at a school function.

## **Section 9000 – General Public and Organizational Relations**

9300 Tobacco Products On/In District Premises

9300

In the interest of providing a safe and healthy environment for employees, students, and visitors, and in accordance with the MICHIGAN CLEAN INDOOR ACT, P.A. 368 of 1978, and the TOBACCO-FREE SCHOOLS ACT P.A. 140 OF 1993, the Battle Creek Public Schools Board of Education does hereby adopt the following Tobacco-Free Policy:

### Statement of Intent

Tobacco products shall not be used by any person on or in the District's property except in the following designated areas and on designated days and times and then only by those of legal age:

1. Designated outdoor areas owned or leased by the District after 6:00 p.m. on any day that classes are scheduled for students.
2. Outdoor property owned or leased by the District any time on weekends or other days where there have been no scheduled classes for students.

Designated outside areas will be determined at the building level.

### Enforcement

The use of tobacco on or in District's property except as defined by the policy is a misdemeanor under Michigan law. All employees, students, and visitors share in the responsibility of adhering to and enforcing the Policy.

Violations should be brought to the attention of the building supervisor. The building supervisor will investigate any reported violations of the policy. If necessary, the violations will be referred to the Superintendent or the Superintendent's representative for appropriate action.

Employees and students who are found violating the Tobacco Free Schools Act will be considered in violation of Battle Creek Schools' Policy and will be subject to discipline.

## **Section 9000 – General Public and Organizational Relations**

9300 Tobacco Products On/In District Premises

9300-2

Students are expected to adhere to the policy and procedure as amended in applicable student handbook(s). Students will be informed of the new limits of the tobacco-free law.

Employees will receive a fact sheet regarding the danger and risk of tobacco use. Employees may obtain assistance, in a smoke cessation program, through their health insurance or the Employee Assistance Program.

Approved: August 17, 2009

## **Section 9000 – General Public and Organizational Relations**

9300-R Tobacco Products On/In District Premises

9300-R

Copies of this Policy will be posted and the posting will be made known to all employees. Signs displaying the following statement, or a similar statement, will be posted at appropriate entrances:

**"USE OF TOBACCO PRODUCTS IS PROHIBITED EXCEPT IN DESIGNATED  
OUTDOOR AREAS AFTER 6:00 P.M."**

## **Section 9000 – General Public and Organizational Relations**

### 9370 Free Materials Distribution and Advertising in Schools

9370

The Board reserves the right to refuse distribution of any material by outside individuals or groups to the students of the District.

#### Political Campaign Materials

In order to further citizenship training, the Board encourages responsible use of political materials for use in the appropriate classroom setting.

#### Special Interest Materials

The Principal of each building shall establish rules and regulations governing the distribution of special interest materials in the building.

#### Advertising in the Schools

No advertising of any kind by commercial firms, businesses, individuals, or organizations shall be permitted in the school buildings or on the grounds of the District without prior approval of the Superintendent. In no case will any advertising of any kind be allowed in school buildings, on school grounds, or in any District or student publication, that promotes, in any way, the sale or use of a product or service involving alcohol, tobacco, controlled substances, weapons, contraceptive devices, pornography, any illegal activity, or drug paraphernalia. The decision of the Superintendent shall be final.

#### Use of Religious Materials

The use of any religious materials may be used in the regular classroom to study the historical or cultural aspects of religion but such material is prohibited if used to indoctrinate the practice of a religion.

## **Section 9000 – General Public and Organizational Relations**

9370 Free Materials Distribution and Advertising in Schools

9370-2

### Dissemination of Religious Materials

Materials that have a religious content may be made available to students during non-instructional time. The District shall impose content neutral, time, place, and manner restrictions on the dissemination of religious materials to ensure that students are aware that the materials are not being endorsed or sponsored by the District.

