



EMPLOYEE HANDBOOK

2020 - 2021

DETROIT PUBLIC SCHOOLS COMMUNITY DISTRICT
3011 West Grand Blvd.
14th Floor Fisher Building
Detroit, Michigan 48202

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INTRODUCTION

Welcome

Welcome to Detroit Public Schools Community District! Thank you in advance for your service and dedication to Detroit's children. We are opening a new chapter in our journey toward becoming a system that is one of the nation's top performing urban school districts in which all students will become lifelong learners equipped with the appropriate skills and competencies to be contributing members of society. Whether your contribution is in the classroom, in transporting or feeding students so they are ready to learn, in ensuring clean and safe learning environments, or in managing District resources, your efforts are critical to achieving our shared goal. So, while our job descriptions may vary, our focus is the same: student success. With your continued dedication and support, we will move closer to the goal of excellence in all that we do for students every day in every classroom throughout the District.

About DPSCD Administration

DPSCD Superintendent

Nikolai P. Vitti, Ed.D
Superintendent
nikolai.vitti@detroitk12.org

DPSCD Cabinet

Sharlonda Buckman
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sharlonda.buckman@detroitk12.org

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chrystal.wilson@detroitk12.org

Tyrone Winfrey
Executive Director of Community Affairs
tyrone.winfrey@detroitk12.org

Iranetta Wright
Deputy Superintendent of Schools
iranetta.wright@detroitk12.org

Key Departmental Leadership

Bernadette Kakooza
Inspector General
bernadette.kakooza@detroitk12.org

DPSCD Board of Education

Detroit Public Schools Community District welcomed its new Board of Education at a public swearing-in ceremony at Cass Technical High School on January 11, 2017. The ceremony officially ushered in the return of the school district to local control under the governance of the seven-member board. The purpose of the locally elected Board is to serve as the governing body of the District and to provide public education services to children residing within the geographic boundaries of the City of Detroit. The Board is fundamentally a policy-making or legislative body rather than an administrative body. It is the responsibility of the Board to see that schools are operated properly, and not to administer them directly.

Current Members of the Board

Dr. Iris Taylor, President (term ending 12/31/2020)

Angelique Peterson-Mayberry, Vice President (term ending 12/31/2022)

Misha Stallworth, Secretary (term ending 12/31/2020)

Sonya Mays, Treasury (term ending 12/31/2020)

Dr. Deborah Hunter-Harvill (term ending 12/31/2022)

Georgia Lemmons (term ending 12/31/2022)

Bishop Corletta J. Vaughn (term ending 12/31/2022)

Secretary to the Board

Karen Morgan
(313) 873-7860
Fax: (313) 873-3284

General Contact Information

3011 W. Grand Boulevard
12th Floor, Fisher Building
Detroit, MI 48202
(313) 873-3111



BLUEPRINT 2020

Our Strategic Plan for Rebuilding Detroit’s Public Schools

MISSION

We educate and empower every student, in every community, every day, to build a stronger Detroit.

VISION

All students will have the knowledge, skills and confidence necessary to thrive in our city, our nation, our world.

CORE VALUES

Students First

Make decisions that are in the best interest of students. Use every resource strategically so that we can meet students’ individual needs.

Excellence

Be relentless in your pursuit of greatness. Be bold and innovate. Learn from your mistakes. Hold yourself and others to high standards.

Integrity

Do the right thing, even when no one is looking. Be honest. Be trustworthy. Be accountable.

Equity

Diversity is an asset that makes us stronger. Advocate for the needs of others. Ensure that all members of our community have access to the tools and resources they need to be successful.

Service

Listen. Empathize. Respond. Own problems and help to solve them.

Tenacity

Embrace hard work and persevere in the face of challenges. Follow through on your commitments and strive to do your best, no matter what.

PRIORITIES



Outstanding Achievement

Dramatically improve the academic experience of all students to ensure they are college and career ready.



Transformative Culture

Transform our culture so that students, families, community members, and staff feel safe, respected, and connected.



Whole Child Commitment

Champion a whole child approach that unlocks students’ full potential.



Exceptional Talent

Build an excellent team of dedicated staff to serve our students.



Responsible Stewardship

Manage and deploy our resources responsibly, transparently, and equitably to support our students’ success.

Students Rise. We All Rise.

DPSCD does not discriminate on the basis of race, color, national origin, sex, sexual orientation, transgender identity, disability, age, religion, height, weight, citizenship, marital or family status, military status, ancestry, genetic information, or any other legally protected category. In its educational programs and activities, including employment and admissions. Questions? Concerns? Contact the Civil Rights Coordinator at (313) 240-4377 or dpscd.compliance@detroitk12.org or 3011 West Grand Boulevard, 14th Floor, Detroit MI 48202.

The Strategic Plan can be found by visiting: [Blueprint 2020 - Strategic Plan](#), or by searching online for the following web address: https://www.detroitk12.org/strategic_plan.

ACADEMIC CALENDAR



Detroit Public Schools Community District 2020-2021 ACADEMIC CALENDAR

KEY	
PD/TW	Professional Development/ Teacher Workday
PDz	Partnership Schools - Professional Development Day
PD	All Schools - Professional Development Day
FE	Final Examinations
CD	Membership Count Days
PTC	Parent/Teacher Conferences
PTC-h	Parent/Teacher Conferences - High School
RC	Report Card Day
S	Semester/Quarter Boundary
	Schools Closed-No Students
H	Public Holiday

PARENT-TEACHER CONFERENCES

K-8th Grade:

October 21 and March 24

9th-12th Grade:

October 14 and March 17

- **August 31** is the reporting day for teachers

- **September 8** is the reporting day for students

Final examination administration days:

- **June 18, 21, and 22**

- **June 24** last day for students

- **June 25** last day for teachers

detroitk12.org

FIRST SEMESTER

MON TUE WED THU FRI

AUGUST 2020

24	PDz	PDz	PDz	28
PD				

STUDENTS PRESENT

0

STAFF PRESENT

1

SEPTEMBER 2020

	PD	PD/TW	3	4
H	Q1	9	10	11
14	15	16	17	18
21	22	23	24	25
28	29	30		

17

19

OCTOBER 2020

			1	2
5	6	CD	8	9
12	13	PTC-h	15	16
19	20	PTC	22	23
26	27	28	29	30

22

22

NOVEMBER 2020

PD	3	4	5	6
9	10	Q1	Q2	13
16	17	RC	19	20
23	24	25	H	27
30				

16

17

DECEMBER 2020

	1	2	3	4
7	8	9	10	11
14	15	16	17	18
21	22	23	24	H
28	29	30	31	

14

14

SECOND SEMESTER

MON TUE WED THU FRI

JANUARY 2021

				H
4	5	6	7	8
11	12	13	14	15
H	19	20	21	22
25	26	27	28	29

STUDENTS PRESENT

19

STAFF PRESENT

19

FEBRUARY 2021

1	Q2	Q3	4	5
8	RC	CD	11	12
H	16	17	18	19
22	23	24	25	26

15

15

MARCH 2021

1	2	3	4	5
8	9	10	11	12
15	16	PTC-h	18	19
22	23	PTC	25	26
29	30	31		

20

20

APRIL 2021

			1	2
5	6	7	8	9
12	13	14	15	16
19	Q3	Q4	22	23
26	RC	28	29	30

20

20

MAY 2021

3	4	5	6	7
10	11	12	13	14
17	18	19	20	21
24	25	26	27	28
H				

20

20

JUNE 2021

	1	2	3	4
7	8	9	10	11
14	15	16	17	FE
FE	FE	23	24	RC
28	29	30		

18

19

Students Rise. We All Rise.

DPSCD does not discriminate on the basis of race, color, national origin, sex, sexual orientation, transgender identity, disability, age, religion, height, weight, citizenship, marital or family status, military status, ancestry, genetic information, or any other legally protected category, in its educational programs and activities, including employment and admissions. Questions? Concerns? Contact the Civil Rights Coordinator at (313) 240-4377 or dpscd.compliance@detroitk12.org or 3011 West Grand Boulevard, 14th Floor, Detroit MI 48202.

The academic calendar can be found by visiting: [DPSCD Calendar](https://www.detroitk12.org/calender#calendar1/20200910/month), or by searching online for the following web address: <https://www.detroitk12.org/calender#calendar1/20200910/month>.

ABOUT THIS HANDBOOK

The DPSCD Employee Handbook applies to all DPSCD employees, unless otherwise noted.

The DPSCD Employee Handbook is designed to provide a brief overview of the most commonly referenced DPSCD policies, administrative regulations, procedures and guidelines. The current version of the Employee Handbook can be found in PDF format on the District website, and can be accessed here: [Division of Human Resources and Talent](https://detroitk12.sharepoint.com/sites/HumanResources), or by searching online for the following web address: <https://detroitk12.sharepoint.com/sites/HumanResources>. This Handbook is current as of the effective date at end of this document.

The Employee Handbook does not contain all DPSCD policies, administrative regulations, procedures and/or guidelines that apply to employees. The most up to date version of all policies, administrative regulations, procedures and/or guidelines can be accessed here: [Board Docs - Policies](https://www.detroitk12.org/Page/1343), or by searching online for the following web address: <https://www.detroitk12.org/Page/1343>.

DPSCD reserves the right to revise, expand, or discontinue the information contained in this Handbook at any time. Only the Superintendent and/or the Superintendent's designee and/or Detroit Public Schools Community District Board of Education may approve such changes.

The Handbook is not a contract of employment.

The contents in this Handbook do not supersede any contractual obligation on behalf of DPSCD, or applicable State and/or Federal and/or local laws applicable to the District. If there is a conflict between the information in this Handbook and any law, rule, policy, or regulation of the United States, state of Michigan, city of Detroit, Michigan Board of Education, Detroit Board of Education or Detroit Public Schools Community District, the law, rule, policy or regulation is the controlling authority.

DPSCD uses several resources to create this handbook. Resources include federal and state laws, Michigan Board of Education rules, Detroit Board of Education policies and the administrative regulations of the DPSCD superintendent.

No handbook can include or anticipate every issue, question, or concern that may arise. Each employee is required to be knowledgeable about the policies and regulations of DPSCD and adhere to them in good-faith. When in doubt, please ask before you make a decision that could violate a law or policy and endanger your employment with the District.

Questions regarding the contents of this Handbook should be directed to the following:

- Your immediate supervisor
- Your assigned administrator
- The Office of Employee Relations

For language help call (313) 576-0106 or visit the Interpretation and Translation Services page: <https://www.detroitk12.org/translation>.

CONTACT INFORMATION

Schools

<p>A.L. Holmes Academy of Blended Learning Grades: Pre-K–8 8950 Crane Street, Detroit, MI 48213-2273 (313) 866-5644</p> <p>Academy of the Americas Grades: Pre-K, 4–12 5680 Konkel Street, Detroit, MI 48210 (313) 596-7640</p> <p>Academy of the Americas at Logan Grades: K–3 3811 Cicotte Street, Detroit, MI 48210 (313) 866-2220</p> <p>Adult Ed Center - East 13840 Lappin, Detroit, MI 48205 (313) 579-7109</p> <p>Adult Ed Center - West 16164 Asbury Park, Detroit, MI 48235 (313) 852-1089</p> <p>Ann Arbor Trail Magnet School Grades: Pre-K–8 7635 Chatham, Detroit, MI 48239-1027 (313) 274-8560</p> <p>Bagley Elementary School of Journalism and Technology Grades: Pre-K–6 8100 Curtis Street, Detroit, MI 48221-2519 (313) 494-7175</p> <p>Barton Elementary School Grades: K–5 8530 Joy Road, Detroit, MI 48204-3263 (313) 873-9952</p> <p>Bates Academy Grades: Pre-K–8 19701 Wyoming, Detroit, MI 48221-1519 (313) 494-7000</p> <p>Benjamin Carson High School of Science and Medicine Grades: 9–12 571 Mack Avenue, Detroit, MI 48201 (313) 494-1805</p>	<p>Bennett Elementary School Grades: Pre-K–5 2111 Mullane Street, Detroit, MI 48209-1529 (313) 849-3585</p> <p>Bow Elementary-Middle School Grades: Pre-K–8 19801 Prevost Street, Detroit, MI 48235-2356 (313) 852-0500</p> <p>Breithaupt Career and Technical Center Grades: 10–12 9300 Hubbell Street, Detroit, MI 48228-2325 (313) 866-9550</p> <p>Brenda Scott Academy Grades: Pre-K–8 18440 Hoover, Detroit, MI 48205 (313) 866-6700</p> <p>Brewer Academy Grades: Pre-K–8 18025 Brock Street, Detroit, MI 48205-3522 (313) 866-2070</p> <p>Bunche Preparatory Academy Grades: Pre-K–8 2715 Macomb Street, Detroit, MI 48207-3830 (313) 494-8350</p> <p>Burns Elementary-Middle School Grades: K–8 14350 Terry Street, Detroit, MI 48227-5513 (313) 852-0534</p> <p>Burton International Academy Grades: Pre-K–8 2001 Martin Luther King Jr. Blvd., Detroit, MI 48208 (313) 596-3800</p> <p>Carleton Elementary School Grades: Pre-K–5 11724 Casino Street, Detroit, MI 48224-1173 (313) 866-8322</p> <p>Carstens Academy of Aquatic Science at Remus Grades: Pre-K–8 13000 Essex Avenue, Detroit, MI 48215-3243 (313) 866-5500</p>
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<p>Carver STEM Academy Grades: Pre-K–8 18701 Paul Street, Detroit, MI 48228-3868 (313) 240-6622</p> <p>Cass Technical High School Grades: 9–12 2501 Second Avenue, Detroit, MI 48201 (313) 263-2000</p> <p>Catherine C. Blackwell Institute Grades: Pre-K–8 9330 Shoemaker, Detroit, MI 48213-3152 (313) 866-4391</p> <p>Central Academy and High School Grades: 9–12 2425 Tuxedo Street, Detroit, MI 48206-1222 (313) 252-3000</p> <p>Charles R. Drew Transition Center Grades: 9600 Wyoming Street, Detroit, MI 48204-4669 (313) 873-6880</p> <p>Charles Wright Academy of Arts and Science Grades: Pre-K–5 19299 Berg Road, Detroit, MI 48219-1712 (313) 538-3024</p> <p>Chrysler Elementary School Grades: K–5 1445 E. Lafayette Street, Detroit, MI 48207-2903 (313) 494-8440</p> <p>Clippert Multicultural Magnet Honors Academy Grades: 5–8 1981 McKinstry Street, Detroit, MI 48209-1608 (313) 849-5009</p> <p>Cody High School Grades: 9–12 18445 Cathedral Street, Detroit, MI 48228-1809 (313) 866-9200</p> <p>Coleman A. Young Elementary School Grades: Pre-K–5 15771 Hubbell Street, Detroit, MI 48227-2948 (313) 852-0725</p> <p>Communication and Media Arts High School Grades: 9–12 14771 Mansfield Street, Detroit, MI 48227-1801 (313) 866-9300</p> <p>Cooke STEM Academy Grades: K–6 18800 Puritan Street, Detroit, MI 48223-1350 (313) 494-7458</p>	<p>Davis Aerospace Technical High School at Golightly Grades: 9–12 900 Dickerson Avenue, Detroit, MI 48215-2900 (313) 822-8820</p> <p>Davison Elementary-Middle School Grades: Pre-K–8 2800 E. Davison Street, Detroit, MI 48212-1680 (313) 252-3118</p> <p>Denby High School Grades: 9–12 12800 Kelly Road, Detroit, MI 48224-1506 (313) 866-7200</p> <p>Detroit Collegiate Preparatory High School at Northwestern Grades: 9–12 2200 W. Grand Blvd., Detroit, MI 48208-1178 (313) 899-7370</p> <p>Detroit International Academy for Young Women Grades: Pre-K–12 9026 Woodward, Detroit, MI 48202 (313) 873-3050</p> <p>Detroit Lions Academy Grades: 6–8 10101 E. Canfield, Detroit, MI 48214 (313) 852-9677</p> <p>Detroit School of Arts Grades: 9–12 123 Selden, Detroit, MI 48201 (313) 494-6000</p> <p>Diann Banks Williamson Education Center Grades: 9–12 5020 Cadieux, Detroit, MI 48224 (313) 347-7280</p> <p>Dixon Educational Learning Academy Grades: Pre-K–8 8401 Trinity Street, Detroit, MI 48228-2807 (313) 945-1330</p> <p>Dossin Elementary-Middle School Grades: K–8 16650 Glendale Street, Detroit, MI 48227-1210 (313) 866-9390</p> <p>Durfee Elementary-Middle School Grades: K–8 2425 Tuxedo Street, Detroit, MI 48206-1222 (313) 252-3070</p> <p>Earhart Elementary-Middle School Grades: Pre-K–8 1000 Scotten Street, Detroit, MI 48209 (313) 849-3945</p>
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<p>East English Village Preparatory Academy Grades: 9–12 5020 Cadieux, Detroit, MI 48224 (313) 922-5600</p>	<p>Garvey Academy Grades: Pre-K–8 2301 Van Dyke Street, Detroit, MI 48214-3958 (313) 866-7400</p>
<p>Edison Elementary School Grades: Pre-K–5 17045 Grand River Avenue, Detroit, MI 48227-1424 (313) 852-1066</p>	<p>Golightly Education Center Grades: Pre-K–8 5536 St. Antoine Street, Detroit, MI 48202-3831 (313) 870-1101</p>
<p>Edmonson Elementary School Grades: Pre-K–4 1300 West Canfield St, Detroit, MI 48201-1006 (313) 332-4646</p>	<p>Gompers Elementary-Middle School Grades: Pre-K–8 14450 Burt Road, Detroit, MI 48223 (313) 494-7495</p>
<p>Edward 'Duke' Ellington Conservatory of Music & Art at Beckham Academy Grades: Pre-K–8 9860 Park Drive, Detroit, MI 48213 (313) 852-8500</p>	<p>Greenfield Union Elementary-Middle School Grades: Pre-K–8 420 W. 7 Mile Road, Detroit, MI 48203-1920 (313) 866-2999</p>
<p>Emerson Elementary-Middle School Grades: Pre-K–8 18240 Huntington Road, Detroit, MI 48219-2800 (313) 831-9688</p>	<p>Hamilton Elementary-Middle School Grades: K–8 14223 Southampton St, Detroit, MI 48213 (313) 870-0556</p>
<p>Fisher Magnet Lower Academy Grades: Pre-K–4 15510 E. State Fair, Detroit, MI 48205-2068 (313) 642-4854</p>	<p>Harms Elementary School Grades: K–5 2400 Central Street, Detroit, MI 48209-1191 (313) 849-3492</p>
<p>Fisher Magnet Upper Academy Grades: 5–8 15491 Maddelein Street, Detroit, MI 48205 (313) 866-7233</p>	<p>Henderson Academy Grades: Pre-K–8 16101 W Chicago, Detroit, MI 48228 (313) 852-0512</p>
<p>Fleming Early Learning Neighborhood Center Grades: Pre-K 18501 Waltham Street, Detroit, MI 48205 (313) 347-8923</p>	<p>Henry Ford High School Grades: 9–12 20000 Evergreen Road, Detroit, MI 48219-2075 (313) 494-7567</p>
<p>Foreign Language Immersion and Cultural Studies School (FLICS) Grades: Pre-K–8 6501 West Outer Drive, Detroit, MI 48235 (313) 651-2400</p>	<p>Hutchinson Elementary-Middle School at Howe Grades: Pre-K–8 2600 Garland, Detroit, MI 48214-4037 (313) 866-4169</p>
<p>Frederick Douglass Academy for Young Men Grades: 6–12 2001 W. Warren, Detroit, MI 48208-2216 (313) 596-3555</p>	<p>J. E. Clark Preparatory Academy Grades: Pre-K–8 15755 Bremen Street, Detroit, MI 48224-3443 (313) 417-9340</p>
<p>Gardner Elementary School Grades: K–5 6528 Mansfield Street, Detroit, MI 48228-5209 (313) 581-4615</p>	<p>Jerry L. White Center Grades: 9–12 14804 W. McNichols, Detroit, MI 48235 (313) 416-4200</p>
	<p>John R.King Academic and Performing Arts Academy Grades: Pre-K–8 15850 Strathmoor Street, Detroit, MI 48227-2965 (313) 866-9600</p>