Approved: August 17, 2009

LEGAL REF: *Good News Club v. Milford Central Schools*, 121 S.Ct. 2093 (2001)

## **Section 9000 – General Public and Organizational Relations**

9370-R Free Materials Distribution and Advertising in Schools

9370-R

No student shall be forced to participate in the distribution of any non-school materials in the schools.

### Political Campaign Materials

Subject to the approval of the Superintendent, each building Principal shall establish rules and regulations governing the distribution of political campaign materials in the school building during election campaigns in order to afford opportunity for all viewpoints to be considered. No student shall be forced to participate in the distribution or receipt of any political materials.

### Special Interest Materials

No mailing lists of students or employees of the District shall be given to individuals, organizations, or vendors for distributing materials without the written approval of the appropriate records custodian.

### Advertising in the Schools

Advertising in the student publications may promote products by brand name except that commercial ads must comply with the policy of the Board as to content and purpose.

Distribution or posting of materials that are obscene, libelous or that may inflame or incite students so as to create a clear and present danger of the commission of unlawful acts on school property, or physical disruption to the orderly operation of the District is prohibited.

## **Section 9000 – General Public and Organizational Relations**

### 9400 Visitors to the School

9400

All school buildings shall post a requirement for all visitors to first make their presence known to the appropriate building Principal or designee before proceeding to contact any other person in the building or on the grounds.

Any person who visits a building and/or grounds of the District will be under the jurisdiction of the building Principal who shall be responsible for developing rules and regulations governing the presence of visitors in the buildings.

The Principal has the authority to request aid from any law enforcement agency if any visitor to the District's buildings or grounds refuses to leave or creates a disturbance. Violation of this rule may lead to removal from the building or grounds and denial of further access to the building or grounds. Violators of this Board policy and its rules may be subject to governmental trespass laws.

#### Public/Parent(s)/Guardian(s) Visitors to the Schools

The Board encourages the public and parent(s)/guardian(s) to visit the District's schools, departments, and classrooms and directs the Superintendent to establish appropriate rules, regulations, and guidelines.

Parent(s)/Guardian(s) visits shall be made in accordance with the following guidelines:

Parent(s)/Guardian(s) visits shall be scheduled with the teacher and the building Principal.

The Principal or designated representative shall accompany the parent(s)/guardian(s) on the visit if the parent(s)/guardian(s) so desire(s).

Such visits are for becoming acquainted with school instruction, programs, personnel, operation, and/or the facility.

Parent(s)/Guardian(s) shall refrain from giving directions or making evaluations of personnel or operating procedures during their visits.

## **Section 9000 – General Public and Organizational Relations**

9400 Visitors to the School

9400-2

If a school visit leaves the parent(s)/guardian(s) with a concern, this concern should be discussed with the building Principal or Superintendent.

Board members who have students in the schools and therefore have parental/guardian opportunities to converse with their student's teacher, counselor, or administrator shall make it clear that they are speaking and/or visiting as the parent(s)/guardian(s) and not as a member of the Board.

Approved: August 17, 2009  
LEGAL REF: MCL 380.1137(2)

## **Section 9000 – General Public and Organizational Relations**

### 9410 Parent(s)/Guardian(s) Visitation of Classrooms

9410

The Board recognizes the central role parent(s)/guardian(s) play in the education of their children, and supports active parent(s)/guardian(s) involvement in the educational process. Parent(s)/Guardian(s) are encouraged to maintain regular contact with their child's instructors. To familiarize themselves with their child's learning environment, parent(s)/guardian(s) are also encouraged to come to planned conference evenings, school open houses, and visitation days.

Parent(s)/Guardian(s) may also visit their child's classes on other days, subject to the approval of school administration and the following guidelines. Parent(s)/Guardian(s) are asked to understand the Board's responsibility to safeguard the learning environment for all students, and be sensitive to the disruption that can be caused by having strangers frequently observe the classroom and place demands on teacher time. The Board also has an obligation to protect the privacy rights of all students and their families by ensuring that the frequency of visitations by one parent/guardian does not allow that parent/guardian to develop inappropriate knowledge of the behavior or academic progress of other students.

The Board adopts the following regulations for parent(s)/guardian(s) visitations:

1. All parent(s)/guardian(s) visitations are subject to the approval of the school Principal, who is charged by the Board with the responsibility of guaranteeing the learning environment and privacy of students.
2. Visitors are required to check in at the school office prior to the start of the class that they wish to observe, and to follow individual school procedures for visitor sign-in, passes, escorts, etc.

## **Section 9000 – General Public and Organizational Relations**

### 9410 Parent(s)/Guardian(s) Visitation of Classrooms

9410-2

3. Parent(s)/Guardian(s) in classrooms are there as guests and are asked to behave as quiet observers of classroom activities, unless specifically requested otherwise by the classroom teacher. Visitors should arrive before the start of class and stay until the class is dismissed.
4. Except on special open house or visitation days arranged by the Superintendent, no more than 2 visitors shall be permitted in a classroom on any given day.
5. To protect the privacy of other students, the parent(s)/guardian(s) of a student may be limited to 2 classroom visits per marking period, and shall agree to keep any information gained on the behavior or performance of other students strictly confidential.
6. Visitation shall not be allowed during tests or other student examination/evaluation.
7. Teachers are expected to use the time between classes for preparation, meetings with students, and discussion with colleagues. Visiting parent(s)/guardian(s) are to refrain from using classroom observations for impromptu parent/guardian-teacher conferences either during or outside of class time. An appointment should be made with the teacher if the parent(s)/guardian(s) wish (es) to discuss their child's educational progress. Teachers shall refrain at all times from discussing the behaviors or achievement of other students with visiting parent(s)/guardian(s).

Parent(s)/Guardian(s) who fail to abide by these regulations or who intentionally disrupt the educational process of the school may be asked to leave and/or be denied permission for future visits.

The Superintendent shall ensure that the provisions of this policy are published in the appropriate handbook(s) and that copies are provided to visitors.

Approved: August 17, 2009  
LEGAL REF: MCL 380.1137(b)(2)

## Section 9000 – General Public and Organizational Relations

### 9450 Complaints

9450

All complaints regarding the District should be resolved at the lowest possible administrative level.

#### About Policies

Complaints about policies of the District should be directed to the Superintendent.

#### About Curriculum

Complaints about the curriculum of the District should be directed to the Superintendent.

#### About Instructional Materials

Complaints about specific instructional materials should be directed to the appropriate building Principal.

#### About Facilities and Services

Complaints about facilities and services should be directed to the Superintendent.

#### About Personnel

Complaints will be investigated fully and fairly, and the employee's rights to due process<sup>1</sup> shall be protected at all times.

Whenever a complaint is made directly to the Board as a whole or to a Board member as an individual, it shall be referred to the administration for study and possible solution. The employee involved will be informed and shall be given every opportunity for explanation, comment and presentation of the facts as the employee sees them. The employee shall also be given the opportunity to meet with the person(s) making the complaint if the employee so desires.

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<sup>1</sup> Due process includes both substantive and procedural due process. Substantive due process protects employees from arbitrary, capricious, irrational, or unreasonable action (requires that a rule or a disciplinary decision must be rationally related to a legitimate state interest). Procedural due process includes the concepts of proper notice to the accused and the right to a hearing before a property interest is taken away. The extent of the procedures due depends on the nature of the interest being taken away, i.e., the more that could potentially be taken away, the more procedural protections must be provided. If the maximum penalty that could be imposed is relatively small, only a small amount of procedural due process is required.

## Section 9000 – General Public and Organizational Relations

9450 Complaints

9450-2

The employee involved may request a closed session of the Board for a full study and decision by this body. Statutory provisions for closed sessions of the Board shall be observed.