<p>Keidan Special Education Center Grades: K–8 4441 Collingwood, Detroit, MI 48204 (313) 873-9400</p> <p>Legacy Academy Grades: 6–12 2750 Selden St, Detroit, MI 48208-2544 (313) 344-3710</p> <p>Ludington Magnet Middle and Honors School Grades: 6–8 19501 Berg Road, Detroit, MI 48219-1714 (313) 494-7577</p> <p>Mackenzie Elementary-Middle School Grades: Pre-K–8 10147 West Chicago, Detroit, MI 48204 (313) 416-6400</p> <p>Mann Learning Community Grades: Pre-K–5 19625 Elmira Street, Detroit, MI 48228-5903 (313) 866-9580</p> <p>Marion Law Academy Grades: Pre-K–8 19411 Cliff Avenue, Detroit, MI 48234 (313) 866-3400</p> <p>Mark Twain School for Scholars Grades: Pre-K–8 12800 Visger Street, Detroit, MI 48217-1056 (313) 386-5530</p> <p>Marquette Elementary-Middle School Grades: Pre-K–8 6145 Canyon Street, Detroit, MI 48236-2009 (313) 417-9360</p> <p>Martin Luther King Jr. Senior High School Grades: 9–12 3200 E. Lafayette Street, Detroit, MI 48207-3812 (313) 494-7373</p> <p>Mary McLeod Bethune Elementary-Middle School Grades: Pre-K–8 8145 Puritan Street, Detroit, MI 48227-4068 (313) 494-3830</p> <p>Mason Academy Grades: Pre-K–8 19955 Fenelon Street, Detroit, MI 48234-2273 (313) 866-3700</p> <p>Maybury Elementary School Grades: Pre-K–5 4410 Porter Street, Detroit, MI 48209-2429 (313) 849-2014</p>	<p>Moses Field Center Grades: K–8 1100 Sheridan, Detroit, MI 48214-4220 (313) 866-5790</p> <p>Mumford High School Grades: 9–12 17525 Wyoming Street, Detroit, MI 48221-2414 (313) 416-7400</p> <p>Munger Elementary-Middle School Grades: Pre-K–8 5525 Martin, Detroit, MI 48210 (313) 457-6200</p> <p>Neinas Dual Language Learning Academy Grades: Pre-K–8 6021 McMillan Street, Detroit, MI 48209-1630 (313) 849-3701</p> <p>Nichols Elementary-Middle School Grades: K–8 3000 Burns Street, Detroit, MI 48214-1874 (313) 852-0800</p> <p>Noble Elementary-Middle School Grades: Pre-K–8 8646 Fullerton Street, Detroit, MI 48238-3033 (313) 873-0377</p> <p>Nolan Elementary-Middle School Grades: Pre-K–8 1150 E. Lantz Street, Detroit, MI 48203-1376 (313) 866-7730</p> <p>Osborn High School Grades: 9–12 11600 E. 7 Mile Road, Detroit, MI 48205-2112 (313) 866-0343</p> <p>Palmer Park Preparatory Academy Grades: Pre-K–8 3901 Margareta, Detroit, MI 48221-2260 (313) 494-7300</p> <p>Pasteur Elementary School Grades: K–6 19811 Stoepel Street, Detroit, MI 48221-1745 (313) 494-7314</p> <p>Paul Robeson Malcolm X Academy Grades: Pre-K–8 2585 Grove Street, Detroit, MI 48221-3164 (313) 494-8100</p> <p>Pershing High School Grades: 9–12 18875 Ryan Road, Detroit, MI 48234-1917 (313) 866-7700</p>
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<p>Priest Elementary-Middle School Grades: Pre-K–8 7840 Wagner Street, Detroit, MI 48210-1962 (313) 849-3705</p> <p>Pulaski Elementary-Middle School Grades: Pre-K–8 19725 Strasburg Street, Detroit, MI 48205-1633 (313) 866-7022</p> <p>Randolph Career and Technical Center Grades: 9–12 17101 Hubbell Street, Detroit, MI 48235-3942 (313) 494-7100</p> <p>Renaissance High School Grades: 9–12 6565 W. Outer Drive, Detroit, MI 48235 (313) 416-4600</p> <p>Roberto Clemente Learning Academy Grades: Pre-K–5 1551 Beard, Detroit, MI 48209-2073 (313) 849-3489</p> <p>Ronald Brown Academy Grades: Pre-K–8 11530 E. Outer Drive, Detroit, MI 48224-3265 (313) 886-2611</p> <p>Sampson-Webber Leadership Academy Grades: Pre-K–8 4700 Tireman Street, Detroit, MI 48204-4243 (313) 596-4750</p> <p>Schulze Academy for Technology and Arts Grades: Pre-K–6 10700 Santa Maria Street, Detroit, MI 48221-2334 (313) 340-4400</p> <p>Southeastern High School Grades: 9–12 3030 Fairview Street, Detroit, MI 48214-2215 (313) 866-4500</p> <p>Spain Elementary-Middle School Grades: Pre-K–8 3700 Beaubien Street, Detroit, MI 48201-2118 (313) 494-2081</p> <p>The School at Marygrove Grades: 9 8425 W. McNichols, Detroit, MI 48221 (313) 335-1330</p>	<p>Thirkell Elementary-Middle School Grades: K–8 7724 14th Street, Detroit, MI 48206-2644 (313) 596-0990</p> <p>Thurgood Marshall Elementary School Grades: Pre-K–8 15531 Linwood Street, Detroit, MI 48238-1465 (313) 494-8820</p> <p>Turning Point Academy Grades: K–12 18501 Waltham St., Detroit, MI 48205-8205 (313) 347-8895</p> <p>Vernor Elementary School Grades: Pre-K–6 13726 Pembroke Avenue, Detroit, MI 48235-1519 (313) 494-7342</p> <p>Wayne Elementary School Grades: Pre-K–5 10633 Courville Street, Detroit, MI 48224-2403 (313) 866-0400</p> <p>West Side Academy of Information Technology and Cyber Security Grades: 9–12 4701 McKinley, Detroit, MI 48208 (313) 456-8000</p> <p>Western International High School Grades: 9–12 1500 Scotten Street, Detroit, MI 48209-2139 (313) 849-4758</p>
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The most current school directory can be found by visiting: [School Directory](#), or by searching online for the following web address: <https://www.detroitk12.org/domain/152>.

District Contact Information

3011 W. Grand Blvd.
Detroit, MI 48202
(313) 240-4377

For questions, concerns or comments regarding the Employee Handbook, contact:

Office of Employee Relations
3011 W. Grand Blvd., 10th Floor
Detroit, MI 48202

Program Manager

Carrie S. Bryant
Deputy Executive Director
employee.relations@detroitk12.org

GENERAL EMPLOYMENT

ANTI-DISCRIMINATION, ANTI-RETALIATION AND EEO

0145 - ANTI-DISCRIMINATION

The Board of Education's intent is to provide an environment that fosters the respect and dignity of each person. To this end, the Board is committed to maintaining an environment free of discrimination, unlawful harassment and intimidation.

Prohibited conduct includes that which as the purpose or effect of creating an intimidating, hostile, discriminatory, or offensive environment on the basis of race, color, national origin, sex, sexual orientation, gender identity, disability, age, religion, height, weight, citizenship, marital or family status, military status, ancestry, genetic information and/or any other legally protect category (collectively, "Protected Classes") that are protected by Federal or State civil rights laws. Acts of discrimination and or harassment against a member of the District's community, a student, administrator, professional or support staff member, another Board member, or third party (e.g. visiting speaker, athletic team member, volunteer, parent, etc.) by a member of the Board is strictly forbidden. Any person who is found to have violated this bylaw and applicable District policy will be subject to discipline in accordance with the law.

To file a complaint of discrimination based upon this policy, please utilize the Investigation and Complaint Procedures referenced in Policy 2260.

1422 - NON-DISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY

The Board of Education does not discriminate on the basis of race, color, national origin, sex, sexual orientation, gender identity, disability, age, religion, height, weight, citizenship, marital or family status, military status, ancestry, genetic information, or any other legally protected category, (collectively, "Protected Classes") that are protected by Federal or State civil rights laws, in its educational programs and activities, including employment and admissions opportunities.

District Compliance Officers

The Board designates the following individuals to serve as the District's "Compliance Officer(s)" (also known as "Civil Rights Coordinator(s)"):

Kristen M. Howard, Esq.
Title IX Coordinator, Chief of Staff
3011 W. Grand Blvd., 14th Floor
Detroit, MI 48202
dpscd.compliance@detroitk12.org

Carrie S. Bryant, Esq.
Deputy Executive Director of Employee Relations
3011 W. Grand Blvd., 10th Floor
Detroit, MI 48202
employee.relations@detroitk12.org

The names, titles, and contact information of these individuals will be published annually in the staff handbooks, if any, and on the School District's web site.

The Civil Rights Coordinator is responsible for coordinating the District's efforts to comply with applicable Federal and State laws and regulations, including the District's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination/retaliation or denial of equal access. The Civil Rights Coordinator shall also verify that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act (as amended), Title VI and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendment Act of 1972, Section 504 of the Rehabilitation

Act of 1973 (as amended), and the Age Discrimination in Employment Act is provided to staff members and the general public.

3122.02 - NONDISCRIMINATION BASED ON GENETIC INFORMATION OF THE EMPLOYEE

The Board of Education prohibits discrimination on the basis of genetic information in all aspects of employment, including hiring, firing, compensation, job assignments, promotions, layoffs, training, fringe benefits, or any other terms, conditions, or privileges of employment. The Board also does not limit, segregate, or classify employees in any way that would deprive or tend to deprive them of employment opportunities or otherwise adversely affect the status of an employee as an employee, based on genetic information. Harassment of a person because of his/her genetic information is also prohibited. Likewise, retaliation against an applicant or employee for engaging in protected activity is prohibited.

In accordance with the Genetic Information Nondiscrimination Act (GINA), the Board shall not request, require or purchase genetic information of employees, their family members or applicants for employment. Further, in compliance with this Act, employees are directed not to provide any genetic information, including the individual's family medical history, in response to necessary requests for medical information, with the exception that family medical history may be acquired as part of the certification process for FMLA leave, when an employee is asking for leave to care for an immediate family member with a serious health condition. Applicants for employment are directed not to provide any genetic information, including the individual's family medical history, in response to requests for medical information as part of the District's application process.

"Genetic information," as defined by GINA, means information about: (a) an individual's genetic tests; (b) the genetic tests of that individual's family members; (c) the manifestation of disease or disorder in family members of the individual (i.e., family medical history); (d) an individual's request for, or receipt of, genetic services, or the participation in clinical research that includes genetic services by the individual or a family member of the individual; or (e) the genetic information of a fetus carried by an individual or a pregnant woman who is a family member of the individual and the genetic information of an embryo legally held by an individual or family member using assistive reproductive technology.

If the District either legally and/or inadvertently receives genetic information about an employee or applicant for employment from the employee, applicant for employment or a medical provider it shall be treated as a confidential medical record in accordance with law. The District is prohibited from directing its employees to search commercially and publicly available documents with the intent of finding or obtaining genetic information, or accessing sources from which they are likely to acquire genetic information.

The Superintendent shall appoint a compliance officer who shall be responsible for overseeing the District's compliance with Federal regulations and promptly dealing with any inquiries or complaints. S/he shall also verify that proper notice of nondiscrimination for Title II of the Genetic Information Nondiscrimination Act of 2008 is provided to staff members, and that all District requests for health-related information (e.g., to support an employee's request for reasonable accommodation under the ADA or a request for sick leave) is accompanied by a written warning that directs the employee or health care provider not to collect or provide genetic information. The warning shall read as follows:

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II, including the Board of Education, from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by law. To comply with this law, do not provide any genetic information when responding to this request for medical information (unless the request pertains to a request for FMLA leave for purposes of caring for an immediate family member with a serious health condition). "Genetic information," as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic test, the fact that an individual or an individual's family member sought or received genetic services or participated in clinical research that includes genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

3123 - SECTION 504/ADA PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT

The Board of Education prohibits discrimination against any employee or applicant based upon his/her disability. As such, the District will not engage in employment practices or adopt policies that discriminate on the basis of disability, or

otherwise discriminate against qualified individuals with disabilities in regard to job application procedures, the hiring, advancement or discharge of employees, employee compensation, job training, or other terms, conditions and privileges of employment. The District further will not limit, segregate or classify applicants or employees in any way that adversely affects their opportunities or status because of disability. Additionally, the District will not participate in any contractual or other relationships that have the effect of subjecting qualified individuals with disabilities who are applicants or employees to discrimination on the basis of disability.

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

Major life activities also include the operation of a major bodily function, including, but not limited to, functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, hemic, lymphatic, musculoskeletal and reproductive functions. The operation of a major bodily function includes the operation of an individual organ within a body system.

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

The determination of whether an impairment substantially limits a major life activity must be made without regard to the ameliorative effects of mitigating measures such as medication, medical supplies, equipment or appliances, low-vision devices (defined as devices that magnify, enhance, or otherwise augment a visual image, but not including ordinary eyeglasses or contact lenses), prosthetics (including limbs and devices), hearing aid(s) and cochlear implant(s) or other implantable hearing devices, mobility devices, oxygen therapy equipment or supplies, use of assistive technology, reasonable accommodations or "auxiliary aids or services," learned behavioral or adaptive neurological modifications, psychotherapy, behavioral therapy, or physical therapy.

Section 504 protects persons with a disability who, with reasonable accommodation, can perform the essential functions of the job in question. Title I of the ADA protects individuals who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires.

The Board will provide a reasonable accommodation to the protected persons described above who have an actual disability or who have a record of a disability unless the accommodation would impose an undue hardship on the operation of the District's program and/or activities. A reasonable accommodation is not required for an individual who is merely regarded as having a disability.

The Board designates the following individual to serve as the District's "Compliance Officer" (also known as "Civil Rights Coordinator"):

Kristen Howard
Chief of Staff
Detroit Public Schools Community District
3011 W. Grand Blvd., 14th Floor
Detroit, MI 48202
Email: dpscd.compliance@detroitk12.org

The name, title, and contact information of this individual will also be published annually in staff handbooks, if produced, and on the District's web site.

The Civil Rights Coordinator is responsible for coordinating the District's efforts to comply with and fulfill its responsibilities under Section 504 and Title II of the Americans with Disabilities Act, as amended ("ADA"). A copy of Section 504 and the ADA, including copies of their implementing regulations, may be obtained from the Civil Rights Coordinator. Rights Coordinator will receive all complaints related to civil rights and will disseminate to the applicable department for resolution and/or investigation. Although the Civil Rights Coordinator will disseminate to the applicable department, it will also oversee any investigation of any complaints of discrimination based on disability and will attempt to resolve such complaints.

The Civil Rights Coordinator will oversee the investigation of any complaints of discrimination based on disability, which may be filed pursuant to the District's internal complaint procedure, and will attempt to resolve such complaints. The District will provide for the prompt and equitable resolution of complaints alleging violations of Section 504/ADA.

Training

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

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

Facilities

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

For facilities constructed or altered after June 3, 1977, the District will comply with applicable accessibility standards. For those existing facilities constructed prior to June 3, 1977, the District is committed to operating its programs and activities so that they are readily accessible to persons with disabilities.

Notice

Notice of the Board's policy on nondiscrimination in employment practices and the identity of the Civil Rights Coordinator will be posted throughout the District, and published in the District's recruitment statements or general information publications.

OCR Complaint

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

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

Retaliation

Retaliation against a person who makes a report or files a complaint alleging unlawful discrimination, or participates as a witness in an investigation, is prohibited. Specifically, the Board will not discriminate/retaliate against, coerce, intimidate, threaten or interfere with any individual because the person opposed any act or practice made unlawful by Section 504 or the ADA, or because that individual made a charge, testified, assisted or participated in any manner in an investigation, proceeding, or hearing under those laws, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws.

1662 - ANTI-HARRASSMENT

General Policy Statement

It is the policy of the Board of Education to maintain an education and work environment that is free from all forms of unlawful harassment, including sexual harassment. This commitment applies to all School District operations, programs, and activities. All students, administrators, teachers, staff, and all other school personnel share responsibility for avoiding, discouraging, and reporting any form of unlawful harassment. This policy applies to unlawful conduct occurring on school property, or at another location if such conduct occurs during an activity sponsored by the Board.

The Board will vigorously enforce its prohibition against discriminatory harassment based on race, color, national origin, sex, sexual orientation, gender identity, disability, age, religion, height, weight, citizenship, marital or family status, military status, ancestry, genetic information, or any other legally protected category, (collectively, "Protected Classes") that are protected by Federal or State civil rights laws (hereinafter referred to as "unlawful harassment"), and encourages those within the School District community as well as third parties, who feel aggrieved to seek assistance to rectify such problems. The Board will investigate all allegations of harassment and in those cases where unlawful harassment is substantiated, the Board will take immediate steps to end the harassment, prevent its reoccurrence, and remedy its effects. Individuals who are found to have engaged in unlawful harassment will be subject to appropriate disciplinary action.

For purposes of this policy, "School District community" means students, administrators, and professional and support staff, as well as Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

For purposes of this policy, "third parties" include, but are not limited to, guests and/or visitors on School District property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with, or seeking to do business with, the Board, and other individuals who come in contact with members of the School District community at school-related events/activities (whether on or off School District property).

Other Violations of the Anti-Harassment Policy

The Board will also take immediate steps to impose disciplinary action on individuals engaging in any of the following prohibited acts:

Retaliating against a person who has made a report or filed a complaint alleging unlawful harassment, or who has participated as a witness in a harassment investigation.

Filing a malicious or knowingly false report or complaint of unlawful harassment.

Disregarding, failing to investigate adequately, or delaying investigation of allegations of harassment, when responsibility for reporting and/or investigating unlawful harassment charges comprises part of one's supervisory duties.

Sexual conduct/relationships with students by District employees or any other adult member of the School District community is prohibited, and any teacher, administrator, coach, or other school authority who engages in sexual conduct with a student may also be guilty of the criminal charge of "sexual battery". The issue of consent is irrelevant in regard to such criminal charge and/or with respect to the application of this policy to District employees or other adult members of the School District community.

Reports and Complaints of Harassing Conduct

Members of the School District community, which includes all staff, and third parties are encouraged to promptly report incidents of harassing conduct to an administrator, supervisor or other School District official so that the Board may address the conduct before it becomes severe, pervasive, or persistent

To file a complaint of harassment based upon this policy, please utilize the Investigation and Complaint Procedures referenced in Policy 2260.

Anti-Harassment Compliance Officers

The Board designates the following individuals to serve as the District's "Anti-Harassment Compliance Officers" for the District (hereinafter referred to as the "Compliance Officers").

Kristen M. Howard, Esq.
Title IX Coordinator, Chief of Staff
3011 W. Grand Blvd., 14th Floor
Detroit, MI 48202
dpacd.compliance@detroitk12.org

Carrie S. Bryant, Esq.
Deputy Executive Director of Employee Relations
3011 W. Grand Blvd., 10th Floor
Detroit, MI 48202
employee.relations@detroitk12.org

The names, titles, and contact information of these individuals will be published annually in the staff handbooks, if any, and on the School District's web site.

Privacy/Confidentiality

The School District will employ all reasonable efforts to protect the rights of any party involved in a complaint concerning harassment. All records generated under the terms of this policy shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. All public records created as a part of an investigation of a complaint of discrimination/retaliation will be maintained by the Compliance Officers in accordance with the Board's records retention policy and applicable law.

Sanctions and Monitoring

The Board shall vigorously enforce its prohibitions against unlawful harassment by taking appropriate action reasonably calculated to stop the harassment and prevent further such harassment. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State and Federal law and the terms of the relevant collective bargaining agreement(s).

Where the Board becomes aware that a prior remedial action has been taken against a member of the School District community, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its recurrence, and remedy its effects.

Retaliation

Any act of retaliation against a person who has made a report or filed a complaint alleging unlawful harassment, or who has participated as a witness in a harassment investigation is prohibited.

Allegations Constituting Criminal Conduct: Child Abuse

State law requires any school teacher or school employee who knows or suspects that a child with a disability under the age of twenty-one (21) or that a child under the age of eighteen (18) has suffered or faces a threat of suffering a physical or mental wound, disability or condition of a nature that reasonably indicates abuse or neglect of a child to immediately report that knowledge or suspicion to the county children's services agency. If, during the course of a harassment investigation, the Compliance Officer or a designee has reason to believe or suspect that the alleged conduct reasonably indicates abuse or neglect of the Complainant, a report of such knowledge must be made in accordance with State law and Board Policy.

Education and Training

In support of this Anti-Harassment Policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Superintendent or designee shall provide appropriate information

to all members of the School District community related to the implementation of this policy and shall provide training for District students and staff where appropriate. All training, as well as all information provided regarding the Board's policy and harassment in general, will be age and content appropriate.

WHISTLEBLOWER

1411- WHISTLEBLOWER PROTECTION

The Board of Education expects all its employees to be honest and ethical in their conduct, and to comply with applicable State and Federal laws, Board policies, administrative guidelines and procedures. The Board encourages and requires staff to report all potential fraudulent activity. Parents, volunteers, contractors and concerned citizens are encouraged to report all potential fraudulent activity, when done in good faith belief.

Employees are required to call the Fraud Hotline or contact the Office of Inspector General (OIG) directly, when they have credible information regarding potential fraudulent activity. The District shall provide protections to complainants of potential fraudulent activity who, as a result of reporting violations to the OIG may be subject to retaliation by their supervisors.

Any employee making such a report shall be protected from discipline, retaliation, or reprisal for making a Whistleblower report as long as the employee had a good faith belief as to the accuracy of any information reported. Employees are subject to disciplinary action, up to and including termination for knowingly making a false report under this policy. In accordance with this policy, employees may also be subject to disciplinary action, up to and including termination, if they fail to report any potential fraudulent activity and violations of Federal, State, or local laws involving or relating to the business of the District.

COMPENSATION AND BENEFITS

BENEFITS

3419.03 - PATIENT PROTECTION AND AFFORDABLE CARE ACT

The Board of Education acknowledges that the Patient Protection and Affordable Care Act ("ACA") imposes certain obligations upon the District. Such obligations may include the following:

- A. The District shall notify new employees of health insurance options available through the Health Insurance Marketplace within fourteen (14) days of an employee's employment start date. Sample form notices are available from the U.S. Department of Labor at:

<http://www.dol.gov/ebsa/healthreform/regulations/coverageoptionsnotice.html>

- B. Employees of the District have the option to enroll in the Health Insurance Marketplace. If a full-time employee (as defined by the ACA) of the District enrolls in the Health Insurance Marketplace and receives a subsidy, then the District may be liable for a penalty.

In event that the District concludes that it is fiscally-wise to incur the potential penalty in lieu of providing affordable, minimum value coverage to all full-time employees, the District shall incur the potential penalty.

EAP

4170.01 - EMPLOYEE ASSISTANCE PROGRAM (EAP)

The District believes that early recognition and treatment for mental health problems, illegal drug use or controlled substance abuse, emotional problems, and other personal concerns is important for successful rehabilitation, return to productive work, and reduced personal, family, and social disruption.

The District also encourages the earliest possible diagnosis and treatment for illegal drug use, controlled substance abuse, alcohol abuse, gambling and supports sound treatment efforts. Whenever feasible, the District will assist staff members in overcoming either work-related or personal issues. The District's Employee Assistance Program (EAP) is available to all staff members and it provides professional, confidential, voluntary counseling and other assistance.

EAP provides a short-term intervention strategy and is designed to provide staff the opportunity to promptly address issues of immediate concern to them and their families. The EAP can assist staff members who require longer-term assistance to source an appropriate alternative provider.

The intention of the EAP is early identification and provision of assistance to help resolve either work-related or personal issues. Matters that may be addressed through the EAP include, but are not limited to:

- A. dealing with work or life change;
- B. issues related to becoming a parent or adjusting parenting skills;
- C. concerns about anxiety, depression or other mental health issues relating to the staff member or someone close to them;
- D. personal trauma;
- E. home life enhancement;
- F. relationship issues;
- G. family difficulties;
- H. financial concerns;
- I. legal support;
- J. health matters;
- K. alcohol or substance abuse; gambling or other addictions; and
- L. coping or dealing with grief and/or loss.

Assistance through the EAP will be provided on a confidential basis, and each staff member will be referred to the appropriate treatment and counseling services. However, the decision to seek diagnosis and accept treatment and support is primarily the individual staff member's responsibility. Any costs associated with treatment in excess of those costs covered by the staff member's medical insurance plan shall be borne by the Employee.

Although the District will assist a staff member to the extent feasible through the Employee Assistance Program, the District cannot guarantee that the staff member's use of illegal drugs or abuse of alcohol or controlled substances will not impact adversely the staff member's employment status through disciplinary procedures.