Generally all parties involved, including the administration, will be asked to attend such a meeting to present additional facts and clarify the issues. Hearsay and rumor shall be disregarded as will any emotional display.

The Board shall conduct such meetings in as fair and just a manner as possible. The Board may request a disinterested third party to act as moderator to help the Board reach a mutually satisfactory solution.

Approved: August 17, 2009  
LEGAL REF: MCL 15.261 *et seq.*

## **Section 9000 – General Public and Organizational Relations**

9450-R Complaints

9450-R

The Superintendent shall report any unresolved complaint about policies to the Board at the next regularly scheduled Board meeting.

### About Curriculum

The Superintendent shall report a failure to resolve any complaint about curriculum to the Board at the next regularly scheduled Board meeting.

### About Instructional Materials

The building Principal involved shall report any unresolved complaint about instructional materials to the Superintendent immediately after receiving the complaint.

### About Facilities and Services

The Superintendent shall report any unresolved complaint about facilities and services to the Board at the next regularly scheduled Board meeting.

### About Personnel

The Superintendent or the building Principal involved shall report any unresolved complaint about personnel to the Board at the next regularly scheduled Board meeting.

## **Section 9000 – General Public and Organizational Relations**

9470 Loitering - Unauthorized Persons

9470

Unauthorized persons loitering in, about any school building, or on school grounds shall be asked to leave the premises. Any such person failing to leave the premises shall be considered to be in probable violation of disorderly conduct or trespassing statutes and law enforcement officers shall be notified and requested to remove the individual from the building or grounds.

Approved: August 17, 2009

## **Section 9000 – General Public and Organizational Relations**

9470-R Loitering - Unauthorized Persons

9470-R

Employees shall report to the Principal any person loitering on or near school building or school grounds.

The Principal may request such an unauthorized person to leave or remove him/her from the school premises or area.

If the person does not leave voluntarily or resists removal, law enforcement officials shall be notified and requested to assist in the removal.

The Principal's office shall notify the Superintendent's office immediately if such a situation develops.

## **Section 9000 – General Public and Organizational Relations**

9500 Relations with Other School Districts

9500

The Board shall cooperate whenever possible and practicable with other school Districts in matters of common concern.

This cooperation may extend to such areas as joint educational services, research, exchange of data and information, coordination of curriculum, coordination of school activities and calendars, and cooperative use of school facilities.

Approved: August 17, 2009

LEGAL REF: MCL 380.1280a

## **Section 9000 – General Public and Organizational Relations**

9520 School-Community Cooperation (Cf. 9250)

9520

The Board shall seek to foster an atmosphere of cooperation between the schools and all community groups and organizations whose operation is affected by the activities of the schools.

Approved: August 17, 2009

**Section 9000 – General Public and Organizational Relations**

9530 School-Community Program

9530

The Board shall consider the establishment of programs sponsored jointly by the schools and community groups or organizations whenever, in the judgment of the Board, such programs cannot be or should not be wholly under the control of the Board.

Approved: August 17, 2009

## **Section 9000 – General Public and Organizational Relations**

9540 School-General Government Relations

9540

The Board seeks to establish a satisfactory working relationship and to open lines of communication with all governmental agencies having an interest in the activities of the schools in the District. This may be accomplished through the creation of ad hoc committees, inter-local memberships, or appointment of representatives to serve as liaison with specific organizations.

Approved: August 17, 2009

## **Section 9000 – General Public and Organizational Relations**

9570 Relations with Law Enforcement and Investigating Authorities (Cf. 8580) 9570

Cooperation with law enforcement agencies is essential for the protection of students, for maintaining a safe environment in the District schools, and for safeguarding all school property.

The behavior of students outside of school hours and away from the school grounds is the responsibility of the parent(s)/guardian(s) rather than the educational system. It is the feeling of the Board that a student under suspicion of having committed a misdemeanor or crime at times or places outside the jurisdiction of the school authorities, is entitled to the guidance, assistance and protection of the parent(s)/guardian(s).

Because of the nature of such investigation and because of the statutory authority bestowed upon the Department of Human Services (DHS) concerning the investigation of child abuse, authorized agents of said department with proper identification shall be permitted to talk with students in school without the presence of the parent(s)/guardian(s).

The District recognizes that the DHS may, lawfully, interview a child alleged to have been abused without the presence of the building Principal or other school personnel. However, in appropriate cases, the Principal may request that he or she, or a designated representative, be present during the interview.

Approved: August 17, 2009

LEGAL REF: MCL 722.628

## **Section 9000 – General Public and Organizational Relations**

9600 Relationship with Planning Authorities

9600

The Board shall participate in local planning functions that may directly affect District schools and their immediate environment.

Approved: August 17, 2009

## **Section 9000 – General Public and Organizational Relations**

9600-R Relationship with Planning Authorities

9600-R

The Superintendent shall keep informed of planning matters bearing directly on the operation of District schools or school-sponsored programs, and shall undertake action on behalf of the Board to influence the matter in the best interests of the students, schools, and the District.

The Superintendent shall give particular attention to the following factors when analyzing the impact of local planning proposals:

1. Effect of potential growth on the school and its students in relationship to present and/or planned school facilities,
2. Traffic implications such as noise and air pollution, hazardous crossings, and congested ingress and egress,
3. Overload, deterioration, vandalism, and maintenance of schools and school facilities as neighborhood civic centers, and
4. Need for bikeways, parking and additional bus transportation.

## Section 9000 – General Public and Organizational Relations

9610 Relationship with Zoning Authorities

9610

The Board directs the Superintendent to request that notification of zoning proposals and changes that may affect the District be sent to the District by zoning authorities in the county, townships, and cities within the District it being understood, however, that only the State Superintendent of Instruction is authorized, by law, to approve building and site plans for public schools.

Approved: August 17, 2009

LEGAL REF: *Charter Township of Northville, et al. v Northville Public Schools*, 469 Mich 285; 666 NW2d 213(2003).

## **Section 9000 – General Public and Organizational Relations**

9610-R Relationship with Zoning Authorities

9610-R

The Superintendent shall keep informed of zoning proposals and shall make recommendations to the Board of any concerns the Board may have or actions the Board should take on these proposals, and shall arrange for Board representatives to discuss their concerns and actions with the proper authorities.

## **Section 9000 – General Public and Organizational Relations**

9620 Relations with Political Organizations (Cf. 7760)

9620

Political candidates or political parties shall be prohibited from promoting candidates or political party activities in school buildings during school hours except as they might be invited to speak, either as part of a class project or as part of the instructional program, as provided in the policy on controversial speakers.

Such organizations may use school facilities according to Board policy.

The circulation of petitions is not permissible when done during an employee's or student's assigned working hours.

Approved: August 17, 2009

## **Section 9000 – General Public and Organizational Relations**

9670 Relations with Federal Governmental Authorities

9670

The Board shall make every effort to keep its members informed of federal legislative proposals that affect schools. The Board may take positions on such issues and communicate such positions to congressional representatives and U.S. senators either directly or through its state association. Copies of positions sent to congressional representatives and U.S. senators may be sent to the Michigan Association of School Boards as a matter of record. The Board shall encourage its members to take an active role in influencing federal legislation affecting schools.

Approved: August 17, 2009

## **Section 9000 – General Public and Organizational Relations**

9710 Relations with Parental/Guardian Organizations (Cf. 9730)

9710

Each parental/guardian organization should request official recognition by the Board, and in so doing, present its purposes and goals, along with its constitution and bylaws, to assist the Board in its deliberations as to whether or not the organization should be recognized as a bona fide community/school group supported by the Board. Once recognized, such organizations shall work closely with the Board and school personnel in the buildings or the departments that they represent in any projects carried on for the benefit of the school or school programs.