RECOGNITION AND REWARDS

6680 - RECOGNITION

The purpose of this policy is to permit the Board of Education to honor its staff, former Board members, and other nonemployee persons with plaques, pins, token retirement gifts and awards, and other amenities.

The Board may, upon recommendation of the Superintendent, consider, as appropriate, the presentation of token gifts to employees who have rendered service to the District for a period of time. The use of public funds for the purchase of a plaque, medal, trophy, or other award for the recognition of any employee, volunteer, or student is limited to \$100 per recipient in total for the plaque, medal, trophy or other award.

Public funds under the control of the District may not be used to purchase alcoholic beverages, jewelry, gifts, fees for golf, or any item whose purchase or possession is illegal. Any such expenditure violates this policy.

The monetary amount for recognition awards will be adjusted annually by the Michigan Department of Education. On or before December 15 of each year, the Department will, upon request, provide the adjusted limit or, if the index is unavailable, the Department will provide a reasonable approximation.

The Board authorizes expenses incurred as listed above only when they serve a public purpose. Public purposes include, but are not limited to, the promotion of education, rapport with the business community, community relations, and the encouragement of nonemployees to serve as volunteers as well as furthering other interests.

REIMBURSEMENT FOR JOB-RELATED EXPENSES

3440 - JOB-RELATED EXPENSES

The Board of Education may provide for the payment of the actual and necessary expenses, including traveling expenses, of any professional staff member of the District incurred in the course of performing services for the District, whether within or outside the District, under the direction of the Board and in accordance with the Superintendent's administrative guidelines.

The validity of payments for job-related expenses shall be determined by the Superintendent or his/her designee(s).

The District shall pay the expenses of professional staff members when they attend professional meetings approved in accordance with the policy of this Board and in accordance with the administrative guidelines of the Superintendent. Job-related expenses for out-of-state travel require prior approval.

Whenever a staff member is unable to provide appropriate expense documentation, he/she may not be reimbursed for any incurred expenses.

6550 - TRAVEL PAYMENT & REIMBURSEMENT

Travel expenses incurred for official business travel on behalf of the Board of Education shall be limited to those expenses reasonably and necessarily incurred by the employee in the performance of their job duties and responsibilities authorized, in advance, in accordance with administrative guidelines.

The District will follow the rates published annually by the U.S. General Services Administration (GSA), unless otherwise approved by the Superintendent, for payment and reimbursement for per diem meals and lodging. The District will follow the mileage rates in accordance with the Federal IRS prescribed mileage rate.

Unauthorized costs and expenses incurred will not be reimbursed.

Unauthorized expenses include but are not limited to alcohol, entertainment activities, such as movies, fines for traffic violations, and the entertainment/meals/lodging of spouses or guests.

Commercial airfare costs in excess of the basic least expensive unrestricted accommodations class offered by commercial airlines are unallowable except when such accommodations would (1) require circuitous routing; (2) require travel during unreasonable hours; (3) excessively prolong travel; (4) result in additional costs that would offset the transportation savings; or (5) offer accommodations not reasonably adequate for the traveler's medical needs. Instances of commercial airfare cost in excess of the basic least expensive unrestricted accommodations class must be justified and documented on a case-by-case basis.

All travel must be approved in advance. Travel payment and reimbursement must be authorized in advance and must be consistent with the District's travel policy and administrative guidelines and any applicable requirements for federal grants, awards or federally funded programs. For travel paid for with Federal funds, the travel authorization must include documentation that demonstrates that (1) the participation in the event by the individual traveling is necessary to the Federal award; and (2) the costs are reasonable and consistent with the District's travel policy.

All travel shall comply with the travel procedures and rates established in the administrative guidelines. All costs incurred with Federal funds must meet the cost allowability standards within Policy 6114 – Cost Principles – Spending Federal Funds.

SALARY, WAGES AND PAYROLL

6510 - PAYROLL

The most substantial payment of public funds for the operation of the District is made to employees for services rendered. To ensure that each employee so compensated is validly employed by this District and that the compensation remitted fairly represents the services rendered, this policy is promulgated.

Direct Deposit - Payroll Debit Card

Payment of wages shall be by use of direct deposit, payroll debit card, or check except as provided otherwise pursuant to a collective bargaining agreement. Employees' selection between payment by direct deposit or electronic transfer and any subsequent change in election shall be done freely, without intimidation, coercion, or fear of discharge or reprisal for the choice. The District shall pay any fees or costs incurred in connection with paying wages or establishing a process for paying wages by direct deposit and payroll debit card.

Payroll Deductions

Payroll deductions shall be made in accordance with State and Federal law, applicable regulations, District policies, administrative guidelines. The purposes for each payroll deduction shall be provided in related administrative guidelines.

Deductions are not allowed for dues or service fees to a labor organization or for contributions to political action committees.

If a situation arises in which an employee has been overpaid either in salary/wages or fringe benefits, the amount may be deducted from future payments as permissible.

If the District pays any amount of an employee's debt resulting from a default judgment under the State garnishment law, the District may deduct that amount from the employee's future payments as permissible.

To the extent permitted by law and in accordance with the procedures set forth below, the District declares its willingness to enter into an agreement with any of its employees whereby the employee agrees to take a reduction in salary with respect to amounts earned after the effective date of such agreement in return for the District's agreement to use a corresponding amount to purchase an annuity for such employee (or group of employees desiring the same annuity company) from any company authorized to transact the business as specified in law in accordance with Section 403(b) of the Internal Revenue Code, and in accordance with the District's administrative guidelines. However, it shall be clearly understood that the District's only function shall be the deduction and remittance of employee funds.

The District, by providing employees with payroll deduction services for annuities, is not providing any financial advice to employees, and is not vouching for the suitability of any investment or any annuity provider. The District assumes no responsibility or liability for any investment decisions or losses with respect to employee annuity purchases.

Said agreement shall comply with all of the provisions of law and may be terminated as said law provides upon notice in writing by either party. Employees shall notify the Superintendent or his/her designee in writing if they wish to participate in such a program.

The District recognizes that with limited permissible exceptions, as provided by law and as authorized, no deductions should be taken from the salaries of exempt employees. If an exempt employee believes that an improper deduction has been made to his/her salary, the employee should immediately report this information to the Payroll Department and his/her immediate supervisor. All reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, the employee will be promptly reimbursed for any improper deduction made, and the District will make a good faith commitment to avoid any recurrence of the error.

6520 - PAYROLL DEDUCTIONS

The Board authorizes in accordance with the provisions of law or upon proper authorization on the appropriate form that deductions be made from an employee's paycheck form for the following purposes:

- A. Federal and State income tax;
- B. Social Security and Medicare;
- C. Municipal income tax;
- D. Public School Employees Retirement System;
- E. Michigan Public School Employment Retirement System (MPERS) Tax Deferred Payment (TDP) plan;
- F. direct deposit in a chartered credit union and/or bank;
- G. payment of group insurance premiums for a plan in which at least ten percent (10%) of the District employees participate;
- H. payment for benefits of part-time employees who elect to participate in benefits provided to full-time staff;
- I. Deductions relating to benefits provided by the District, including Section 125 flex plans; and
- J. court ordered judgments, liens and wage assignments.

Deductions are not allowed for dues or service fees to a labor organization or for contributions to political action committees

To the extent permitted by law and in accordance with the procedures set forth below, the Board of Education declares its willingness to enter into an agreement with any of its employees whereby the employee agrees to take a reduction in salary with respect to amounts earned after the effective date of such agreement in return for the Board's agreement to use a corresponding amount to purchase an annuity for such employee (or group of employees desiring the same annuity company) from any company authorized to transact the business as specified in law in accordance with Section 403(b) of the Internal Revenue Code, and in accordance with the District's administrative guidelines. However, it shall be clearly understood that the Board's only function shall be the deduction and remittance of employee funds. The Board may limit the number of participating providers and select approved providers.

The Board, by providing employees with payroll deduction services for annuities, is not providing any financial advice to employees, and is not vouching for the suitability of any investment or any annuity provider. The District assumes no responsibility or liability for any investment decisions or losses with respect to employee annuity purchases.

Said agreement shall comply with all of the provisions of law and may be terminated as said law provides upon notice in writing by either party. Employees shall notify the Superintendent's Office or designee in writing if they wish to participate in such a program.

The administration of voluntary benefit will be at the discretion of the Superintendent or his/her designee. The District will only process voluntary deductions when a processing fee is provided by the employee or the vendor to cover the cost of processing the deduction. The processing fee will be set by the Superintendent or his/her designee at a rate to cover all implementation costs associated with the voluntary deduction. The District will not incur any profit from administering voluntary deductions.

6700 - FAIR LABOR STANDARDS ACT (FLSA)

It is the Board of Education's policy to comply with the provisions of the Fair Labor Standards Act (FLSA) and its implementing regulations. The Board will pay at least the minimum wage required by the FLSA to all covered, non-exempt employees. Non-exempt employees are hourly employees, or salaried employees who do not qualify for a professional, administrative, computer or executive exemption under the FLSA. Teachers are generally exempt, even if they are paid on an hourly basis.

Non-exempt employees who work more than forty (40) hours in a given workweek will receive overtime pay in accordance with the FLSA for all hours worked in excess of forty (40).

Non-exempt employees who work overtime without prior approval from the Superintendent or a supervisor may be subject to disciplinary action up to and including termination.

The workweek is established as Monday 12:00AM to Sunday 11:59PM.

To the extent that an employee's individual contract or collective bargaining agreement provides for greater benefits than mandated by the FLSA, the contractor bargaining agreement will be honored.

Notwithstanding the fact that exempt school employees continue to meet the salary basis requirements and are not disqualified from exemption even if the employee's pay is reduced or the employee is placed on a leave without pay for absences for personal reasons or because of illness or injury of less than one (1) work-day because accrued leave is not used for specific reasons, the Board reserves the right to make deductions from the pay of otherwise exempt employees under the following circumstances:

- A. the employee is absent from work for one (1) or more full days for personal reasons other than sickness or disability;
- B. the employee is absent from work for one (1) or more full days due to Sickness or disability if the deduction is made in accordance with a bonafide plan, policy or practice of providing compensation for salary lost due to illness;
- C. to offset amounts employees receive as jury or witness fees, or for military pay;
- D. for unpaid disciplinary suspensions of one (1) or more full days imposed in good faith for workplace conduct rule infractions; and
- E. for penalties imposed in good faith for infractions of safety rules of major significance.

The Board shall also not be required to pay the full salary in the initial or terminal week of employment, or for weeks in which an exempt employee takes unpaid leave under the Family & Medical Leave Act.

This policy is intended to comply with and explain the employees' rights under the Fair Labor Standards Act. To the extent there is any conflict, or the policy exceeds the statutory requirements, the statute and its implementing regulations prevail.

EMPLOYEE CONDUCT

ARRESTS AND CONVICTIONS

3121.02 - EMPLOYEE MISCONDUCT

District employees are required to self-report within forty-eight (48) hours any arrest, arraignment or charge, other than a minor traffic violation, to their supervisor and the Detroit Public Schools Community District Police Department Criminal Convictions, Background and Fingerprinting Unit (DPSCD PD CBFU), and if required by law, to the appropriate state agency. The notice shall not be considered an admission of guilt nor be admissible for any purpose in any proceeding, civil or criminal, administrative or judicial, investigatory or adjudicatory.

Self-reporting shall also be required for any conviction, finding of guilt, withholding of adjudication, commitment to a pretrial diversion program, or entering a plea of guilty or nolo contendere for any criminal offense other than a minor traffic violation within forty-eight (48) hours after the final judgment. When handling sealed and expunged records disclosed under this policy, the District shall comply with all confidentiality provisions.

The Superintendent shall require that all legally sufficient complaints be filed in writing to DPSCD PD CBFU and the District's Office of Employee Relations. All employees shall promptly report any felonious criminal complaint against any

staff member that comes to the employee's attention that may be grounds for the revocation or suspension of a teaching certificate or employment license. The willful failure by an employee to promptly report a complaint shall subject the employee to discipline as provided by law and policy.

ATTENDANCE

3129 - EMPLOYEE ATTENDANCE AND PUNCTUALITY

Timely and regular attendance is an expectation of performance for all District employees. To ensure adequate staffing, positive employee morale, and to meet expected performance standards throughout the District, all District staff shall be held accountable for adhering to their workplace schedule. Excessive employee absenteeism and tardiness negatively affects the provisioning of educational services and is therefore unacceptable. Punctual and regular attendance is therefore an essential responsibility of all District employees.

This policy sets forth the expectations for attendance, communication requirements, and establishes corrective action standards for unacceptable employee attendance.

Failure to Sign/Clock-in and/or out for Employees

Employees are expected to follow the established guidelines for recording their actual hours worked. Not to exceed five (5) minutes at the discretion of the work location supervisor of his/her designee. Failure to properly sign/clock-in and/or out shall be counted as an absence until other evidence is provided.

Misrepresentation of Time Worked/Failure to be at Assigned Work Location

Misrepresentation of time worked is when an employee may sign/clock-in but does not directly report to his/her assigned work area to begin work or sign/clock-in and leaves the work area. Employee supervisors shall address such misrepresentation of time worked through progressive disciplinary action.

Misrepresentation is also when an employee clocks in/out for another employee. Misrepresentation of work of this nature could be fraudulent and subject to disciplinary action.

Call-in Guidelines for Employees

All persons to whom this policy applies who are unable to report to work must notify her or his immediate supervisor at the earliest opportunity, and no later than one hour prior to the scheduled starting time or in accordance with work location procedures, whichever is earlier. All employees to whom this policy applies must advise his/her supervisor of the anticipated date of return.

Should an employee need to be absent or late reporting to work, it is the employee's responsibility to notify their supervisor in accordance with the supervisor's/department's notification process. Employees are required to report on a daily basis when absent (this is not required for employees on an approved Continuous FMLA). Requests in advance are recommended when employees are requesting time off for vacation, personal business and/or planned sick time based on supervisor/department guidelines.

All employees to whom this policy applies on sick leave must be in contact with her or his supervisor on a daily basis during the period of absence. If the expected date of return is not known, the employee shall disclose the date for follow-up treatment. An employee who fails to call-in and report to work as scheduled for more than five (5) consecutively scheduled work days will be classified as having abandoned their position and employment may be subject to termination. The supervisor shall consult the Department of Human Resources and Talent if this situation occurs.

Incidents of not following the departmental notification procedures, including No-Call/No-Show, will be addressed in accordance with the District's Progressive Discipline policy.

No Call/No Show and Employee Job Abandonment

Employees are expected to notify their supervisor in accordance with their work location's procedures for absences and/or tardies in the event he/she cannot be at work as required. An employee who fails to call or report to work is considered a

no call/no show. Any one incident of failure to call/show may result in disciplinary action. Five (5) consecutive missed workdays and failure to notify the employee's supervisor shall be considered job abandonment and shall subject to disciplinary action.

Incidents of not following the departmental notification procedures, including No-Call/No-Show, will be addressed in accordance with the District's Progressive Discipline policy.

Medical Examinations

An employee not able to return to work following five (5) consecutive days of absence for personal illness may, at the District's discretion, have a medical examination by the District's designated physician. The medical examination shall be restricted to the employee's stated reason(s) for the consecutive absences.

Employees who remain on extended sick leave may be asked to have a medical examination by the District's designated physician during the period they are absent after continued absence beyond two (2) consecutive pay periods. Such examinations are required when sufficient evidence of continued illness is not obtainable by other means.

The Department of Human Resources and Talent shall require a medical examination by the District's designated physician for an employee at any time when the maintenance of minimum health standards in a school or department is in question.

An employee returning from a leave of absence shall, at the District's discretion, have a medical examination by the District's designated physician. A form provided by the District for such purpose, from the employee's personal physician, is required for return from leave of absence for illness. An employee who has been ill with a communicable disease must have a medical examination and release by the District's designated physician.

Discipline Related to Employee Attendance

Attendance will be monitored on a regular basis and unsatisfactory attendance will be addressed in a timely and consistent manner. If the employee demonstrates a pattern and practice of absenteeism or tardiness and fails to begin work as scheduled thereby affecting instruction, student care, operational or business functions of the District, disciplinary action shall be warranted. Once an employee reaches the documented verbal warning stage, progressive steps will be issued for attendance occurrences that continue within a rolling 12-month period.

When an employee has been previously counseled under the District's progressive discipline guidelines, the totality of the circumstances will be assessed when determining further action. For situations involving suspension or termination of employment, the supervisor shall consult with the District's Office of Employee Relations prior to implementing disciplinary action.

Timely and regular attendance is a performance expectation of all District employees. Consequently, those employees who have exhibited unsatisfactory attendance which resulted in disciplinary action (written or final) during the course of the year shall have the behavior documented in their annual evaluation.

Any disciplinary action taken to address employee attendance as described within this policy shall be consistent and in accordance with applicable negotiated, collectively bargained agreements and State law.

Time Period for Employee Attendance Management

A rolling twelve (12) month period will be considered in monitoring employee attendance. Attendance will be monitored with the most recent occurrence and subsequent disciplinary action taken for additional occurrences.

TELECOMMUTING

1435 - TELECOMMUTING FOR PROFESSIONAL STAFF

Telecommuting is the ability to work from home or a pre-approved work location away from an employee's work location or District locations making use of the internet, email or phone. By using available technology, an employee is not required to physically commute from home or elsewhere to a District work location.

Telecommuting is neither a universal employee right nor a universal employee benefit. Telecommuting is not appropriate for all employees and positions, nor all employees in the same or similar jobs, and shall be considered on a case-by-case basis by the Superintendent and his/her designees. Telecommuting may be allowed as a reasonable accommodation under the Americans with Disabilities Act (ADA). Requests will be considered on a case-by case-basis in accordance with the law, District policy and administrative guidelines.

A decision to allow telecommuting shall be made by the Superintendent and his/her cabinet level designee as an option when appropriate to the particular needs of the District and telecommuter, or under special circumstances such as adverse weather conditions. Telecommuting shall only be approved on a time-limited basis by the Superintendent and his/her designees and may be discontinued by the Superintendent or his/her designees at any time. All exceptions to this policy may only be made by the Superintendent when required to meet District needs.

The Superintendent and his/her cabinet level designees shall be responsible to develop a means of confirming employee work hours, performance, and holding telecommuter(s) accountable for the output and quality of work output yielded through telecommuting arrangements. This information must be documented and maintained for possible review.

When considering telecommuting arrangements, the Superintendent and his/her designees shall take into consideration, among other factors, the nature of the job/work, and whether the participating department and or individual can maintain the quality of work, performance and productivity, and the ability of the employee to work independently. Failure to fulfill work requirements may result in loss of telecommuting privileges, time charged to leave bank, unpaid leave, revocation of telecommuting privileges, disciplinary action, and/or termination of employment.

District employees who are approved by the Superintendent or his/her designees for a telecommuting arrangement are responsible to ensure, at their own expense, that their telecommuting worksite is conducive to the type(s) of work they perform. Generally, telecommuting work environments must be safe and free of hazards to health and safety, conducive to the type(s) of work the employee will perform, and ergonomically appropriate. District employees who engage in telecommuting arrangements shall therefore ensure the following:

- A. Telecommuting space environment and furnishings (for example a private work space, desk, chair, Internet and telephone access) enable the employee to accomplish his/her assigned duties;
- B. Dedicated workspace allows unobstructed and uninterrupted work, that promotes effectiveness and efficiency;
- C. A working environment that provides security over work related technology, materials, and correspondence until their return to an official work location;
- D. A workspace that separates work from on-going domestic activities;
- E. A workspace that restricts family pets/animals from the work area(s). Child care/elderly care activity or related personal responsibilities should occur outside of the workday and not within the dedicated work area;
- F. Control(s) over noise, interruptions, work related equipment and materials;
- G. Adherence to the number of days or hours of telecommuting allowed each week, the work schedule the telecommuter will customarily maintain, and the manner and frequency of communication with his/her supervisor or designees as expressly directed;
- H. Record of his/her hours worked, vacation, sick or other leave as expressly directed by his/her supervisor;
- I. Adequate internet and telephone service as necessary for email and network functions at the telecommuter's expense;
- J. Accessibility by telephone or electronically within a reasonable time period during the agreed upon work schedule; and
- K. No face-to-face interactions with business contacts are to occur in a residential location.

Employees who do not have or are not able to provide themselves an appropriate place to perform telecommuting work functions shall not telecommute and should work instead at their generally assigned District work location. Any business

expense incurred by the telecommuter as a result of telecommuting arrangement shall obtain department manager approval before being incurred. All requests for reimbursement shall be accompanied by proper documentation to support the expenses, in accordance with all applicable District accounting, ethics and financial control policies and administrative guidelines.

Time at home or elsewhere spent in activities other than work shall not be submitted as work-time by the employee to his/her supervisor or designee as directed. Such a circumstance would constitute falsification of time records to receive pay for time not worked and shall be grounds for termination.

District employees on Family Medical Leave Act (FMLA) leave, or other types of continuous leave shall be prohibited from telecommuting.

CONFIDENTIALITY

8351 - SECURITY BREACH OF CONFIDENTIAL DATABASES

It is the policy of the District when unauthorized access or acquisition of data occurs, which would compromise the confidentiality or security of personal information maintained by the District on a database, the District will take appropriate action to assess the risk, and notify the affected individuals in accordance with its legal obligations.

A "security breach" means the unauthorized access and acquisition of data compromising the security or confidentiality of personal information maintained by the District as part of a database of personal information covering multiple individuals. Unauthorized access may be considered incidental access by an employee or other individual if the access meets all of the following:

- A. the individual acted in good faith in accessing the data
- B. the access was related to the activities of the agency or person
- C. the individual did not misuse any personal information or disclose any personal information to an unauthorized person

Personal information for purposes of this policy means the person's last name, with either the first name or initial when linked to one or more of the following:

- A. social security number
- B. driver's license or State Personal Identification
- C. demand deposit or other financial account numbers, credit or debit card numbers, when combined with access code, security code or password which would allow access to the financial accounts

Promptly upon determining a security breach has occurred, the employee shall notify the Superintendent or his/her designee, in writing.

The Superintendent or his/ her designee shall promptly determine and implement the steps necessary to correct the unauthorized access and any legal requirements for notifying those individuals whose personal information may have been compromised.

Employees who intentionally violate this policy are subject to discipline, up to and including discharge and may be subject to criminal penalties.

The Superintendent shall assure that employees receive a copy of and have readily available access to this policy.

1130 – CONFLICT OF INTEREST

Statement of Purpose

The maintenance of high standards of honesty, integrity, impartiality and professional conduct by the District's employees, officers, and agents ("Officials") is essential to ensure the proper performance of school business as well as to earn and keep public confidence in the District.