The Board encourages active support and cooperation with parental/guardian organizations by administrators, teachers and other employee groups.

Approved: August 17, 2009

## **Section 9000 – General Public and Organizational Relations**

9720 Parent(s)/Guardian(s) and School Partnerships (Cf. 7175)

9720

The Board encourages parent(s)/guardian(s) involvement in the schools through programs and activities designed to increase parent(s)/guardian(s)-school communications and to involve parent(s)/guardian(s) in the development and implementation of educational policies and school programs.

The Superintendent is responsible for facilitating parent(s)/guardian(s) involvement in the schools by affording special consideration to single and working parent(s)/guardian(s). Schools should schedule meetings, programs, and events so that working parent(s)/guardian(s) can attend.

Approved: August 17, 2009

## **Section 9000 – General Public and Organizational Relations**

9720-R Parent(s)/Guardian(s) and School Partnerships

9720-R

Building administrators, in cooperation with the Superintendent, shall develop appropriate procedures to schedule building activities to accommodate the needs of parent(s)/guardian(s) such as, by way of example: (1) Scheduling parent(s)/guardian(s)-teacher conferences at times convenient to parent(s)/guardian(s). (2) Offering childcare during such meetings and other school functions, and (3) Varying the nights on which they take place.

## **Section 9000 – General Public and Organizational Relations**

9730 Relationship with Booster Organizations (Cf. 9710)

9730

All school associated organizations, such as booster groups, which are formed to promote and assist in the financing of a given activity for the improvement of student education, shall be approved, and recognized by the Board. These organizations must keep on file in the Superintendent's office a record of officers, bylaws, mailing addresses and other pertinent information.

Booster organizations shall handle their own accounting and bookkeeping procedures and maintain their own separate accounts for income and expenditures.

All purchases by such organizations shall be billed directly to them and sent to their mailing addresses and not to the schools or the District.

Equipment and material purchased by these organizations and presented to the school shall become the property of the school and under the control of the Board.

Approved: August 17, 2009

## **Section 9000 – General Public and Organizational Relations**

9820 Intermediate District Relations (Cf. 1300)

9820

The Board is committed to cooperating with the Calhoun Intermediate school District in special programs and services provided by such Districts. The Superintendent shall assume the responsibility of evaluating the various programs and services provided, alerting the Board to such services and recommending to the Board participation in various services and programs. Guidance to the Board shall be given by the:

- Educational value to students,
- Effect on the efficiency of operation of the school system, and
- Economic factors involved in relationship to the service and the District's budget.

The Board shall appoint annually a member to attend the budget hearing of the Calhoun Intermediate District. The Board shall, prior to the budget hearing on the Calhoun Intermediate District's budget, secure copies of the budget, review and discuss the budget, and give directions to its representative. Such review and discussion shall be an agenda item at a regular or special meeting of the Board prior to the budget hearing.

The Board shall also appoint one member as a representative to cast a vote in the biennial Calhoun Intermediate Board election. The representative shall cast his/her vote(s) according to the will and direction of the majority of the Board. In the event, however, there are three tie votes in an attempt to elect a member(s) of the Calhoun Intermediate Board of Education, the Board's representative shall be free to cast his/her vote for any candidate of his/her choosing.

Approved: August 17, 2009  
LEGAL REF: MCL 380.624

## **Section 9000 – General Public and Organizational Relations**

9820-R Intermediate District Relations (Cf. 1300)

9820-R

The Board shall, through directions to the Superintendent or by specific action, communicate to the Calhoun Intermediate District its concerns about intermediate organizational services and suggestions or recommendations of services, which, in its judgment, deserve consideration.

## **Section 9000 – General Public and Organizational Relations**

9830 College and Universities

9830

The Board shall work cooperatively with post-secondary colleges and universities in order to provide students the opportunities for dual enrollment and dual credit for academic classes.