This policy is adopted to provide guidance on 1) how to avoid actual or perceived conflicts, and 2) what to do if a conflict arises. Officials are expected to perform their official duties in a manner free from both actual conflicts and the appearance of conflicts.

Definitions

- A. Conflict of Interest occurs when an individual has a financial interest, directly or indirectly, or some other interest that could in some way impair one's fairness and impartiality on the job.
- B. Disclosure means an oral and/or written statement setting forth the nature and details of a conflict.
- C. Family Member means parents, children, uncle, aunt, cousin, nephew, niece, spouse, domestic partner, grandparents, all family members by marriage or by adoption including in-laws and "step" family members, half-brother, half-sister or person who resides in the same household of any employee or Board member.
- D. Financial Interest means income, honoraria, payment for service (including consulting services) or equity such as stock, stock options or other ownership interests and royalties.
- E. Official means District employee, officer or agent.
- F. Other Interest occurs when an individual has an interest that could in some way impair one's fairness and impartiality on the job.
- G. Nominal Value means a monetary value of \$100 or less.

Disclosure Requirements

- A. Annual Disclosures. All Officials shall file Electronic Disclosures upon hire, and thereafter, annually – disclosing all existing, potential, possible and probable conflicts of interest.
- B. Update to Annual Disclosures. All Officials must file a written update to his/her annual disclosure at any time if a change in circumstances presents a potential or perceived conflict of interest. Put another way, when an Official determines the possibility of a conflict of interest, he/she must disclose his/her interest, in writing.
- C. Disclosure of Interest in a Contract. If an Official's financial interest pertains to a proposed contract with the District ("Contract"), he/she shall disclose his/her financial interest in the Contract to the Superintendent or his/her designee within seven (7) days of discovering the existence of the pending or actual contractual relationship with the District. The Superintendent or his/her designee will report the disclosed conflict to the Board and such disclosed conflict will be made a part of the Board's official minutes.
- D. Disclosure of Interest in Employment Action. If an Official required to participate as a committee member in an employment interview becomes aware of an employment applicant that presents a conflict of interest for the Official, or an appearance of a conflict of interest, the Official should immediately advise the committee chairperson of such conflict of interest. If the Official is the committee chairperson, he/she should disclose the conflict to a representative of the Division of Human Resources, and refrain from participating in the interview process, unless cleared to do so by Human Resources.

- E. Disclosure of Acceptance of Unsolicited Gift. If an Official accepts an unsolicited gift of nominal value, he/she must disclose same to the Superintendent or his/her designee **prior** to acceptance of the gift.
- F. District's Disclosure of an Official's Conflict. Upon discovery of any potential conflict of interest, the District will disclose, in writing, the potential conflict of interest to the appropriate Federal awarding agency consistent with the requirements of the granting agency or, if applicable, the pass-through entity.
- G. District's Disclosure of Fraud. The District will disclose, in a timely manner, all violations of Federal criminal law involving fraud, bribery or gratuity that affect a Federal award to the appropriate Federal awarding agency or, if applicable, the pass-through entity.

Standards of Conduct

The following list of expected behavior(s) is intended to provide examples and guidance – it is not intended to be all-inclusive, nor a substitute for good judgment on the part of a District Official:

- A. No District Official shall use his/her position as a District Official to benefit himself/herself or any other individual or agency apart from the total interest of the District.
- B. No Official shall engage in or have a financial interest, directly or indirectly, in any activity that 1) conflicts; 2) has the appearance of a conflict; or 3) raises a reasonable question of conflict - with his/her duties and responsibilities in the school system.
- C. Officials shall not engage in business, private practice of their profession, the rendering of services, or the sale of goods of any type where advantage is taken of any professional relationship they may have with any student or parents of such student in the course of the Official's employment or professional relationship with the District. Prohibited services include, but are not limited to:
 - 1. The provision of any private lesson or services for a fee;
 - 2. The use, sale, or improper divulging of any privileged or confidential information about a student gained in the course of the Official's employment or professional relationship with the District through his/her access to District records;
 - 3. The referral of any student or client for lessons or services to any private business or professional practitioner if there is any expectation of reciprocal referrals, sharing of fees or other remuneration for such referrals; and
 - 4. The requirement of students or clients to purchase any private goods or services provided by an Official or any business or professional practitioner with whom any Official has a financial or other relationship, as a condition of receiving any grades, credits, promotions, approvals or recommendations.

Should exceptions to this prohibition be necessary in order to provide services to students or clients of the District, all such exceptions will be made known to the Official's supervisor and will be disclosed to the Superintendent or his/her designee **before** entering into any private relationship.

- D. Officials shall not make use of materials, equipment or facilities of the District in private practice. For example, an Official cannot: 1) use facilities before, during or after regular business hours for service to private practice clients; or 2) check out items from an instructional materials center for private practice or personal gain.
- E. No Official may participate in the selection, award, or administration of a contract supported by a Federal award if he/she has a real or apparent conflict of interest. Such a conflict of interest would arise when the Official or his/her family member, or an organization which employs or is about to employ the Official or his/her family member, has a financial interest in or a tangible personal benefit from a firm considered for a contract.

- F. Officials shall not participate in any human resource decisions, including involvement in the hiring or selection of applicants for employment if there is any potential or perceived conflict of interest; whether from the Official's or the applicant's perspective.
- G. Officials shall not be given special consideration in dealings with the District.
- H. Officials must adhere to all applicable District policies related to conflict of interest.
- I. To the extent that the District has a parent, affiliate or subsidiary organization that is not a State, local government or Indian tribe, the District may not conduct a procurement action involving the parent, affiliate or subsidiary organization if the District is unable, or appears to be unable, to be impartial.

Gifts and Gratuities

- A. Contractors Involving Federal Grant Funds. Officials cannot solicit or accept gifts, gratuities, honoraria, favors, loans or other things of monetary value from District contractors or subcontractors who are paid by the District using Federal grant funds.
- B. No Solicitation of Contractors Not Involving Federal Grant Funds. Officials cannot solicit or accepts gifts, gratuities, honoraria, favors, loans or other things of monetary value from any person or company: 1) doing business with the District; 2) seeking to do business with the District; 3) seeking official action for the District; or (iv) that has interests that could be substantially affected by the performance of the Official's job duties.
- C. Exceptions. The prohibition in "Standards of Conduct" Item B above shall not apply to:
 - 1. An award publicly presented to an Official by an individual, governmental body or non-governmental entity or organization in the recognition of public service;
 - 2. Complimentary copies of trade publications, books, reports, pamphlets, calendars, periodicals or other informational materials;
 - 3. A gift received from an Official's relative or family member provided that the relative or family member is not acting as a third party's intermediary or an agent in an attempt to circumvent this policy;
 - 4. Admission or registration fee, travel expenses, entertainment, meals or refreshments that are furnished to the Official:
 - a. By the sponsor(s) of an event, appearance or ceremony, which is related to official District business in connection with such an event, appearance or ceremony to which one (1) or more of the public are invited; or
 - b. In connection with teaching, a speaking engagement, or the provision of assistance to an organization or another governmental entity as long as the District does not compensate the Official for admission or registration fees, travel expenses, entertainment, meals or refreshments for the same activity; and
 - 5. A gift of unsolicited items of "nominal value" received from a contractor or subcontractor who is party to a District contract that is not paid with Federal grant funds. Officials are allowed to accept unsolicited items valued up to \$100.00 in any one month period provided that the frequency is limited.
 - 6. A gift that falls under any of the above exceptions which seems unreasonable may be subject to review by the District.
- H. If an Official accepts a gift in violation of this policy, he/she should return the gift and immediately disclose same to the Superintendent or his/her designee.

Disciplinary Action for Violation of This Policy

Officials found to be in violation of this conflict of interest policy will be subject to disciplinary action up to and including termination, as permitted by applicable Board policy, collectively bargained agreements as well as Federal, State, and local law.

COPYRIGHTED MATERIALS

2531 - COPYRIGHTED WORKS

The District directs its staff to abide by all copyright laws. The District recognizes that Federal law applies to public school districts and that staff must, therefore, avoid acts of copyright infringement under penalty of law.

In order to help the staff abide by the laws set forth in Title 17 of the United States Code, the Board directs the Superintendent and his/her designee to provide information regarding the copying and distribution of copyrighted materials for instructional purposes.

Because the Board hosts a web site and stores information on it at the direction of users, it is classified as an on-line service provider for copyright purposes. In order to limit the Board's liability relating to material/information residing, at the direction of a user, on its system or network, the Board directs the Superintendent to annually appoint a designee as the agent to receive notification of claimed infringement. A link to the agent's name, mailing address, telephone number, fax number, and e-mail address shall appear on the home page of the Board's web site. Such contact information, along with the appropriate filing fee, shall also be provided to the Copyright Office of the Library of Congress.

The agent shall be responsible for investigating and responding to any complaints.

DISTRICT PROPERTY AND INFORMATION

7535 - STAFF OVERSIGHT OF AND RESPONSIBILITY FOR DISTRICT PROPERTY

All administrative, instructional, and non-instructional employees, shall maintain appropriate oversight and security of all District property in their care. This includes but is not limited to technology equipment, classroom resource materials, and any and all other District property. Employees should take the necessary precautions in securing workspaces that contain District property. Negligence found in securing items that are otherwise damaged, stolen or misplaced may result in disciplinary action up to and including termination.

8305 - INFORMATION SECURITY

The District collects, classifies, and retains data/information from and about students, staff, vendors/contractors, and other individuals, about programs and initiatives undertaken by the school system, and about and related to the business of the District. This information may be in hard copy or digital format and may be stored in the District or offsite with a third party provider.

Data/information collected by the District shall be classified as Confidential, Controlled, or Published. Data/information will be considered Controlled until identified otherwise.

Protecting District Information Resources is of paramount importance. Information security requires everyone's active participation to keep the District's data/information secure. This includes Board of Education members, staff members/employees, students, parents, contractors/vendors, and visitors who use District Technology Resources and Information Resources.

Individuals who are granted access to data/information collected and retained by the District must follow established procedures so the information is protected and preserved. Board members, administrators, and all District staff members, as well as contractors, vendors, and their employees granted access to data/information retained by the District are required to certify their compliance with the established information security protocols pertaining to District data/information annually. Further, all individuals granted access to Confidential Data/Information retained by the District must certify their compliance with the information security protocols pertaining to Confidential Data/Information annually.

All Board members, staff members/employees, students, contractors/vendors, and visitors who have access to District-owned or managed data/information must maintain the security of the data/information and the District Technology Resources on which it is stored.

If an individual has any questions concerning whether this Policy and/or its related administrative guidelines apply to him/her or how they apply to him/her, the individual should contact the District's Information Technology Department.

The Superintendent and his/her designee shall develop administrative guidelines to set forth the internal controls necessary to provide for the collection, classification, retention, access, and security of District Data/Information.

Further, the Superintendent is authorized to develop procedures to be implemented in the event of an unauthorized release or breach of data/information. These procedures shall comply with the District's legal requirements if such a breach of personally-identifiable information occurs.

The Superintendent shall require the participation of staff members in appropriate training related to the internal controls pertaining to the data/information they collect, to which they have access, and for which they would be responsible for the security protocols.

Third-party contractors/vendors who require access to Confidential Data/Information collected and retained by the District will be informed of relevant District policies governing access to and use of Information Resources, including the duty to safeguard the confidentiality of such data/information.

Failure to adhere to this Policy and its related administrative guidelines may put data/information collected and retained by the District at risk. Employees who violate this policy and/or the administrative guidelines promulgated consistent with this policy may have disciplinary consequences imposed, up to and including termination of employment, and/or referral to law enforcement. Students who violate this Policy and/or Administrative Guidelines will be subject to disciplinary action, up to and including expulsion, and/or referral to law enforcement. Contractors/vendors who violate this Policy and/or Administrative Guidelines may face termination of their business relationships with and/or legal action by the District. Parents and visitors who violate this Policy and/or Administrative Guidelines may be denied access to the District's Technology Resources.

The Superintendent or his/ her designee shall conduct an annual assessment of risk related to the access to and security of the data/information collected and retained by the District.

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

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

A. Sanctions for Non-Compliance

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

B. Local Agency Security Officer (LASO)

The Director of the Criminal Convictions/Background & Live Scan Unit (CCBLU) shall be designated as the District's Security Officer ("LASO") and shall be responsible for overall implementation of this policy and for data and system security. This shall include:

1. Ensuring that personnel security screening procedures are being followed as set forth in this policy;

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

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

C. Agency User Agreements

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

D. Personnel Security

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

1. Background Checks - A Michigan (or state of residency if other than Michigan) and a national fingerprint-based criminal history record check shall be conducted within thirty (30) days of assignment to a position with direct access to criminal justice information or with direct responsibility to configure and maintain computer systems and networks with direct access to criminal justice information. Background re-checks should be conducted every five (5) years.
 - a. A felony conviction of any kind will disqualify an individual for access to criminal justice information.
 - b. If any other results/records are returned, the individual shall not be granted access until the LASO reviews and determines access is appropriate. This includes, but is not limited to, any record which indicates the individual may be a fugitive or shows arrests without convictions. Such approval shall be recorded in writing, signed, dated and maintained with the individual's file.
 - c. If support personnel, contractors or custodial workers need to be in an area where CHRI is maintained or processed, they shall be escorted by or under the supervision of authorized personnel at all times while in those area. Information Technology contractors or vendors will be physically or virtually escorted by authorized personnel anytime said individual have access to facilities, areas, rooms, or an agency's CHRI information system.
2. Subsequent Arrest/Conviction - If an individual granted access to criminal justice information is subsequently arrested and/or convicted, access shall be suspended immediately until the matter is reviewed by the LASO to determine if continued access is appropriate. Such determination shall be recorded in writing, signed, dated and maintained with the individual's file. In the event that the LASO has the arrest/conviction, the Superintendent (if not the designated LASO) shall make the determination; except that, as noted in D(1)(a), individuals with a felony conviction of any kind will have their access indefinitely suspended.

3. Public Interest Denial - If the LASO determines that access to criminal justice information by any individual would not be in the public interest, access shall be denied whether that person is seeking access or has previously been granted access. Such decision and reasons shall be in writing, signed, dated and maintained in the individual's file.
4. Approval for Access - All requests for access to criminal justice information shall be as specified and approved by the LASO. Any such designee must be a direct employee of the District. The District must maintain a readily accessible list that includes the names of all LASO approved personnel with access to criminal justice information, as well as the reason for providing each individual access. This list shall be made available to Michigan State Police upon request.
5. Termination of Employment/Access – Within twenty-four (24) hours of the termination of employment, all access to criminal justice information shall be terminated immediately for that individual, such as requiring the individual to return any keys or access cards to buildings, offices, and/or files, or closing the individual's account and/or blocking access to any systems containing such information at the District.
6. Transfer/Re-assignment - When an individual who has been granted access to criminal justice information has been transferred or re-assigned to other duties, the LASO shall determine whether continued access is necessary and appropriate. If not, s/he shall take such steps as necessary to block further access to such information within the twenty-four (24) hour period immediately following the transfer or reassignment.
7. Information Technology Contractors and Vendors¹ – Prior to granting access to criminal justice information to an IT contractor or vendor, identification must be verified via a Michigan (or state of residency if other than Michigan) and national fingerprint-based criminal history record check. A felony conviction of any kind, as well as any outstanding arrest warrant, will disqualify an IT contractor or vendor for access to criminal justice information. A contractor or vendor with a criminal record of any other kind may be granted access if the LASO determines the nature or severity of the misdemeanor offense(s) does not warrant disqualification. If any other results/records are returned, the individual shall not be granted access until the LASO reviews and determines access is appropriate.

E. Media Protection

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

1. Media Storage and Access – All digital and physical media shall be stored in a physically secure location or controlled area, such as locked office, locked cabinet or other similarly secure area(s) which can only be accessed by authorized individuals. If such security cannot be reasonably provided, then all digital CHRI background data shall be encrypted. Digital media shall be stored on a District or School server. Storage on a third party server, such as cloud service, is not permitted.
2. Media Transport – Digital and physical media shall only be transported upon sufficient justification approved by the LASO. Digital and physical media shall be protected when being transported outside of a controlled area. Only authorized individuals shall transport the media. Physical media (e.g. printed documents, printed imagery, etc.) shall be transported using a locked container, sealed envelope, or other similarly secure measure. To the extent possible, digital media (e.g., hard drives and removable storage devices such as disks, tapes, flash drives and memory cards) shall be either encrypted and/or be password protected during the transport process. The media shall be directly delivered to the intended person or destination and shall remain in the physical control and custody of the authorized individual at all times during transport. Access shall only be allowed to an authorized individual.
3. Media Disposal/Sanitization – When the CHRI background check is no longer needed, the media upon which it is stored shall either be destroyed or sanitized. The LASO and the Superintendent shall approve in writing the media to be affected. This record shall be maintained by the LASO during the individual's active employment plus an additional six (6) years.

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

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

D. Personal Mobile Devices

A personally owned mobile device (mobile phone, tablet, laptop, etc.) shall not be authorized to access, process, store or transmit criminal justice information unless the District has established and documented the specific terms and conditions for personally owned mobile devices.

E. CHRI Background Check Consent and Documentation

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

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

F. Controlled Area/Physical Protection

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

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

G. Passwords (Standard Authentication)²

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

1. at least eight (8) characters long on all systems

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

H. Security Awareness Training

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

I. Secondary Dissemination of Information

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

1. the date of release;
2. record disseminated;
3. method of sharing;
4. agency personnel that shared the CHRI;
5. the agency, and name of the individual at the agency, to which the information was released;
6. whether an authorization was obtained.

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

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

¹Non-Information Technology contractors or vendors shall not have access to criminal justice information.

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

3440.03 - STAFF USE OF DISTRICT-OWNED VEHICLES

The purpose of this policy is to establish standard requirements and procedures for employees operating District-owned vehicles. The appropriate and responsible use of the District vehicles is of the utmost importance to the Board and

Superintendent. Vehicle assignments to individual employees should be held to a minimum and kept functionally cost effective.

This policy encompasses all vehicles owned or operated by the District and includes all authorized drivers of District-owned or rented vehicles. Specific guidance for the use of District vehicles by the District Police Department ("DPSCD PD") is provided separately.

Drivers of District vehicles shall adhere to the following terms and conditions of vehicle usage:

- A. District vehicles shall be operated only by authorized District employees.
- B. District vehicles are to be used for official District business only.
- C. Only parties traveling on official District business shall travel in District vehicles.
- D. All District vehicle operators shall possess a valid driver's license and insurance. Employees who operate District vehicles are responsible for notifying the District if their license is suspended, there are other changes in their ability to drive, or other driving restrictions occur as soon as is practicable. Employees who drive District vehicles must forward a copy of their driver's license to the DPSCD PD on an annual basis.
- E. All District vehicles are to be operated in a safe and efficient manner. Operators must report any defect or damage to the vehicle as soon as one is identified. The driver is responsible for the appearance, interior and exterior cleanliness of the vehicle.
- F. Operators of District vehicles shall wear seat belts at all times while the vehicle is in motion. All passengers in District vehicles shall wear the appropriate passenger-restraining device; Operators of District vehicles shall obey traffic laws. If any criminal or civil penalty is incurred while operating the District vehicle, the driver is personally liable. The employee must immediately notify his/her supervisor of any such violation and provide proof of payment.
- G. Non-District employees may only be passengers in District-owned vehicles if prior approval is obtained from the vehicle operator's cabinet head.
- H. There will be absolutely no smoking by operators or passengers in District vehicles.
- I. Operators of permanently assigned District vehicles shall make no modifications, permanent or temporary, to the vehicle. This includes, but is not limited to, any adhesive logo or message-type advertisements.
- J. The use of a cell phone device while operating a District vehicle is strongly discouraged.
- K. Employees are strictly prohibited from operating a District vehicle while under the influence of alcohol or illegal drugs and are likewise prohibited from using prescription or over the counter medication which may impair their ability to safely operate a motor vehicle.
- L. In the case of an accident, the employee driving the vehicle shall immediately notify his/her supervisor and the nearest police department to report the accident and complete a full accident report. Copies of the accident report must be forwarded to the employee's supervisor and the Department of Risk Management through the completion of accident reporting form 63.
- M. The District prohibits the transport of any cargo unrelated to the performance of District business.

The demands of District's operations will sometimes justify overnight vehicle assignments as an efficient and effective means of enabling District staff to be at various work sites or on emergency call status. In order to minimize operating costs and the potential for vehicle under-utilization, misuse, and abuse, supervisors shall carefully manage vehicle assignments as directed by the Superintendent to assure adherence to the policies stated in this policy.

Temporary overnight vehicle assignments are defined as the assignment of a District vehicle to an employee who may need to use the vehicle overnight for a specific official assignment and duration. All temporary overnight vehicle assignments are subject to approval by the Superintendent. District vehicles may only be driven to and from the employee's home and work location, and no other locations, except by explicit approval of the Superintendent. In all

cases, the Superintendent shall exhaust the highest level of scrutiny to the specific merits of each temporary overnight vehicle assignment request prior to approval.

The Superintendent must explicitly approve all temporary overnight vehicle assignments. Factors to be considered in determining if a basis for approval exists on a temporary overnight vehicle assignment shall include, but are not limited to:

- A. the employee is on-call and/or has emergency response duties;
- B. the employee is assigned duties at multiple work sites; and or
- C. the employee must use a vehicle equipped with a two-way radio or other specialized equipment used by the employee in the performance of the duties of his/her position.

Personal use of District vehicles is not authorized except for non-recurring personal errands on the way to and from a work assignment (if within direct route to and from a work or an authorized location) and to stop for a meal on the way to or from another District location. District vehicles will not be operated on non-work days unless it is explicitly approved by the Superintendent.

When purchasing fuel, receipts must be submitted to the District. When using a credit card the vehicle number and mileage will be written on the fuel receipt. The credit card and fuel receipt must be returned to employee supervisors immediately upon the completion of the trip.

Gasoline procurement for District-owned vehicles, when possible, will be made at the transportation fueling sites or other District designated refueling sites.

District employees assigned a vehicle will sign a form indicating knowledge of the rules pertaining to District vehicle use and the employee's agreement to abide by these procedures, inclusive of temporary vehicle assignment use for District business.

Any misuse, unauthorized or illegal use of a District vehicle by an employee is a violation of this policy and shall be investigated by the Department of Employee Relations, and in certain cases referred to the Office of the Inspector General for investigation.

Violations of this policy shall result in disciplinary action, up to and including termination from employment, inclusive of being ordered to make full restitution to the District for financial losses to the District.

4440.03 - STAFF USE OF DISTRICT-OWNED VEHICLES

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must forward a copy of their driver's license to the DPSCD PD on an annual basis.

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- K. Employees are strictly prohibited from operating a District vehicle while under the influence of alcohol or illegal drugs and are likewise prohibited from using prescription or over the counter medication which may impair their ability to safely operate a motor vehicle.
- L. In the case of an accident, the employee driving the vehicle shall immediately notify his/her supervisor and the nearest police department to report the accident and complete a full accident report. Copies of the accident report must be forwarded to the employee's supervisor and the Department of Risk Management through the completion of accident reporting form 63.
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DRUGS AND ALCOHOL

3122.01 - DRUG-FREE WORKPLACE

The Board of Education believes that quality education requires a drug-free workplace. It will seek, therefore, to establish and maintain an educational setting which meets the requirements in the Drug- Free Workplace Act and the Drug-Free Schools and Communities Act.

The Board prohibits the manufacture, possession, use, distribution, or dispensing of any controlled substance, including alcohol, by any member of the District's staff at any time while on District property or while involved in any District-related activity or event. Any staff member who violates this policy shall be subject to disciplinary action in accordance with District guidelines and the terms of any collective bargaining agreements.

To this end, the Board reserves the right to require certain employees to submit to alcohol and controlled substance testing.

The Superintendent shall establish administrative guidelines for the alcohol and controlled substances testing program in accordance with applicable Federal and state laws, District policies and/or terms of currently-valid negotiated, collectively bargaining agreements.

The Superintendent shall establish whatever programs and procedures are necessary to meet the Federal certification requirements, but which also comply or do not interfere with any collective bargaining agreements.

The Board shall not permit the manufacture, possession, use, distribution, or dispensing of any controlled substance, alcohol, and any drug paraphernalia, by any member of the District's staff at any time while on District property or while involved in any District related activity or event. Any staff member who violates this policy shall be subject to disciplinary action in accordance with District guidelines and the terms of collective bargaining agreements.

3170 - SUBSTANCE ABUSE

The Board of Education recognizes alcoholism and substance abuse as treatable illnesses. When such illnesses impair the performance of professional and support staff members, the Board recognizes the responsibility to assist in a manner recommended by appropriate specialists in the treatment of those illnesses.

A professional or support staff member having an illness or other problem relating to the use of alcohol or other substances will receive the same careful consideration and offer of assistance that is presently extended to professional or support staff members having any other illness.

The responsibility to correct unsatisfactory job performance or behavior resulting from a suspected health problem rests with the professional or support staff member. Failure to do so will result in appropriate corrective or disciplinary action as determined by the Board.

No professional or support staff member will have his/her job security or promotion opportunities jeopardized by his/her request for counseling or referral assistance.

Staff members may not avoid consequences of positive drug or alcohol testing after being instructed to submit to a drug or alcohol test.

Professional or support staff members who suspect they may have an alcohol or other drug abuse problem are encouraged to seek counseling and information on a confidential basis by contacting resources available for such service.

4162 - CONTROLLED SUBSTANCE AND ALCOHOL POLICY FOR COMMERCIAL MOTOR VEHICLE (CMV) DRIVERS AND OTHER EMPLOYEES WHO PERFORM SAFETY SENSITIVE FUNCTIONS

Purpose

The District believes that the safety of students while being transported to and from school or school activities is of utmost importance and is the primary responsibility of the driver of the school vehicle. To fulfill such a responsibility, each driver, as well as others who perform safety-sensitive functions with District vehicles, must be mentally and physically alert at all times while on duty.

To that end, the District has established this policy, which includes an alcohol and controlled substances testing program. The Board expects all Drivers to comply with Board Policy 4122.01 on Drug Free Workplace that prohibits the possession, use, sale, or distribution of alcohol and any controlled substance on school property at all times.

Further, the District concurs with the Federal requirement that all Drivers should be free of any influence of alcohol or controlled substance while on duty. Therefore, participation in the alcohol and controlled substances testing program is a condition of employment for all Drivers.

Covered Employees

This policy covers all commercial driver's license (CDL) holders and regular and substitute bus drivers as well as other staff who operate, inspect, service and condition a commercial motor vehicle (CMV) while on duty, regardless of whether they are required to hold a CDL. This policy also covers other staff members who drive students in or inspect, service, and condition non-CMV District vehicles.

Definitions

For purposes of this policy and the guidelines associated with the policy, the following definitions shall apply.

- A. The term *alcohol* means the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols, including methyl or isopropyl alcohol. This term is a volume breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test as described herein.
- B. The term *controlled substance* includes any illegal drug, the possession or use of which is unlawful pursuant to Federal, State or local laws and regulations, and any drug that is being used illegally, such as a prescription drug that was not legally obtained or not used for its intended purposes or in its prescribed quantity. The term does not include any legally-obtained prescription drug used for its intended purpose in its prescribed quantity unless such use would impair the individual's ability to safely perform safety-sensitive functions. This term includes, but is not limited to, marijuana metabolites, cocaine metabolites, amphetamines, opiate metabolites, phencyclidine (PCP).
- C. The term *controlled substance abuse* includes excessive use of alcohol as well as prescribed drugs not being used for prescribed purposes, in a prescribed manner, or in the prescribed quantity.
- D. The term *safety-sensitive functions* includes waiting to be dispatched, inspecting equipment, servicing, driving, loading or unloading District vehicles, as well as repairing, obtaining assistance, or remaining in attendance upon a disabled District vehicle. This term further includes any period in which an individual is actually performing,

ready to perform, or immediately available to perform any safety-sensitive function.

- E. The term *CDL license holder* means all Driver CDL holders and regular and substitute bus drivers who operate a commercial motor vehicle while on duty, as well as other staff members who operate, inspect, service and condition a commercial motor vehicle (CMV) while on duty, regardless of whether they are required to hold a CDL.
- F. This policy also covers other staff members who drive students in or inspect, service, and condition non-CMV District vehicles.
- G. The term *while on duty* means all time from the time the Driver begins to work or is required to be in readiness for work until the time s/he is relieved from work and all responsibility for performing work.

Procedures

The Superintendent shall establish a drug and alcohol testing program whereby each Driver is tested for the presence of alcohol in his/ her system as well as for the presence of the following controlled substances:

- A. Marijuana;
- B. Cocaine;
- C. Opiates;
- D. Amphetamines, and
- E. Phencyclidine (PCP).

Alcohol and controlled substance tests are to be conducted in accordance with Federal and State regulations under the following circumstances:

- A. Reasonable suspicion;
- B. Upon return to duty after any alcohol or drug rehabilitation;
- C. After any accident; and/or
- D. in a randomized program of testing.

Any staff member who tests positive as defined in the guidelines shall be:

- A. immediately prohibited from driving any District vehicle or conducting a safety sensitive function;
- B. evaluated by a substance abuse professional;
- C. provided information regarding drug/alcohol counseling; or referred to the District's Employee Assistance Program;
- D. subject to discipline, up to and including discharge, in accordance with District guidelines and the terms of any applicable collective bargaining agreements.

No staff member who has tested positive for alcohol or a controlled substance may be returned to a safety sensitive position without having been evaluated by a qualified substance abuse professional (SAP), completed any required treatment program, and passed a retest. Return to a safety sensitive position is solely at the District's discretion.

Prior to the beginning of the testing program, the District shall provide training for all employees, including Drivers and their supervisors, about:

- A. the dangers of illegal drug use and controlled substance and alcohol abuse;

- B. indicators of probable alcohol misuse and controlled substance abuse;
- C. the sanctions that may be imposed for violations of Policy 4122.01.

The Superintendent or his/her designee shall arrange for periodic retraining of supervisors and staff members as necessary. The Superintendent or his/her designee shall also provide a copy of this policy and testing guidelines to all Drivers of District vehicles and will include available resources to assist employees with problems related to the use of alcohol and controlled substances.

The Superintendent through his/her designee shall provide through internal and or external contracted entities the following services:

- A. testing of urine samples;
- B. methodology and procedures for conducting random tests for controlled substances and alcohol; and
- C. preparation and submission of required reports to internal or external entities.

The Superintendent or his/her designee shall also designate District employees or contracted entities who will conduct alcohol breathalyzer tests, the District's MRO, and the drug collection site(s) in accordance with the requirements of the law.

DRESS AND GROOMING

3216 - STAFF DRESS AND GROOMING

The Board believes that staff members set an example in dress and grooming for students to follow. A staff member who understands this precept and adheres to it enlarges the importance of his/her task to serve as a role model to students, presents an image of dignity, and encourages respect. These factors act in a positive manner toward the maintenance of academic decorum and discipline.

District employees shall generally maintain a neat, well-groomed, and professional appearance that is appropriate for their job functions. Attire should always be appropriate to the work location environment and reflect a professional image to the division, school, or department's internal and external customers, the public, and stakeholders whom professional and support staff interact.

No dress code policy can cover all contingencies, so employees must exert a certain amount of judgment in their choice of clothing. Notwithstanding, the District retains the authority to specify dress and grooming guidelines for staff that will prevent such matters from having an adverse impact on the educational process. When assigned to District duty, on or off District property, all professional and support staff members shall:

- A. remain physically clean, neat, and well groomed;
- B. dress in a manner consistent with duties and responsibilities that communicates to students a pride in personal appearance;
- C. practice grooming habits in such a way that their hairstyle or dress does not cause a health, safety hazard, and or disrupt work and classroom settings; and
- D. dress in a manner that communicates professionalism to students and the community.

Central office based professional and support staff who interact with members of the public, parents, students, employment applicants, vendors, and community/ business leaders shall default to business professional dress with their attire unless the Superintendent and his/her central office designee(s) indicate otherwise. When in doubt, professional staff and support staff employed at the central office shall adhere to a business professional dress code. Men should wear business suits if possible; however, blazers may be worn with dress slacks. Examples of business or professional clothing include jackets and blazers with matching pants, skirt or dresses. Central office staff adhering to the business professional dress code shall wear slacks/pants, shirts/blouses and other formal combinations.

Central office staff shall dress conservatively. Revealing clothing should be avoided. Persons employed in the central office shall wear dress shoes. Head wear is not permitted in a business professional dress code unless it is for religious or cultural significance or for occupational purposes.

Business casual is the minimum level of acceptable casual dress in all other District settings. Employees and contract workers should minimally default to business casual with their attire unless division/department management indicates otherwise. Notwithstanding, business casual is the minimum level of acceptable dress in most District work locations.

All school based professional and support staff shall minimally maintain a "business casual" dress in order to work comfortably, while projecting a professional image for students, parents, and community members. "Business casual" is a generally accepted dress code standard for the school settings. Appropriate "business casual" dress is typically less formal than traditional business clothing but still professional enough to be appropriate for office and school environments.

Examples of "business casual" clothing items includes but is not limited to: (1) khaki styled pants, trousers and business casual slacks at least ankle length, (2) pressed dress shirt or blouse (traditional button-down, collared is often appropriate)—a tie is optional and a blazer can also be appropriate, (3) polishable loafers, oxfords and boots for men, and for women pumps, flats, dress sandals and other types of shoes shall adhere to the "business casual" standard.

Examples of inappropriate "business casual" clothing items include but are not limited to: (1) sweat suits, jogging suits, warm-up suits, wind suits, (2) Yoga pants/exercise leggings, (3) shorts, skirts, and dresses shorter than three inches above the knee (all types)—unless needed to execute assigned duties and responsibilities, (4) casual sandals, "Flip-Flop" thong sandals – plastic, foam, and/or rubber beach type, (5) faded, tattered, frayed, or wrinkled clothing inclusive of denim jeans, (6) casual t-shirts, tube tops, crop tops, off the shoulder tops, spaghetti straps without something over them (7) no midriff, back skin, cleavage or undergarments may show when standing, bending, sitting or stooping, (8) hats or baseball caps, head coverings that do not serve an occupational, cultural or religious purpose or protect from inclement weather and (9) Clothing that is see-through.

Wearing workplace-appropriate denim jeans that are free of holes and tears on special event days or occasionally is appropriate. Collared shirts, polo shirts, sweaters, and turtlenecks are appropriate for men and women. T-shirts with school logos that promote school spirit or a university/college going culture shall be considered appropriate attire for the purpose of this policy.

Clothing for all professional and support staff members shall be non-distracting in length and fit, clean, and properly fitting. The cut of sleeveless garments shall not expose undergarments or be otherwise immodest. Upper garments must adequately cover the waistline and must not expose the midriff while the professional and support staff member is performing school-related activities.

Garments traditionally designed as undergarments, such as boxer shorts, sport bras, sleeveless undershirts or other male/female undergarments shall not be worn as outer garments or intentionally displayed. All footwear must remain secure on feet and not present a safety hazard.

The superintendent and his/her designees may approve variations of this staff dress code policy for special situations such as field days, spirit days, class or team days, work days (when there are no parent conferences or meetings with the public) or for those individuals whose responsibilities may necessitate an alternate form of dress, such as physical education teachers, vocational education instructors, coaches (in season), JROTC and other support personnel, such as food service personnel. Disciplines of particular subject areas may necessitate staff dress and grooming guidelines other than "business casual, " in such circumstances the Superintendent and his/her designees shall provide direction.

Professional and support staff are expected to comply with the standards outlined in this policy. Determination of the appropriateness of professional and support staff dress shall remain under the purview and discretion of the Superintendent and his/her designees. He/she shall counsel individual employee(s) regarding suitable, appropriate, acceptable and professional dress, and provide direction as needed. At the worksite level, central office and school-based administrators shall remain responsible for ensuring that employees comply with this policy. Employees who report to work dressed in an unacceptable manner shall be sent home and directed to return to work in proper attire within a reasonable time period. Repeated violations may result in further disciplinary action.

Reasonable accommodations shall be made, by the Superintendent and his/her designees for employees who because of a held religious beliefs, cultural heritage, or medical reasons request a waiver of a particular part of this policy and supporting guidelines for professional and support staff dress and grooming.

ETHICS

3210 - STANDARDS OF ETHICAL CONDUCT

All employees are representatives of the District and shall conduct themselves, both in their employment and in the community, in a manner that will reflect credit upon themselves and the school system.

All professional staff members shall:

- A. teach efficiently and faithfully, using the books and materials required, following the prescribed courses of study, and employing approved core content standards, pedagogical approaches, and methods of instruction as provided by law and by the rules of the Michigan Department of Education, and as required by the District;
- B. keep current in their subject area through attendance at professional meetings, acquaintance with professional publications, and participation in in-service activities;
- C. make a reasonable effort to protect the student from conditions harmful to learning and/or to the student's mental and/or physical health and/or safety;
- D. not unreasonably restrain a student from independent action in pursuit of learning;
- E. not unreasonably deny a student access to diverse points of view;
- F. not intentionally suppress or distort subject matter relevant to a student's academic program;
- G. not intentionally expose a student to unnecessary embarrassment or disparagement;
- H. not intentionally violate or deny a student's legal rights;
- I. not harass or discriminate against any student on any basis prohibited by law or the Board and shall make reasonable efforts to assure that each student is protected from harassment or discrimination;
- J. not exploit a relationship with a student or any district staff member for personal gain or advantage;
- K. keep confidential personally identifiable information obtained in the course of professional service, unless disclosure serves professional purposes or is required by law;
- L. take reasonable precautions to distinguish between personal views and those of any educational institution or organization with which the individual is affiliated;
- M. not intentionally distort or misrepresent facts concerning an educational matter in direct or indirect public expression;
- N. not use institutional privileges for personal gain or advantage;
- O. accept no gratuity, gift, except as permitted by Board Policy 3214, loan, reward, promise of future employment, favor, or service based upon an understanding that might influence professional judgment;
- P. maintain honesty in all professional dealings;
- Q. maintain, prepare, and submit promptly all reports that may be required by State law, State Department of Education rules, Board rules, and administrative directives;
- R. not deny a colleague professional benefits, advantages, or participation in any professional organization on any basis prohibited by law or the Board;
- S. not interfere with a colleague's exercise of political or civil rights and responsibilities;

- T. not use abusive and/or profane language or display unseemly conduct in the workplace;
- U. not engage in harassment or discriminatory conduct which interferes with an individual's performance of professional or work responsibilities or with the orderly processes of education or which creates a hostile, intimidating, abusive, offensive, or oppressive environment; and, further, shall make reasonable efforts to assure that each individual is protected from such harassment or discrimination;
- V. not make malicious or intentionally false statements about a colleague;
- W. not use coercive means or promise special treatment to influence professional judgments of colleagues;
- X. not misrepresent one's own professional qualifications;
- Y. not submit fraudulent information on any document in connection with professional activities;
- Z. not make any fraudulent statement or fail to disclose a material fact in one's own or another's application for a professional position;
- AA. not withhold information regarding a position from an applicant or misrepresent an assignment or conditions of employment;
- AB. provide upon the request of a certificated individual a written statement of specific reason for recommendations that lead to the denial of pay increases, significant changes in employment, or termination of employment;
- AC. not assist entry into or continuance in the profession of any person known to be unqualified in accordance to applicable statutes and State Board of Education rules;
- AD. self-report within forty-eight (48) hours to appropriate authorities any arrest and final dispositions of such arrest other than minor traffic violations, to their supervisor and the District's Criminal Convictions, Background and Fingerprinting Unit, and if required by law, to the appropriate state agency. DDUI is not considered a minor traffic violation. Staff members shall self-report any conviction, finding of guilt, withholding of adjudication, commitment to a pretrial diversion program, or entering of a plea of guilty or Nolo Contendere for any criminal offense other than a minor traffic violation within forty-eight (48) hours after the final judgment;
- AE. report any criminal act, and/or disruptive, and/or inappropriate behavior to the administrator or designee to whom the employee is responsible;
- AF. report all allegations of child abuse and/or neglect immediately upon knowledge, to the Michigan Department of Health and Human Services, call 855-444-3911 any time day or night, and the site administrator. Failure to immediately report child abuse and/or neglect to the proper authorities will lead to disciplinary action.
- AG. seek no reprisal against any individual who has reported any allegation of a violation; and
- AH. No staff member shall have any interest, financial or otherwise, direct or indirect; engage in any business transaction or professional activity; or hold any employment or contractual relationship; or incur any obligation of any nature that is in conflict with the proper or full and faithful discharge of his/her duties.

3210.01 - CODE OF ETHICS

Society has charged public education with trust and responsibility that requires of professional educators the highest ideals and quality service. The Michigan State Board of Education Code of Ethics articulates the ethical standards to which District staff are expected to adhere in their job performance.

All members of the Board, and district employees, regardless of their position, because of their dual roles as public servants and educators are to be bound by Code of Ethics. Adherence to the Code of Ethics shall create an environment of honesty and integrity and aid in achieving these common missions for all District students, to provide a high quality education and to improve their health, safety and wellbeing.

As stated in the Michigan Professional Educator's Code of Ethics:

Ethical Standards: The following ethical standards address the professional educator's commitment to the student and the profession.

A. Service toward common good

Ethical Principle: The professional educator's primary goal is to support the growth and development of all learners for the purpose of creating and sustaining an informed citizenry in a democratic society.

B. Mutual respect:

Ethical principle: Professional educators respect the inherent dignity and worth of each individual.

C. Equity

Ethical principle: Professional educators advocate the practice of equity. The professional educator advocates for equal access to educational opportunities for each individual.

D. Diversity

Ethical principle: Professional educators promote cross-cultural awareness by honoring and valuing individual differences and supporting the strengths of all individuals to ensure that instruction reflects the realities and diversity of the world.

E. Truth and honesty

Ethical principle: Professional educators uphold personal and professional integrity and behave in a trustworthy manner. They adhere to acceptable social practices, current state law, state, and national student assessment guidelines, and exercise sound professional judgment.

Personnel Matters

This Code of Ethics applies to all members of the Board, administrators, teachers, and all other employees regardless of full or part time status. It also applies to all persons who receive any direct economic benefit from the District.

Personnel Matters

A. Confidentiality.

An educator shall comply with State and Federal laws and regulations, and Board policies relating to the confidentiality of student records. Unethical conduct includes, but is not limited to, sharing of confidential information concerning student academic and disciplinary records, personal confidences, health or medical information, family status and/or income, and assessment/testing results.

B. Enforcement.

Enforcement will be pursuant to State law and to Board policies, which may include penalties for violations of the Code of Ethics that will be imposed pursuant to the applicable State law or Board policy.

C. All District employees will be required to certify that the employee has read, understands, and agrees to abide by this Code of Ethics as well as the state laws and Board policies and regulations cited in the Code. A failure to sign the Certificate will not excuse a failure to comply with the Code of Ethics. The certification shall be submitted according to a process determined by the Division of Human Resources and Talent. Infractions shall be reported to the Superintendent, his/her designees, and of the Office of the Inspector General.

Employees are subject to various other laws, rules, and regulations including but not limited to this Code of Ethics which should be viewed as additive to these laws, rules and regulations. To the extent it does not in conflict with any laws, Board policies, or governmental regulations, this Code of Ethics shall control with regard to conduct. In the event of any conflict, the law, regulation, or Board policy shall control.

8900 - FRAUD, WASTE, AND ABUSE

The Board prohibits and will not tolerate or condone fraudulent, unethical, or dishonest activities that promote or condone fraud, waste, and abuse.

Consistent with the standards of conduct in the Code of Ethics and other District policies and administrative guidelines, the Board is committed to establishing and maintaining an organizational culture of ethical behavior. As such, the Superintendent and his/her designees shall be responsible for implementing an effective system of internal controls to prevent and/or minimize fraud, waste, and abuse.

This policy applies to all District officers and employees as well as consultants, vendors, contractors and/or any other party with a current or prospective business relationship with the District. Any investigative activity required will be conducted without regard to the suspected wrongdoers' length of service, position/title or relationship(s) to the District.

This policy: 1) identifies what constitutes fraud, waste, and abuse; 2) establishes protocol for the reporting and investigation of suspected wrongful activities that fall within these definitions; and 3) if fraud, waste or abuse is substantiated, authorizes the Superintendent or his/her designee to pursue employee discipline and/or legal remedies made available under the law.