Approved: August 17, 2009

## **Section 9000 – General Public and Organizational Relations**

9840 Student Teaching and Internships

9840

The Board may consider the use of student teachers and interns in classes and programs maintained by the District upon conclusion of a written contract with Area College and Universities.

Approved: August 17, 2009

LEGAL REF: MCL 380.1531b

## **Section 9000 – General Public and Organizational Relations**

9840-R Student Teaching and Internships

9840-R

When placing student teachers and interns in the District, the Superintendent and staff shall:

1. Provide for placement of student teachers and interns with outstanding teachers who shall serve as supervisors,
2. Protect students from being overexposed to student teaching, and teachers from excessive supervisory responsibilities toward student teachers and interns,
3. Ensure placement of student teachers and interns without regard to race, color, sex, age, creed, national origin or handicap, and
4. Make provisions with higher education institutions to provide for cooperative selection of students to be placed in the District's schools.

### Student Teacher Selection

Prospective student teachers shall complete a standard application form and be interviewed by the building Principal who shall determine whether the student is acceptable.

### Supervising Teacher Selection

The building Principal shall be responsible in determining those teachers on staff who may be designated as supervising teachers. This shall be done with the prior approval of the teaching staff.

The duties and responsibilities of supervising teachers and building Principals regarding student teachers and interns can be found in the appropriate staff/faculty handbooks on file in the District and school offices.

If at any time a student teacher or intern becomes unacceptable, the District reserves the right to refuse that student teacher or intern further teaching experience within the District.

## **Section 9000 – General Public and Organizational Relations**

9840-R Student Teaching and Internships

9840-R-2

Student teachers shall not be used as substitute teachers in case of teacher illness or other personal reason except as provided by law. However, special arrangements may be made with the universities to allow student teachers or interns to substitute in order to provide the opportunity for the supervising teacher to attend approved in-service programs or workshops.

In all instances, the student teacher or intern shall be under the direct supervision of the building Principal.

## **Section 9000 – General Public and Organizational Relations**

9900 Education Research Agencies

9900

The contributions of appropriate educational research to teaching and school administration are recognized by the Board. The District shall cooperate when possible with colleges, universities, and other recognized agencies to promote educational research that shall:

1. Increase professional knowledge of teaching and learning processes and the social setting in which they operate,
2. Sharpen perception of instructional and administrative problems,
3. Establish instructional and management objectives, and
4. Assess progress toward accomplishment of District objectives.

All requests for use of District staff, students, or facilities for purposes of educational research shall be submitted in writing to the Superintendent. The Superintendent's decision as to the appropriateness and value of the proposed research and whether or not to engage in the research/study shall be final.

Approved: August 17, 2009

## **Section 9000 – General Public and Organizational Relations**

9920 School Accreditation

9920

The Board shall make every effort through its policies and decisions to operate an educational program that shall meet the criteria of the Michigan Accreditation Plan as provided by the Michigan State Board of Education and the North Central Association of Secondary School and Colleges. District administrators and staff shall cooperate fully with these associations in their periodic evaluations of the schools in the District and shall keep the Board informed as to the status of these evaluations. The Superintendent shall keep the Board informed regarding weaknesses that may endanger accreditation and shall make recommendations, which shall correct such weaknesses.

Approved: August 17, 2009  
LEGAL REF: MCL 380.1204a

## **Section 9000 – General Public and Organizational Relations**

9950 State Education Agency Relations

9950

The Board seeks to cooperate fully with the rules and regulations of the Michigan State Board of Education and the Michigan State Department of Education.

The Board shall make every effort to keep its members informed of state legislative proposals that affect schools. The Board may take positions on such issues and communicate such positions to legislators, legislative committees, or through its state association. Copies of positions sent to legislators and committees may be sent to the Michigan Association of School Boards as a matter of record. The Board shall encourage its members to take an active role in influencing legislation affecting schools.

Approved: August 17, 2009