What Constitutes Fraud, Waste, and Abuse

Fraud is a willful or deliberate act or omission by which an individual intends to unlawfully deprive the District through an unauthorized benefit, service, property or something of value by deception, misrepresentation or other unethical or unlawful means. Fraudulent acts include, but are not limited to:

- A. Forgery, falsification or alteration of District documents or records;
- B. Falsification or misrepresentation of reports, timesheets, travel claims for reimbursement or other expense reimbursement claims;
- C. Authorizing or receiving compensation for time not worked;
- D. Unauthorized removal, theft or inappropriate use or destruction of District records, furniture, fixtures, equipment, goods, supplies or other assets;
- E. Embezzlement or misappropriation of funds or impropriety in handling or reporting of money or financial transactions of the District;
- F. Offer, payment or acceptance of bribes or gratuities;
- G. Accepting or seeking anything of material value from contractors, vendors, or persons providing services/materials to the District. Except for those items allowed by Policy 3214 - Staff Gifts;
- H. Unauthorized accessing, taking another's information (including e-mail communications), and/or disclosing or distributing confidential District information;
- I. Taking or using the intellectual property of the District or a third party for personal gain; and
- J. Any similar or related irregularity.

Waste is the careless expenditure, consumption, or mismanagement of District resources to the detriment of the District. Most waste does not involve a violation of law. Instead, waste relates to inappropriate actions and inadequate oversight, which may result in a monetary loss or unnecessary costs to the District. Wasteful acts include, but are not limited to:

- A. Inappropriate or unallowable expenses charged to federal or state grants;
- B. Excessive or unnecessary purchases that are not consistent with the school or operational unit of the District; and
- C. Mismanagement or any act that results in the loss or misuse of District assets.

Abuse involves behavior that is deficient or improper when compared with behavior that a prudent person would consider reasonable and necessary business practice, given the facts and circumstances. Abuse can occur in financial or non-financial settings, and does not necessarily involve fraud, violation of laws, or administrative guidelines. Abusive acts include, but are not limited to:

- A. Misuse of authority or position for personal benefit or advantage for a family member(s) or business associate(s);
- B. Personal use or misuse of District vehicles, property, supplies or other assets;
- C. Conducting personal business on District time; and
- D. Abuse of authority and/or actions taken to circumvent District policies and administrative guidelines.

Reporting of Suspected Irregular Activity:

- A. All employees or agents of the District shall be responsible for reporting any observed or suspected fraud, waste, abuse, or related activity. No officer or employee of the Board and District shall threaten, discipline or retaliate against an employee; or intimidate or coerce an employee because the employee has acted in accordance with the requirements of this policy. Similarly, an employee shall not destroy, or allow to be destroyed, any document or record of any kind that the employee knows may be relevant to a past, present or future investigation.
- B. Complaints may be filed with the OIG via the fraud hotline, web-based complaint form, fax, email, postal mail, phone, or in person. Persons making reports may choose to remain anonymous or disclose their identity. Information provided to the Inspector General (along with witness statements and investigation results) will be kept confidential to the extent permitted by applicable law(s).

Protocol for Investigation by OIG: The Inspector General is authorized, under Board Policy 1270, to initiate, conduct, supervise, and coordinate investigations designed to detect, deter, and prevent fraud, waste, financial mismanagement, misconduct and other abuses in the District.

Generally, OIG final reports comprise the following results: 1) Unfounded; 2) Findings and Recommendation(s) for corrective action including an employee disciplinary hearing convened by the District's Human Resources' Office of Employee Relations or other administrative action(s); and 3) Referral to appropriate law enforcement organization for criminal matters.

The Inspector General will provide the Superintendent and/or his/her designee as well as board leadership with investigative status updates on sensitive matters and matters having potential for media interest.

Upon conclusion of an investigation by the OIG, recommendations shall be considered by the Superintendent and his/her designees. If the allegations involve criminal wrongdoing, the Inspector General will refer the matter to the appropriate Law Enforcement agency and coordinate with such agency and/or judicial entities in an effort to obtain court ordered restitution, or to recover District assets lost by fraud.

Policy 1270 - Authority and Responsibilities of the Inspector General
Policy 1411 - Whistleblower Protection

1270 - AUTHORITY AND RESPONSIBILITIES OF THE INSPECTOR GENERAL

The Board of Education affirms the establishment of a full-time program of investigation to provide increased accountability, promote integrity and fiscal responsibility, assist District leadership and management in the establishment and maintenance of internal control processes within District operations, and prevent, detect and deter waste, fraud, abuse, financial mismanagement and misconduct in programs and personnel within the District.

The Office of Inspector General shall function as an independent office of the School Board. This independence is essential to freely and objectively carry out its mission, without impairment or prohibition, in accordance with the professional standards that relate to fields of investigation and auditing in governmental environments.

The head of the office shall be the Inspector General. The Inspector General shall be selected without regard to political affiliation and on the basis of integrity, capability for strong leadership, and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, investigation, law enforcement and/or criminal justice administration, or other closely related fields.

The Inspector General shall serve as a full-time employee of the School District. S/He should hold at appointment, or be required to obtain within a time certain after appointment, certification as a Certified Inspector General.

The Inspector General shall functionally report to the Board, and administratively to the Superintendent for the School District. The Inspector General shall establish the organizational structural appropriate for carrying out the responsibilities and functions of the Office of Inspector General.

Prior to the expiration of his or her contract, the Inspector General may be removed by the Board only for just cause; based upon the following: neglect of duty, malfeasance, abuse of power or authority, discrimination, ethical misconduct, failure to obtain or maintain certification as a Certified Inspector General as provided herein, or other good cause. Any allegations of misconduct involving the Inspector General, other than ethical or criminal, shall be handled by the appropriate internal administrative office of the School District. Other allegations relating to violations of the Code of Conduct and/or other professional standards governing members of the Association of Inspectors General, or criminal misconduct, shall immediately be referred to an external office or law enforcement agency that the Board determines to have authority to investigate such allegations.

To facilitate its functions, the Office of Inspector General is provided immediate, complete and unrestricted access to all employees, contractors, vendors, agents and representatives of the School District; who shall report all instances of suspected waste, fraud, and abuse; and provide testimony and/or requested documents (including automated or electronic data) within their custody, pertaining to the business of the School District, to the Office of Inspector General upon request.

As promulgated by the Association of Inspectors General, the Inspector General shall ensure that investigations are conducted in accordance with the Principles and Standards for Offices of Inspector General (Green Book). Accordingly, the Inspector General shall:

- A. Initiate, conduct, supervise, and coordinate investigations resultant of complaints, or upon its own initiative, designed to detect, deter, and prevent fraud, waste, abuse, financial mismanagement, and fiscal misconduct;
- B. Maintain a confidential fraud hotline to receive complaints via telephone, email, fax, and internet, regarding suspected waste, fraud and abuse, and circulate and communicate the hotline's existence and purpose districtwide;
- C. Receive and consider complaints, and conduct inquiries, reviews and/or investigations as the Inspector General deems appropriate;
- D. Pursuant to State of Michigan's Whistleblowers' Protection Act (Act 469 of 1980) and the School District's policy regarding Whistleblower Protection, receive complaints and ensure protections to employees who report violations or suspected violations in good faith;
- E. Conduct investigations and forensic audits free of actual or perceived impairment to the independence of the Inspector General or the Office of Inspector General. This shall include freedom from any interference with investigations and timely access to records, personnel and other sources of information;
- F. Refer to the appropriate District administrators and/or offices matters related to employee misconduct that do not involve fraud, waste of District resources, financial mismanagement, or abuse of District assets;
- G. Refer substantiated employee wrongdoing (non-criminal) to the District's Human Resources for administrative discipline;
- H. Refer to the appropriate law enforcement agency, where there are reasonable grounds to believe there has been a violation of state, federal or local law;

- I. Timely submit Final Investigative Reports to members of the School Board, Superintendent, and other appropriate District administrators with a need to know and who have responsibility for corrective actions recommended by the Office of Inspector General (Investigative reports are not made public);
- J. Monitor implementation of recommendations made by the Office;
- K. Engage in Fraud prevention activities, training and education;
- L. Maintain information regarding monetary benefits to the District as result of investigative activities, including but not limited to: cost avoidance, court ordered restitution, monetary loss prevented, and funds recouped from persons or entities involved in willful misconduct against the School District;
- M. Issue an Annual Report summarizing prominent activities and accomplishments of the office during the immediately preceding fiscal year;
- N. Attend any public meetings held by the School Board; and
- O. Do all things necessary to carry out the functions set forth in this section.

The Inspector General shall immediately report to the Superintendent whenever he/she becomes aware of particularly serious or flagrant abuses, or deficiencies resultant of investigative matters, or matters that may result in media attention.

HEALTH AND SAFETY

3161 - FITNESS FOR DUTY

If an instructional staff member is endangering the safety of students and/or is unable to perform essential functions of the position to which the staff member is assigned, with or without reasonable accommodations, the staff member will be offered the opportunity for a meeting to discuss these issues.

The Superintendent and his/her designees may require an instructional staff member to submit to an appropriate examination by a health provider designated by the Superintendent and his/her designee to determine whether or not the staff member is a danger to the safety of students and/or is able to perform essential functions of the position to which the staff member is assigned, with or without reasonable accommodations. The District shall pay any uninsured fees for such examinations.

The staff member shall execute a release that complies with the Health Insurance Portability and Accountability Act (HIPAA) to allow the report of the medical examination to be released to the Board/Superintendent and to allow the Superintendent to speak to the health care provider who conducted the medical examination for clarification. Refusal to submit to an appropriate examination or to execute the HIPAA release will be grounds for disciplinary action according to the terms of the applicable employee agreement.

Pursuant to State law, the Americans with Disabilities Act and the Genetic Information Nondiscrimination Act (GINA), the results of the examination shall be treated as a confidential medical record and will be exempt from release, except as provided by law.

Upon the recommendation of the Superintendent and approval of the Board, a staff member may be placed on a leave of absence related to fitness for duty. This leave shall be without pay but an employee may use available accrued leave or request leave in accordance with the Family Medical Leave Act (FMLA). Under certain circumstances, the Superintendent may recommend the instructional staff member's dismissal.

The staff member is entitled to a hearing as provided in law or the applicable collective bargaining agreement.

4362.02 - WORK PLACE SAFETY

All staff members shall be responsible for maintaining a safe work environment and participating in investigations as necessary. Reasonable action shall be taken to ensure that persons involved in an investigation, or in providing information during an investigation do not suffer any form of retaliation, inclusive of unconsented transfers, because of

their good faith participation. Steps to avoid retaliation may include placing a party to the investigation on administrative leave or other reasonable action. Additional steps may be taken to address workplace safety issues.

It is the Superintendent and his/her designees intent to create and maintain an environment free from disruptive, threatening, and violent behavior. The Board will not tolerate inappropriate or intimidating behavior within the workplace (see examples below).

PROCEDURE

The Board will respond appropriately to every reported incident of disruptive, threatening, or violent behavior.

A. Definitions:

Examples of inappropriate behavior by staff members include but are not limited to:

1. Behavior that distracts, interferes with, or prevents normal work functions or activities. This behavior includes but is not limited to yelling, using profanity or vulgarity, verbally abusing others; Behavior that includes physical actions short of actual contact/injury (e.g., moving closer aggressively), oral or written threats to a person or property, whether in person, over the telephone or through other means of communication;
2. Behavior that includes physical assault, with or without weapons behavior that a reasonable person would interpret as being violent, (e.g., throwing things, pounding on a desk or door, or destroying property), and specific threats to inflict physical harm; and
3. Behavior(s), which creates incidents that, are stressful or traumatic that interfere with an individual's or group of individual's ability to function in his/her educational or work environment.

B. Reporting:

Employees experiencing work place safety issues are required to notify, in writing, their immediate supervisor. When appropriate, complaints under this policy may be reported to the local law enforcement agencies, by the Superintendent and his/her designees. All reports or complaints under this policy shall be investigated and include confidentiality where appropriate. Once an investigation is complete, a recommendation on how to handle the complaint shall be submitted to the Superintendent for disposition.

Counseling for staff will be coordinated by the District for both the victim and any others within the District affected by a violent traumatic incident.

C. Protective Orders:

Members of the staff who have obtained a protective order should supply a copy of the order to the Superintendent and his/her designees. Other parties may also be informed when deemed necessary for the safety of the School District personnel.

D. Discipline/Corrective Steps:

Staff who violate this policy may be subject to discipline up to and including discharge.

E. Any retaliation by the District

In accordance with applicable law, the Superintendent and his/her designee shall implement appropriate procedures to implement this policy.

4115 - NEPOTISM

An applicant for any position in the District, or any employee seeking a promotion or transfer, shall be considered solely on the basis of respective qualifications for such position regardless of whether the applicant or employee is or is not related by blood, marriage, law, or other relations/connection established by living in the same house of any member of the Board or to any employee of the District, except as otherwise provided herein.

Definitions

A. Related/Relative:

These relationships include parents, children, siblings, uncle, aunt, cousin, nephew, niece, spouse, domestic partner, grandparents, all family members by marriage, including in-laws and “step” family members, half-brother, half-sister, or person who resides in the same household of any employee or member of the Board.

B. Directly Supervise:

This term relates to situations in which one (1) person in the school system is directly responsible to another.

C. Recommendation for Appointment, Employment, Promotion, Transfer, Change of Assignment, Advancement, Dismissal, or Evaluation:

This term shall apply to those situations in which an individual has responsibility for making advisory recommendations, including recommendations for parent associations and school committees, etc. Such terms shall not apply to employee nominations or dismissal recommendations of the Superintendent to the Board.

D. Evaluation:

This shall apply to those situations in which an individual is assigned responsibility for making the annual evaluation for an employee or is requested to participate in the formulation of such evaluation.

No member of the Board, the Superintendent, an employee or contractor shall participate in or exert any influence on any personnel action including recommendations for appointment, employment, promotion, transfer, change of assignment, advancement, dismissal, or evaluation of an applicant or employee to whom he/she is related.

No member of the Board, the Superintendent, an employee or contractor shall directly supervise or be directly supervised by an employee to whom he/she is related. The supervisor of any District entity or department shall disclose to the Superintendent and his/her designee or Board President any relative for whom the supervisor is responsible as to personnel actions, employment decisions, payroll authorization, or job performance evaluations.

All employees shall disclose to the Superintendent and his/her designees, the names of all relatives working at the same work location. Work location is defined to include payroll cost center or any administrative unit under the supervision of an employee of the District. Failure to immediately advise shall be grounds for disciplinary action, up to and including dismissal.

Employees shall not be assigned to a department where a relative is a program, office or department leader.

No employee shall be recommended for any personnel action including appointment, employment, dismissal, evaluation, promotion or transfer to a position that would result in a violation of this policy.

Board members may not directly or indirectly recommend independent contracts between the District and any relative.

This policy shall not, except as provided herein, be interpreted to prohibit the employment of relatives of Board members or relatives of any employee of the District, where qualifications for the given position are demonstrated.

The prohibitions herein regarding employment shall not apply to persons occupying positions in the District that, on the effective date of this policy, are in violation of such prohibitions. However, the provisions of the policy shall be applicable

to any subsequent promotions, transfers, or other personnel actions which would violate the provisions of this policy. Lastly, corrective measures shall be taken if an employee is now the supervisor of a relative.

OUTSIDE EMPLOYMENT, ACTIVITIES, AND SPECIAL INTERESTS GROUPS

3231 - OUTSIDE ACTIVITIES OF STAFF

It is the policy of the Board of Education that professional staff members avoid situations in which their personal interests, activities, and associations may conflict with the interests of the District. If such situations occur, the Superintendent shall evaluate the impact of such activity or association upon the professional staff member's responsibilities and take appropriate action as necessary.

- A. Staff members should not give work time to an outside interest, activity, or association without valid reason to be excused from assigned duties.
- B. Staff members shall not use school property or school time to solicit or accept customers for private enterprises without written administrative permission.
- C. Staff members shall not engage in business transactions on behalf of personal or private enterprise in which s/he may profit by virtue of his/her official position or authority or benefit financially from confidential information which the employee has obtained or may obtain by reason of his/her position or authority.
- D. Staff members shall not campaign on school property during duty hours on behalf of any political issue or candidate for local, State, or National office.
- E. Staff members may not accept fees for tutoring when such tutoring is conducted during the normal work day or on District property.

Research and Publishing

- A. Professional staff members are encouraged to contribute articles to professional publications and to engage in approved professional research.
- B. Publications and productions shall be subject to the following copyright provisions:
 - 1. Rights to copyrights or patents of books, materials, devices, etc. developed by professional staff members, as part of their duties, on their own time will be relinquished by the Board upon request of the staff member provided that:
 - a. the books, materials, devices, etc. were prepared without the use of District data, facilities, and/or equipment;
 - b. the District is granted the privilege of purchasing the materials or products free of any copyright or royalty charges; and
 - c. the staff member does not become involved in any way in the selling of the product to the District.

Absent express written agreements which expressly assign copyright ownership, the final decision regarding whether materials were produced independently of any work assignment, and/or without using school equipment, facilities, data, or equipment rests with the Superintendent and his/her designees who shall submit such decisions to the Board.

- 2. All books, materials, devices, or products which result from the paid work time and/or prescribed duties of professional staff members shall remain the property of the District. The District shall retain all rights and privileges pertaining to the ownership thereof.

In the event that any of these products have commercial possibilities, the Superintendent and his/her designees are authorized to secure copyrights, patents, etc. which will ensure the ownership of the product by the District.

The Superintendent and his/her designees are authorized to negotiate with appropriate agencies for the production and distribution of products with commercial appeal. Such negotiations shall ensure fair and appropriate compensation, including sharing of royalties, for the staff member(s) who developed the products.

3113 - CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP

No District officer or employee shall have or hold any employment or contractual relationship with any business entity or any agency which is conducting business with the officer or employee's school or work location.

No District officer or employee shall engage have or hold any employment or contractual relationship or have any interest, direct or indirect: 1) that results in any conflict between his/her private interests and the performance of his/her duties; 2) that results in a benefit to any other organization or agency apart from or over the interests of the District; 3) in which he/she acts, or has cause to act, in a manner adverse to the interests of the District; or 4) that impedes the full and faithful or proper discharge of his/her duties.

District officers and employees have a duty to disclose any employment or contractual relationship that represents a conflict of interest, as described above, in accordance with applicable District policies and administrative guidelines.

3231.01 - OUTSIDE EMPLOYMENT

Outside employment is regarded as employment for compensation that is not within the duties and responsibilities of the employee's regular position with the school system. Employees shall not be prohibited from holding employment outside the District as long as such employment does not result in a conflict of interest nor interfere with assigned school duties as determined by the District.

The Board expects employees to disclose outside employment. The Board expects employees to devote maximum effort to the position in which employed. An employee will not perform any duties related to an outside job during regular working hours or for professional employees during the additional time that the responsibilities of the District's position require; nor will an employee use any District facilities, equipment or materials in performing outside work.

When the periods of work are such that certain evenings, days or vacation periods are duty free, the employee may use such off-duty time for the purposes of non-school employment.

This policy prohibits outside supplemental employment while on any type of leave. Employees are required to abide by all District policies, including, but not limited to, Family and Medical Leave (FMLA) (Policy 3430.01) while on approved FMLA or other medical leave. Employees found to be in violation of this policy will be subject to disciplinary action up to and including termination.

9700 - RELATIONS WITH SPECIAL INTEREST GROUPS

Any request from civic institutions, charitable organizations, or special interest groups, including religious groups, which involve such activities as patriotic functions, contests, exhibits, sales of products to and by students, sending promotional materials home with students, graduation prizes, fund raising, and free teaching materials must be carefully reviewed to ensure that such activities promote student interests without advancing the special interests of any particular group.

It is the policy of the District that students, staff members, and District facilities not be used for advertising or promoting the interests of any non-school agency or organization, public or private, without the approval of the Superintendent or designee; and any such approval, granted for whatever cause or group, shall not be construed as an endorsement of said cause or group by the District or the Board.

A. Political or Other Special Interests

All materials or activities proposed by outside political sources or other groups for student or staff use or participation shall be reviewed by the Superintendent or designee on the basis of their educational contribution to part or all of the school program, and the benefit to and safety of students, and no such approval shall have the primary purpose of advancing the name, product, or special interest of the proposing group.

The Board shall not permit the use of any type of educational material, program, or equipment in its curricular, co-curricular, or extra-curricular activities or at any time during the school day if such materials, programs, or equipment contain partisan political messages or are designed to persuade students or staff members to acquire particular products, beliefs or services offered by a named individual, company, organization, association, group or agency. Professional staff may, however, utilize political materials or those provided by special interest-groups in adopted courses of study with the approval of the principal.

School facilities or equipment may not be used as a means of producing or disseminating to the community any materials that advertise or promote a political party, political causes, specific religious beliefs or the candidacy of an individual for public office. Students and employees of the Board shall not be used to distribute campaign literature within the schools or on school grounds.

B. Contests/Exhibits

The Board recognizes that contests, exhibits, and the like may benefit individual students or the District as a whole, but participation in such special activities may not:

1. make unreasonable demands upon the time and energies of staff or students or upon the resources of the District;
2. interrupt the regular school program;
3. involve any direct cost to the District (unless the student body as a whole derives benefit from such activities);
4. cause the participants to leave the School District
5. negatively impact the grade of a student who chooses not to participate.

C. Distribution/Posting of Literature

No outside organization or staff member or student representing an outside organization may distribute or post literature on that organization's behalf on District property either during or after school hours without the permission and prior review of the Superintendent or his/her designee.

The Superintendent shall establish administrative guidelines which ensure that:

1. the school mail system is not used by students or staff for distribution of non-school-related materials;
2. no materials from any profit-making organization are distributed for students to take home to their parents, unless specifically authorized by the Superintendent or his/her designee;
3. the time, place, and manner of distribution of all non-school-related materials is clearly established and communicated;
4. flyers and notices from outside non-profit organizations may be made available for students to pick-up at the literature distribution rack/table by the school building's office, under the following circumstances:
 - a. the flyer/notice publicizes a specific community activity or event that is age-appropriate for the students that attend the school; and
 - b. the organization submits the number of copies of the flyer that it wants placed in the literature distribution rack/table.

No student shall be required to take any of the flyers/notices placed in the literature/distribution rack/table, and the rack/table shall contain a clear notice that the Board does not support or endorse any of the organizations and/or activities/events identified in the flyers/notices.

PERSONAL PROPERTY

3281 - USE OR STORAGE OF PERSONAL PROPERTY

From time-to-time employees may wish to bring personal property to work either for reasons associated with professional or employment responsibilities or for use during off-duty time. This practice is permitted provided it is understood that the District is not responsible or liable for any loss, damage, or misuse of said property.

Except in extraordinary circumstances, the District will provide all employees with the equipment and tools necessary to perform their assigned duties.

The owner of the personal property bears all responsibility and assumes all risk for loss, damage or misuse of personal property while it is on Board property and waives any and all claims for loss or damage against the Board and the District. This provision applies, without limitation, to trespassers, invitees, visitors, and independent contractors.

Under no circumstances shall District employees store, for any period of time, any motor vehicle capable of transporting person(s) or any material(s), floating watercraft or vessels, commercial equipment and heavy machinery on school premises without the express written consent of the Superintendent and his/her designees.

The limitation of liabilities set forth in the previous paragraphs applies to all personal property, regardless of any benefit the District receives from its use or its intended use.

PROCUREMENT AND PURCHASING

6424 - PURCHASING CARDS

The Board of Education recognizes that bank credit cards ("purchasing cards") offer an alternative to existing procurement processes and provide a convenient, efficient method of purchasing goods and services. District employees authorized by the Superintendent may use purchasing cards only for District related purposes in accordance with this policy and handbook related to purchasing cards. Purchasing cards shall not be used to circumvent the general purchasing procedures required by State and Federal law and District policy.

Purchasing cards shall only be used in connection with District-approved or school-related activities and that only those types of expenses that are for the benefit of the District and serve a valid and proper public purpose shall be paid for by purchasing card. However, under no circumstances shall purchasing cards be used for personal purchases or for the purchase of alcoholic beverages, regardless of whether the purchase of such beverages is made in connection with a meal. The purchasing card shall never be used purchase tobacco products, gambling or any other inappropriate entertainment expense, as such expenditures do not serve a public purpose aligned with the District's mission, vision, core values, or priorities. The personal gain of credit card rewards such as bonus points, frequent flyer miles, or any other affinity program reward by the employee/cardholder are strictly prohibited.

The Superintendent and his/her designee shall develop administrative guidelines that specify those authorized to use purchasing cards, the types of expenses which can be paid by purchasing card, and their proper supervision and use. Inappropriate or illegal use of the purchasing card and/or failure to strictly comply with the limitations and requirements set forth in the administrative guidelines may result in a loss of purchasing card privileges, disciplinary action subject to the Human Resources disciplinary process, personal responsibility for any and all inappropriate charges, including finance charges and interest assessed in connection with the purchase, and/or possible referral to law enforcement authorities for prosecution.

All approved cardholders must abide by purchasing card procedures and regulations set forth in this policy and relevant purchasing card handbook. Misuse of the purchasing card may result in employee disciplinary action subject to the Human Resources disciplinary process. The Department of Finance is responsible with administering, managing and auditing the use of purchasing cards.

All cardholders will receive training prior to receiving purchasing card. Upon completion of training, cardholders will sign out their purchasing card and agree to abide by this policy and the district purchasing card procedures. In addition, cardholders will agree to a payroll deduction if they make an unauthorized purchase in accordance with the above-mentioned items. The Superintendent and his/her designee reserves the right to provide additional training beyond the annual training requirement as needed.

6460 - VENDOR RELATIONS

The District's purchasing activity is intended solely to serve the operations of the District – and not Board members, employees or their friends or family members. Accordingly, Board members and employees are expected to strictly adhere to the District's conflict of interest policies as it applies to all dealings with vendors.

STANDARDS OF CONDUCT

The following standards of conduct by Board members and employees are expected and required as it relates to vendors:

- A. The functions of pricing and supplier/contractor selections shall be carried out objectively and ethically.
- B. Employees who are not authorized to negotiate purchases will not indicate District preference to suppliers/contractors for any product or service to source of supply.
- C. Employees will not take any other action in relation to vendors, suppliers and/or contractors that will impair the employees ability to make purchasing decisions in the best interest of the District or will give one vendor, supplier or contractor an unfair advantage over another.
- D. Board members and employees who are authorized to recommend purchases and services and sources of supply and/or negotiate with suppliers and contractors will not:
 1. Accept any gifts or favors from vendors which might, in any way, influence their recommendations on the eventual purchase of equipment, supplies, or services. Irrespective of the influence on a Board member or employee's recommendation, in no event shall a gift be accepted in violation of the District's conflict of interest policies;
 2. Perform any work or services for remuneration for a supplier/contractor unless a disclosure of the conflict is both made and approved **prior** to the beginning of any work or services;
 3. Give preferential treatment to friends, family members (as defined in the Conflict of Interest policies) or former District employees; and
 4. Disclose information about bids or other confidential matters not approved for general release.

Employees failing to adhere to the above-referenced requirements will be subject to disciplinary action.

LOBBYING

Former District employees and Board members are prohibited from lobbying the District on behalf of a vendor, supplier and/or contractor for one (1) calendar year from their official departure from the District.

Vendors who employ, or contract, with a former Board Member or employee, in violation of this prohibition - will automatically be disqualified from receiving any new contracts or contract extensions from the District for a period of two (2) years.

GIFTS

Current employees and Board members are prohibited from accepting compensation, gifts, gratuities, honoraria, favors, loans or other things of monetary value from vendors and/or potential vendors of the District, except as allowed by the District's Conflict of Interest policies.

VENDOR SPONSORED ACTIVITIES

Subject to pre-approval by the Superintendent or his/her designee, District vendors with a current contract may financially cover training costs for their product or services or for District provided training. District vendors with a current contract may also serve as sponsors for District functions that serve a large number of employees, students or families.

8800 - RELIGIOUS/PATRIOTIC CEREMONIES AND OBSERVANCES

Decisions of the United States Supreme Court have made it clear that it is not the province of a public school to advance or inhibit religious beliefs or practices. Under the First and Fourteenth Amendments to the Constitution, this remains the inviolate province of the individual and the church of his/her choice. The rights of any minority, no matter how small, must be protected. No matter how well intended, either official or unofficial sponsorship of religiously-oriented activities by the school are offensive to some and tend to supplant activities which should be the exclusive province of individual religious groups, churches, private organizations, or the family.

District staff members shall not use prayer, religious readings, or religious symbols as a devotional exercise or in an act of worship or celebration. The District shall not function as a disseminating agent for any person or outside agency for any religious or anti-religious document, book, or article. Distribution of such materials on District property by any party shall be in accordance with District policy.

The Board acknowledges that it is prohibited from adopting any policy or rule respecting or promoting an establishment of religion or prohibiting any person from the free, individual, and voluntary exercise or expression of the individual's/person's religious beliefs. However, such exercise or expression may be limited to lunch periods or other non-instructional time periods when individuals are free to associate.

Observance of religious holidays through devotional exercises or acts of worship is also prohibited. Acknowledgement of, explanation of, and teaching about religious holidays of various religions is encouraged. Celebration activities involving nonreligious decorations and use of secular works are permitted, but it is the responsibility of all faculty members to ensure that such activities are strictly voluntary, do not place an atmosphere of social compulsion or ostracism on groups or individuals, and do not interfere with the regular school program.

The Board shall not conduct or sanction a baccalaureate service in conjunction with graduation ceremonies.

The Board shall not include religious invocations, benedictions, or formal prayer at any school-sponsored event.

The United States Flag and Pledge of Allegiance

The flag of the United States shall be raised above each public school building operated by the District at all times during school hours, weather permitting. This flag shall measure at least 4 feet 2 inches by 8 feet. A United States flag shall also be displayed in every classroom or other instructional site in which students recite the Pledge of Allegiance.

All students in attendance at school will be provided an opportunity to recite the Pledge each day that school is in session. However, no student shall be compelled to recite the Pledge of Allegiance. No student shall be penalized for failure to participate in the Pledge and the professional staff shall protect any such students from bullying as a result of their not participating in the Pledge.

The building principal or administrator shall be responsible for determining the appropriate time and manner for reciting the Pledge, with due regard to the need to protect the rights and the privacy of a nonparticipating student.

3215 - USE OF TOBACCO BY PROFESSIONAL STAFF

The Board of Education desires to protect students and employees who choose not to use tobacco from exposure to the use of tobacco products. Pursuant to state law, the Board prohibits the use of tobacco products on District premises, in District vehicles, and in all school buildings owned and/or operated by the District.

For purposes of this policy:

- A. "tobacco product" means a preparation of tobacco to be inhaled, chewed, or placed in a person's mouth

B. "use of a tobacco product" means any of the following:

1. the carrying by a person of a lighted cigar, cigarette, pipe, or other lighted smoking device;
2. the inhaling or chewing of a tobacco product;
3. the placing of a tobacco product within a person's mouth; and
4. the use or smoking of electronic, "vapor," or other substitute forms of cigarettes, clove cigarettes or other lighted smoking devices for burning tobacco or any other substance.

SPEECH

3310 - FREEDOM OF SPEECH IN NONINSTRUCTIONAL SETTINGS

The Board acknowledges the right of professional and support staff members, as citizens in a democratic society, to speak out on issues of public concern.

The following guidelines are adopted by the Board to help clarify and, therefore, avoid situations in which the professional and support staff member's expression could conflict with the District's interests. In such situations, he/she should:

- A. state clearly that his/her expression represents personal views and not necessarily those of the School District where appropriate;
- B. not make threats, use obscenities or use abusive language towards co-workers, administrators, or officials of the District;
- C. refrain from making public expressions which he/she knows to be false or are made without regard for truth or accuracy;
- D. not make defamatory comments about co-workers, administrators, or the district as a whole;
- E. refrain from making public expressions that incite imminent lawless action; and
- F. commit slander or libel against the District or its board members, officers, administrators, employees, agents or contractors.

SOCIAL MEDIA

7544 - USE OF SOCIAL MEDIA

Technology is a powerful tool to enhance education, communication, and learning. The Board of Education authorizes the use of social media to promote community involvement and facilitate effective communication with students, parents/guardians, staff, and the general public.

In designating District-approved social media platforms/sites, the Superintendent or his/her designee shall specify which platforms/sites are appropriate for use at the District-level, the building or department level, for extra-curricular activities, and at the individual level by employees for professional purposes.

It is critical that students be taught how to use social media platforms safely and responsibly. Social media is a powerful and pervasive technology that affords students and employees the opportunity to communicate for school and work purposes, and to collaborate in the delivery of a comprehensive education. Federal law mandates the District provide for the education of students regarding appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and regarding cyberbullying awareness and response.

The District recognizes that employees may use social media for personal, as well as professional reasons. The District neither encourages nor discourages employees' use of social media for personal purposes. The District regulates employees' use of social media for purposes related to their District assignment to the same extent as it regulates any other form of employee communication in that regard.

The District uses approved social media platforms/sites as interactive forms of communication and welcomes public comments. District-approved social media platforms/sites are considered limited public forums. The platforms/sites are forums established by the District, a public body, for comments about the District, its educational activities and its programs. As such, the District will monitor posted comments to verify they are on-topic, consistent with the posted rules for use of the forum, and in compliance with the platform/site's applicable terms of service. The Board's review of posted comments will be conducted in a viewpoint neutral manner, and consistent with State and Federal law.

Authorized staff may use District technology resources to access and use social media to increase awareness of District programs and activities, as well as to promote achievements of staff and students, provided the Superintendent approves, in advance, such access and use. Use of social media for business-related purposes is subject to Michigan's public records laws and staff members are responsible for archiving such social media and complying with the District's record retention schedule. Each District-approved social media account/site must contain a statement that specifies its purpose(s) and limits those who access the social media account/site to use of the account/site only for that/those purpose(s), and in accordance with any specified procedures, and applicable terms of service. Users are personally responsible for the content of their posts.

Social Media for Instructional and School-Sponsored Activities

Staff (including District-approved volunteers) may, with prior approval/authorization from the Superintendent or his/her designees use social media platforms/sites for classroom instruction or school-sponsored activities. When a staff member uses a District-approved social media platform/site for an educational purpose, it will be considered an educational activity and will not be considered a limited public forum. Students' use of District-approved social media platforms/sites must be consistent with the Student Code of Conduct, the instructor's directions/procedures, and the platform/site's applicable terms of service. Students are prohibited from posting or releasing personally identifiable information about students, employees, and volunteers through District-approved social media without appropriate consent.

Staff members (including District-approved volunteers) must provide parents of students involved in a school-sponsored activity the ability to opt-out of having their child use social media platforms/sites for communication purposes associated with that activity, and arrange for an alternative method of communicating with the participating student concerning the school-sponsored activity.

Expected Standards of Conduct on District-Approved Social Media

Employees and District-approved volunteers who access District-approved social media platforms are expected to conduct themselves in a respectful, courteous, and professional manner. Students, parents, and members of the general public who access District-approved social media platforms are similarly expected to conduct themselves in a respectful, courteous, and civil manner.

District-approved social media sites shall not contain content that is obscene; is vulgar and lewd such that it undermines the school's basic educational mission; is libelous or defamatory; constitutes hate speech; promotes illegal drug use; is aimed at inciting an individual to engage in unlawful acts or to cause a substantial disruption or material interference with District operations; or interferes with the rights of others. The District may exercise editorial control over the style and content of student speech on District-approved social media if reasonably related to legitimate pedagogical concerns. Staff or students who post prohibited content shall be subject to appropriate disciplinary action.

The District is committed to protecting the privacy rights of students, parents/guardians, staff, volunteers, Board members, and other individuals on District-approved social media sites. District employees are prohibited from posting or releasing confidential information about students, employees, volunteers, or District operations through social media, without appropriate consent (i.e., express written consent from the parent of a student, the affected employee or volunteer, or the Superintendent concerning District operations).

Retention of Public/Student Records

District communications that occur through the use of District-approved social media platforms/sites – including staff members' use of social media with school-sponsored activities, and comments, replies, and messages received from the

general public – may constitute public records or student records, and all such communications will be maintained (i.e., electronically archived) in accordance with the Board's adopted record retention schedule and all applicable State statutes. Records that are not part of the performance of an official function do not become public records by mere retention by the District under this policy.

Staff members and District-approved volunteers cannot rely on social networking platforms (e.g., Facebook, Twitter, etc.) to sufficiently fulfill potential records retention requirements because these platforms, in general, do not guarantee retention and are unlikely to assist in the production of third-party comments and communications that have been edited, deleted, or are otherwise no longer available. Consequently, District employees and volunteers who use such social media accounts for professional communications must operate them in accordance with the general archiving practices and technology instituted by the District so records remain within the District's control and are appropriately retained.

If a staff member uses District-approved social media platforms/sites in the classroom for educational purposes (i.e., classroom instruction), the staff member must consult with the Principal and Information Technology department concerning whether such use may result in the creation of public and/or education records that must be maintained (i.e., electronically archived) for a specific period of time.

Employees' Use of District Technology Resources to Access Social Media for Personal Use

Employees are prohibited from using District technology resources to access social media for personal use during work hours. They are reminded that the District may monitor their use of District technology resource.

Employees' Use of Personal Communication Devices at Work to Access Social Media for Personal Use

Employees are permitted to use personal communication devices not owned by the Board to access social media for personal use during work hours, provided it does not interfere with the employee's job performance or duties.

Employees are prohibited from posting or engaging in communication that violates State or Federal law, Board policies, or administrative procedures. If an employee/volunteer's communication interferes with his/her ability to effectively perform his/her job or violates State or Federal law, Board policies, or administrative procedures, the District may impose disciplinary action and/or refer the matter to appropriate law enforcement authorities.

This policy and its corresponding administrative procedure will be reviewed and updated on an annual basis.

SOLICITATION, SELLING AND FUNDRAISING

5830 - FUNDRAISING

Fundraising is limited in order to prevent disruption and includes solicitation and collection of money for any purpose including collection of money in exchange for tickets, papers, or any other goods or services. Fundraising in school, on school property, or at any school-sponsored event is permitted only when the profit is to be used for school purposes or for an activity connected with the schools.

School and student fundraising activities serve two (2) general purposes:

- A. to promote the education, general welfare, and morale of students; and
- B. to finance the legitimate extra-curricular activities of the student body in order to augment, but not conflict with, the educational program provided by the Superintendent and his/her designee(s).

Requests for fundraising activities are initiated at the discretion of the principal and approved by appropriate District staff. It is the responsibility of the principal to follow the District's internal fund accounting policies and procedures in approving and maintaining adequate controls and accountability over all fundraising activities.

Fundraising activities shall be conducted during non-instructional class time, preferably before and after school or during lunch, so as not to interrupt instruction in the core subjects. At the principal's discretion, the collection of money for pre-paid activities or pre-sale items only may be authorized at a specified time during the school day, as long as this process does not disrupt classroom instruction.

For any fundraisers that involve the sale to students of food items and/or beverages that will be consumed on campus, the food and/or beverages items to be sold shall comply with the current USDA Nutrition Standards in the National School Lunch and School Breakfast Programs, the USDA Smart Snacks in School regulations, and applicable State law. If approved, the fundraisers that involve the sale to students of food items or beverages that will be consumed on campus shall also be consistent with regulations established in Policy 8510, Health and Wellness Policy.

At the culmination of the fundraiser a profit and loss statement shall be submitted to the principal. Community members wishing to engage in fundraising activities at a school shall contact the school's principal. No community member, student, school organization, or member of the school staff may solicit funds in the name of the school from the public for any purpose without prior approval of the principal and the Superintendent's designee(s). All approvals shall be in writing and shall be retained at the school for audit purposes.

All applications for approval of fundraising activities shall specify the times and places in which the fundraising activity will be conducted, the specific costs of the fundraising merchandise/activity; and the specific purpose intended for the funds being raised.

Each fundraising activity shall have adequate controls, reliable record-keeping procedures for the safekeeping of cash, and proper pricing. All fundraising activity shall also be conducted in a manner that protects participants. The Superintendent and or his/her designees may develop additional administrative guidelines and procedures for conducting fundraising activities. Fundraising for all student activities shall also be in accordance with other applicable Board policies.

Only District personnel who have received and satisfactorily passed training on handling cash may collect and transact funds in District-approved accounts. All funds shall be deposited into District approved accounts. All fundraising activities and collection of funds associated with fundraising activities shall strictly follow district procedures established by the Superintendent or his/her designee.

Allowable Fundraising

The District prohibits fundraising by District staff, students, organizations and or affiliated groups for the acquisition of operational services, operational supplies, consumable paper-based products, and other consumable goods that would traditionally be procured by the District, including but not limited to office supplies, toiletries, and traditional physical education equipment. Exceptions to this rule shall be approved by the Superintendent and his/her designee(s).

Student Activity Funds

Student Activity Funds may be established to facilitate fundraising and enable student activities. Each student activity fund covered by this policy shall be approved by the Superintendent or his/her designee before any money can be collected or is disbursed. The Superintendent is directed to obtain annually a list and brief description of all objectives, activities and limitations of each fund prior to the start of the new fiscal year.

The Chief Financial Officer or designee shall be the Treasurer of the student activity funds. He/She may delegate responsibility for the funds to the Principal of the school where fund activities take place.

All funds accumulated in the account of a specific class or student activity will, upon the discontinuance of the activity, be disposed of in accordance with the recommendation approved by the Superintendent or his/her designee.

Crowdfunding

This policy applies to the use of any form of crowdfunding utilizing an online service or website-based platform for the financial benefit or gain of the District – be it a specific classroom, grade level, department, school, or curricular or extracurricular activity. "Crowdfunding" is defined as the solicitation of resources from individuals and/or organizations to support identified activities or projects that enhance the educational program or a specific cause approved by the District. The solicitation is typically from a large number of individuals/organizations utilizing internet-based technologies. Through the use of personal networking, social media platforms, and other Internet-based resources, funds are solicited or raised to support a specific campaign or project. Crowdfunding campaigns may be utilized to raise funds for specific class or student activity. Crowdfunding campaigns shall have prior approval and adhere to the fundraising requirements and guidelines/procedures referred to in this policy.

Crowdfunding activities aimed at raising funds for a specific classroom or school activity, including extracurricular activity, or to obtain supplemental resources (e.g., supplies or equipment) that are not required to provide a free appropriate public education to any students in the classroom may be permitted, but only with the specific approval the Deputy Superintendent/Chief of Schools.

All crowdfunding activities are subject to AG 6605.

In the event that a fundraiser, including a crowdfunding fundraiser is conducted without proper approval or in a manner deemed detrimental to the District or its participants, the District may take legal action and/or disciplinary action against the responsible persons.

The District is not legally responsible for fundraising activities conducted at the local school level and/or approved in accordance with this policy.

All approved crowdfunding activities shall protect the privacy of students, children, and young adults in accordance with District policies and administrative guidelines and applicable State and Federal law, including FERPA and IDEIA.

Materials, supplies, equipment, and other proceeds of the crowdfunding activity shall become property of the District or school. Cash or equivalent payments from crowdfunding projects directly to District personnel is prohibited. All fiscal transactions shall comply with appropriate District policies.

Fundraising conducted by the PTA/PTO and Other School-Allied Organizations

Fundraising activities organized and conducted by the PTA/PTSA and or any other school-allied organizations are independently operated by those organizations. Nevertheless, such activities shall be submitted to the respective school principal for approval prior to conducting the fundraising activity, with those involving community solicitation also requiring specific approval from the Deputy Superintendent/Chief of Schools. All approvals shall be retained for audit purposes.

Sponsors for Approved School Organizations

School sponsors for approved school organizations shall not accept any form of compensation from vendors that might influence their selection of a vendor that will provide a fundraising activity or a product that will be sold as a fundraiser. Sponsors for approved school organizations shall not accept any compensation from a vendor after a decision has been made regarding a fundraising activity or a product that will be sold as a fundraiser. In addition, sponsors for approved school organizations who make the selection of a vendor that will provide a fundraising activity or a product that will be sold as a fundraiser shall not enter into a contractual arrangement that provides compensation to the sponsor in any form from that vendor.

Additional Student Fundraising Prohibitions and Safeguarding:

The solicitations, collection of funds, and fundraising in private homes, offices or businesses of any kind shall not be permitted. Participants in school-approved fundraising activities are strictly prohibited from standing in roadways and/or medians of roadways. Solicitations, collection of funds, and fundraising which presents any danger to students is prohibited. Students engaged in any type of community-based fundraising shall be actively supervised and protected by certificated School District personnel. Written authorization from the Deputy Superintendent/Chief of Schools is required for student fundraising activities in the community.

The Superintendent and his/her designee(s) shall distribute this policy and the implementing procedures to all individuals, groups, and organizations granted permission to solicit funds on an annual basis.

STAFF GIFTS

3214 – STAFF GIFTS

To avoid the appearance of impropriety, the Board discourages the exchange of gifts between staff and students.

Based on the foregoing, it is the policy of the Board that:

- A. Staff members may accept gifts, from students less than \$50. Examples include a mug, piece of fruit or baked item.
- B. Staff members shall consult with their building administrator regarding the appropriateness of providing gifts to students. Factors to consider include, but are not limited to 1) student need; 2) cost of gift; 3) nature of gift; and 4) relationship of gift to educational program or District activity. If a staff member wishes to give a gift to a student, s/he may do so as a gift to the classroom. Examples of such class gifts include, but are not limited to, library books or other educational resources for the class.
- C. Items may not be cash or cash equivalents.

The Superintendent may approve acts of generosity to individual staff members in unusual situations. The Superintendent shall establish administrative guidelines requiring all staff to disclose gifts valued greater than \$50.

Upon the recommendation of the Superintendent, the Board shall consider, as appropriate, the presentation of token gifts to retiring members of the staff who have rendered service for a period of time.

TECHNOLOGY AND EQUIPMENT

7540.08 - PERSONAL INTERNET ACCOUNT PRIVACY - STAFF

The District will not:

- A. request an employee or an applicant for employment to grant access to, allow observation of, or disclose information allowing access to or observation of the employee's or applicant's personal internet account.
- B. discharge, discipline, fail to hire, or otherwise penalize an employee or applicant for employment for failure to grant access to, allow observation of, or disclose information allowing access to or observation of the employee's or applicant's personal internet account.

The following definitions shall be used for this policy:

- A. "Access information" means user name, password, login information, or other security information protecting access to a personal internet account.
- B. "Personal internet account" means an account created via a bounded system established by an internet-based service requires a user to input or store access information via an electronic device to view, create, use, or edit the user's account information, profile, display, communications, or stored data.
- C. The District may:
 - 1. request or require an employee to disclose access information to the District to gain access to or operate any of the following:
 - a. An electronic communications device paid for in whole or in part by the employer.
 - b. An account or service provided by the employer, obtained by virtue of the employee's employment relationship with the employer, or used for the district's business purposes.
 - 2. discipline or discharge an employee for transferring the proprietary or confidential information or financial data to an employee's personal internet account without the District's authorization.
 - 3. conduct an investigation or require an employee to cooperate in an investigation in any of the following circumstances:
 - a. If there is specific information about activity on the employee's personal internet account, for the purpose of ensuring compliance with applicable laws, regulatory requirements, or prohibitions

against work-related employee misconduct.

- b. If the District has specific information about an unauthorized transfer of the District's proprietary information, confidential information, or financial data to an employee's personal internet account.
4. restrict or prohibit an employee's access to certain websites while using an electronic communications device paid for in whole or in part by the District or while using the District's network or resources, in accordance with State and Federal law.
5. monitor, review, or access electronic data stored on an electronic communications device paid for in whole or in part by the employer, or traveling through or stored on a District's network, in accordance with State and Federal law.
6. screen employees or applicants prior to hiring or to monitor or retain employee communications is established under Federal law or by a self-regulatory organization, as defined in section 3(a)(26) of the securities and exchange act of 1934, 15 USC 78c(a)(26).
7. view, access or use information about an employee or applicant can be obtained without any required access information or is available in the public domain.

7440.01 - VIDEO SURVEILLANCE AND ELECTRONIC MONITORING

In order to protect Board property, promote security and protect the health, welfare and safety of students, staff and visitors, the Board of Education authorizes the use of video surveillance and electronic monitoring equipment on school property, in school buildings, and on school buses. Information obtained through video surveillance/electronic monitoring may be used to identify intruders and persons breaching contracts (including employment agreements), breaking the law, Board policy, or the Student Code of Conduct (i.e., it may be used as evidence in disciplinary actions and criminal proceedings). Ordinarily, video surveillance/electronic monitoring equipment will not be used to make an audio recording of conversation occurring on school grounds or property.

The Board will not use video surveillance/electronic monitoring equipment to obtain information for the purpose of routine staff appraisal/evaluation or monitoring.

Recordings of students will be treated as confidential, to the extent allowed by law. Copies of video recordings containing personally identifiable information about students shall not be released except as required or authorized by law. The due process rights of students will be respected in the event there is a suspicion of inappropriate activities related to breaking the law or violating Board policy. Parents or guardians of minor students and students who are eighteen (18) years of age or older, who are charged with disciplinary violations may view relevant portions of any video recording related to the charge, upon written request to the building principal, provided that viewing the recording does not violate State and/or Federal law (i.e., the privacy rights of any other students whose images appear on the recording without the written release of such party). Likewise, school personnel may view relevant portions of any video relating to any disciplinary charge against them, upon written request to the building principal, provided that viewing the recording does not violate State and/or Federal law (i.e., the privacy rights of any students whose images appear on the recording). Absent a clear legal obligation, confidential recordings will only be released through subpoena or court order.

The Board shall maintain video surveillance/electronic monitoring recordings for a limited period. Any request to view a recording under this policy must be made within thirty (30) days of the event/incident. Unless an investigation is being conducted, recordings shall be destroyed after thirty (30) days. If, however, action is taken by the Board/administration, as a result of a formal complaint or incident, recordings shall be kept for a minimum of one (1) year from the date of the action taken. Recordings may also be kept beyond the normal retention period if they are going to be utilized for training purposes.

This policy does not address or cover instances where school officials record a specific event (e.g., a play, music performance, athletic contest, graduation, or Board meeting) or an isolated instance where a classroom is videotaped for educational or research purposes. Authorized videotaping for educational, instructional and/or research purposes is permitted and is not addressed by this policy.

The Superintendent or his/her designee is directed to develop administrative guidelines to address the use of video surveillance/electronic monitoring equipment in school buildings, school buses and on property owned and/or operated by the Board.

Video surveillance is to be implemented in accordance with this policy and the related guidelines. The Board will not accept or tolerate the improper use of video surveillance/electronic monitoring equipment and will take appropriate action in any cases of wrongful use of this policy.

Annually, the Superintendent or designee shall conduct a review to verify that this policy and its implementing guidelines are being adhered to and report to the Board on the use of video surveillance/electronic monitoring equipment in the District.

7540.01 - TECHNOLOGY PRIVACY

The District recognizes its staff members' right to privacy in their personal lives. This policy serves to inform staff members of the Board's position with respect to staff-member privacy in the educational and workplace setting and to protect the Board's interests.

All District Technology Resources are the District's property and are intended to be used solely for business purposes. The District retains the right to access and review all Information Resources, including but not limited to electronic and voice mail, computer files, databases, and any other electronic transmissions contained in or used in conjunction with the District's computer system/network, telephone system, electronic mail system, and voice mail system. Staff members shall have no expectation that any personal information/data maintained, stored, or transmitted on or through such systems is confidential or private.

Review of such information may be done by the District with or without the staff member's knowledge. The use of passwords does not guarantee confidentiality, and the District retains the right to access information in spite of a password.

All passwords or security codes must be registered with the District. A staff member's refusal to permit such access to Information Resources may be grounds for discipline up to and including discharge.

District Technology Resources are to be used only for business and educational purposes.

No personal messages should be exchanged via District-owned technology. Because District Technology Resources are to be used solely for business and educational purposes, staff members are prohibited from sending offensive, discriminatory, or harassing computer, electronic, or voice mail messages.

Staff members are encouraged to keep their personal records and personal business at home.

Personal messages via District-owned technology should be limited in accordance with the Superintendent's guidelines. Staff members are encouraged to keep their personal records and personal business at home. Because District Technology Resources are to be used primarily for business and educational purposes, staff members are prohibited from sending offensive, discriminatory, or harassing computer, electronic, or voice mail messages.

District Technology Resources must be used properly. Review of computer files, electronic mail, and voice mail will only be done in the ordinary course of business and will be motivated by a legitimate business reason. If a staff member's personal information is discovered, the contents of such discovery will not be reviewed by the District, except to the extent necessary to determine if the files/email/voice mail constitute a public record or if the District's interests have been compromised. Any information discovered will be limited to those who have a specific need to know that information.

The administrators and supervisory staff members authorized by the Superintendent have the authority to search and access information electronically.

All District Technology Resources and District Information Resources are the property of the District. Staff members shall not copy, delete, or remove any information/ data contained on District Technology Resources without the express permission of the Superintendent, or communicate any such information to unauthorized individuals. In addition, staff members may not copy software onto any District Technology Resources and may not bring software from outside sources for use on District Technology Resources or provide unauthorized access to District Technology Resources or

District Information Resources. Prior approval of the Superintendent or his/her designee must be obtained before any outside software, hardware or other technology is used in connection with District Technology Resources or District Information Resources. Such pre-approval shall include a review of any copyright infringements or virus problems associated with such outside software.

7540.02 - WEB ACCESSIBILITY, CONTENT, APPS, AND SERVICES

A. Creating Web Pages/Sites/Services and Software Applications

The District authorizes staff members and students to create web content, services and software applications (apps) hosted by the District on its servers or District-affiliated servers and published on the Internet related to the District's educational purposes. For purposes of this policy, an app is defined as a self-contained program or piece of software enabling the user to perform a specific task.

The web content, services and apps must comply with State and Federal law (e.g., copyright laws, Children's Internet Protection Act (CIPA), Section 504 of the Rehabilitation Act of 1973 (Section 504), Americans with Disabilities Act (ADA), Student Online Personal Protection Act (SOPPA) and Children's Online Privacy Protection Act (COPPA), and reflect the professional image/brand of the District, its employees, and students. Web content, services and apps must be consistent with the District's Mission Statement. Staff-created web content, services and apps are subject to prior review and approval of the Superintendent or his/her designee before being published on the Internet and/or utilized with students.

The creation of web content, services and apps by students must be done under the supervision of a professional staff member.

B. Purpose of Content of District Web Pages/Sites, Apps and Services

The purpose of web content, services and apps hosted by the District on its servers or District-affiliated servers is to educate, inform, and communicate. The following criteria shall be used to guide the development of such web content, services and apps:

1. Educate

Content should be suitable for and usable by students and teachers to support the curriculum and the District's Objectives as listed in the District's Strategic Plan.

2. Inform

Content may inform the community about the school, teachers, students, or departments, including information about curriculum, events, class projects, student activities, and departmental policies.

3. Communicate

Content may communicate information about the plans, policies and operations of the District to members of the public and other persons who may be affected by District matters.

The information contained on the District's website(s) should reflect and support the District's Mission Statement, educational philosophy, and the school improvement process.

When the content includes a photograph or information relating to a student, the District will abide by the provisions of Policy 8330 - Student Records and applicable Federal and State privacy laws. All links included on the District's website(s) or web services and apps must also meet the above criteria and comply with State and Federal law (e.g. copyright laws, CIPA, Section 504, ADA, SOPPA and COPPA). Nothing in this paragraph shall prevent the District from linking the Board's website(s) to 1) recognized news/media outlets (e.g., local newspapers' websites, local television stations' websites) or 2) to websites, services and/or apps developed and hosted by outside commercial vendors pursuant to a contract with the Board.

Under no circumstances are District-created web content, services or apps to be used for commercial purposes, advertising, political lobbying, or to provide financial gains for any individual. Included in this prohibition is the fact no web content contained on the District's website may:

1. include statements or other items supporting or opposing a candidate for public office, the investigation, prosecution or recall of a public official, or passage of a tax levy or bond issue;
2. link to a website of another organization if the other website includes such a message; or
3. communicate information supporting or opposing any labor organization or any action by, on behalf of, or against any labor organization.

Under no circumstances are staff member-created web content, services or apps, including personal web pages/sites, to be used to post student progress reports, grades, class assignments, or any other similar class-related material. Employees are required to use the Board-specified website, service or app for the purpose of conveying information to students and/or parents.

Staff members are prohibited from requiring students to go to the staff member's personal web pages/sites (including, but not limited to, their Facebook, Instagram, Pinterest pages) or other sites, other than Board-specified website, service or app to check grades, obtain class assignments and/or class-related materials, and/or to turn in assignments. If a staff member creates web content, services or apps related to his/her class, it must be hosted on the Board-owned or a District-affiliated server. Unless the web content, service or app contains student personally identifiable information, Board websites, services and apps created by students and/or staff members posted on the Internet should not be password protected or otherwise contain restricted access features, whereby only employees, student(s), or other limited groups of people can access the site. Community members, parents, employees, staff, students, and other website users will generally be given full access to the Board's website(s), services and apps.

Web content, services and apps should reflect an understanding both internal and external audiences will be viewing the information.

School website(s), services and apps must be located on Board-owned or District-affiliated servers.

The Superintendent or his/ her designee shall prepare administrative guidelines defining the rules and standards applicable to the use of the Board's website and the creation of web content, services and apps by staff and students.

The Board retains all proprietary rights related to the design of web content, services and apps hosted on Board-owned or District-affiliated servers, absent written agreement to the contrary.

Students who want their class work to be displayed on the Board's website must have written parent permission and expressly license its display without cost to the Board.

Prior written parental permission is necessary for a student to be identified by name on the Board's website.

C. Instructional Use of Web Services and Apps

The Board authorizes the use of web services and/or apps to supplement and enhance learning opportunities for students either in the classroom or for extended learning outside the classroom.

The Board requires the Superintendent or his/ her designee pre-approve each web service and/or app a teacher intends to use to supplement and enhance student learning. To be approved, the web service or app must have a FERPA-compliant privacy policy, as well as comply with all requirements of the Children's Online Privacy Protection Act (COPPA), the Student Online Personal Protection Act (SOPPA), the Children's Internet Protection Act (CIPA), Section 504, Americans with Disabilities Act (ADA) and the Health Insurance Portability and Accountability Act of 1996 (HIPAA) related to PCI.

The District further requires the use of a District-issued email address in the login process, prior written parental permission to use a student's District issued email address in the login process.

D. Website Accessibility

The District is committed to providing persons with disabilities an opportunity equal to that of persons without disabilities to participate in the District's programs, benefits, and services, including those delivered through electronic and information technology, except where doing so would impose an undue burden or create a fundamental alteration. The District is

further committed to ensuring persons with disabilities are able to acquire the same information, engage in the same interactions, and enjoy the same benefits and services within the same timeframe as persons without a disability, with substantially equivalent ease of use; that they are not excluded from participation in, denied the benefits of, or otherwise subjected to discrimination in any District programs, services, and activities delivered online, as required by Section 504 and Title II of the ADA and their implementing regulations; and that they receive effective communication of the District's programs, services, and activities delivered online.

The District adopts this policy to fulfill this commitment and affirm its intention to comply with the requirements of Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Section 794, 34 C.F.R. Part 104, and Title II of the Americans With Disabilities Act of 1990, 42 U.S.C. Section 12131 and 28 C.F.R. Part 35 in all respects.

1. Technical Standards

The District will adhere to the technical standards of compliance identified at www.detroitk12.org/webaccessibility. The District measures the accessibility of online content and functionality according to the World Wide Web Consortium's Web Content Accessibility Guidelines (W3C's) Web Content Accessibility Guidelines 2.1 Level AA (WCAG2.1)

2. Web Accessibility Coordinator

The Board designates its Section 504/ADA Compliance Coordinator as the District's Web Accessibility Coordinator. That individual is responsible for coordinating and implementing this policy.

The District's Web Accessibility Coordinator(s) can be reached at:

Civil Rights Coordinator
dpacd.compliance@detroitk12.org
(313) 873-7147

3. Third Party Content

Links included on the Board's website(s) or web services and apps that pertain to its programs, benefits and/or services must also meet the above criteria and comply with State and Federal law (e.g. copyright laws, CIPA, Section 504, ADA, SOPPA and COPPA). While the District strives to provide access through its website to online content provided or developed by third parties (including vendors, video-sharing websites, and other sources of online content) that is in an accessible format, that is not always feasible. The District's administrators and staff, however, are aware of this requirement with respect to the selection of online content provided to students. The District's Web Accessibility Coordinator or his/her designees will vet online content available on its website that is related to the District's programs, benefits and/or services for compliance with this criteria for all new content placed on the District's website after adoption of this policy.

Nothing in the preceding paragraph, however, shall prevent the District from including links on the Board's website(s) to:

recognized news/media outlets (e.g., local newspapers' websites, local television stations' websites), or websites, services and/or apps that are developed and hosted by outside vendors or organizations that are not part of the District's program, benefits, or services.

The Board recognizes that such third party websites may not contain age-appropriate advertisements that are consistent with the requirements of Policy 9700.01, AG 9700B, and State and Federal law.

4. Regular Audits

The District, under the direction of the Web Accessibility Coordinator(s) or his/her/their designees, will, at regular intervals, audit the District's online content and measure this content against the technical standards adopted above.

If problems are identified through the audit, such problems will be documented, evaluated, and, if necessary, remediated within a reasonable period of time.

5. Reporting Concerns or Possible Violations

If any student, prospective student, employee, guest, or visitor believes that the District has violated the technical standards in its online content, s/he may contact the Web Accessibility Coordinator with any accessibility concerns. S/he may also file a formal complaint utilizing the procedures set out in Board Policy 2260 and Policy 2260.01 relating to Section 504 and Title II. (need to ensure these are included in these policies)

6. Instructional Use of Apps and Web Services

The Board authorizes the use of apps and web services to supplement and enhance learning opportunities for students either in the classroom or for extended learning outside the classroom.

A teacher who elects to supplement and enhance student learning through the use of apps and/or web services is responsible for verifying/certifying to the Superintendent or his/her designee(s) that the app and/or web service has a FERPA-compliant privacy policy, and it complies with all requirements of the Children's Online Privacy Protection Act (COPPA), Student Online Personal Protection Act (SOPPA) and the Children's Internet Protection Act (CIPA) and Section 504 and the ADA.

The Board further requires the use of a Board-issued e-mail address in the login process.

7. Training

The District will provide periodic training for its employees who are responsible for creating or distributing information with online content so that these employees are aware of this policy and understand their roles and responsibilities with respect to web design, documents and multimedia content.

8. One-Way Communication Using District Web Content, Apps and Services

The District is authorized to use web pages/sites, apps and services to promote school activities and inform stakeholders and the general public about District news and operations.

Such communications constitute public records that will be archived.

When the Board or Superintendent designates communications distributed via District web pages/sites, apps and web services to be one-way communication, public comments are not solicited or desired, and the web site, app or web service is to be considered a nonpublic forum.

If the District uses an apps and web service that does not allow the District to block or deactivate public comments (e.g., Facebook, which does not allow comments to be turned-off, or Twitter, which does not permit users to disable private messages or mentions/replies), the District's use of that apps and web service will be subject to Policy 7544 – Use of Social Media, unless the District is able to automatically withhold all public comments.

If unsolicited public comments can be automatically withheld, the District will retain the comments in accordance with its adopted record retention schedule, but it will not review or consider those comments.

7540.04 - STAFF TECHNOLOGY ACCEPTABLE USE AND SAFETY

Technology has fundamentally altered the ways in which information is accessed, communicated and transferred in society. As a result, educators are continually adapting their means and methods of instruction and the way they approach student learning, to incorporate the vast, diverse, and unique resources available through the Internet. The District provides Technology and Information Resources to support the educational and professional needs of its staff and students. The District provides staff with access to the Internet for limited educational purposes only and utilizes online educational services/applications to enhance the instruction delivered to its students and to facilitate the staff's work. The

District's computer network and internet system does not serve as a public access service or a public forum, and the District imposes reasonable restrictions on its use consistent with its limited educational purpose.

The District regulates the use of District Technology and Information Resources by principles consistent with applicable local, State, and Federal laws, the District's educational mission and articulated expectations of employee conduct as delineated in Employee Work Rules. The District's technology policy series and its related administrative guidelines and any applicable employment contracts and collective bargaining agreements govern the staffs' use of the District's Technology and Information Resources and staff's personal communication devices when they are connected to the District's computer network, internet connection and/or online educational services/applications, or when used while the staff member is on District property or at a District-sponsored activity.

Users are required to refrain from actions that are illegal (such as libel, slander, vandalism, harassment, theft, bullying, plagiarism, inappropriate access, and the like) or unkind (such as personal attacks, invasion of privacy, injurious comment, and the like). Because its technology resources are not unlimited, the District has also instituted restrictions aimed at preserving these resources, such as placing limits on use of bandwidth, storage space, and printers.

Users have no right or expectation to privacy when using District Technology and information resources (including, but not limited to, privacy in the content of their personal files, e-mails, and records of their online activity when using the District's computer network and/or Internet connection).

Staff are expected to utilize District Technology and Information Resources to promote educational excellence in our schools by providing students with the opportunity to develop the resource sharing, innovation, and communication skills and tools essential to both life and work. The District encourages staff to develop the appropriate skills necessary to effectively access, analyze, evaluate, and utilize these resources in enriching educational activities. The instructional use of the Internet and online educational services will be guided by Policy 2521 Selection of Instructional Materials and Equipment.

The internet is a global information and communication network that brings incredible education and information resources to students. The internet connects computers and users in the District with computers and users worldwide. Through the internet, students and staff can access relevant information to enhance their learning and the education process. Further, District technology resources provide students and staff with the opportunity to communicate with other people from around the world. However, access to such an incredible quantity of information and resources brings with it certain unique challenges and responsibilities.

The District may not be able to technologically limit access, through its technology Resources, to only those services and resources that have been authorized for the purpose of instruction, study, and research related to the curriculum. Unlike in the past when educators and community members had the opportunity to review and screen materials to assess their appropriateness for supporting and enriching the curriculum according to adopted guidelines and reasonable selection criteria (taking into account the varied instructional needs, learning styles, abilities, and developmental levels of the students who would be exposed to them), access to the internet, because it serves as a gateway to any publicly available file server in the world, opens classrooms and students to electronic information resources that may not have been screened by educators for use by students of various ages.

Pursuant to Federal law, the District has implemented technology protection measures to protect against (e.g., filter or block) access to visual displays/depictions/materials that are obscene, constitute child pornography, and/or are harmful to minors, as defined by the Children's Internet Protection Act. At the discretion of the Superintendent, the technology protection measures may also be configured to protect against access to other material considered inappropriate for students to access. The District also utilizes software and/or hardware to monitor online activity of staff members to restrict access to child pornography and other material deemed as obscene, objectionable, inappropriate and/or harmful to minors. The technology protection measures may not be disabled at any time that students may be using the District Technology Resources if such disabling will cease to protect against access to materials prohibited under the Children's Internet Protection Act. Any staff member who attempts to disable the technology protection measures without express written consent of an appropriate administrator will be subject to disciplinary action, up to and including termination.

The Superintendent or his/her designees may temporarily or permanently unblock access to websites or online educational services/apps containing appropriate material if access to such sites has been inappropriately blocked by the technology protection measures. The determination of whether material is appropriate or inappropriate shall be based on the content of the material and the intended use of the material, not on the protection actions of the technology protection measures. The Superintendent or his/her designees may also disable the technology protection measures to enable access for bona fide research or other lawful purposes.

Staff members will have access to professional development programs in accordance with the provisions of law and this policy. Training shall include:

- A. the safety and security of staff and students while using e-mail, chat rooms, social media and other forms of direct electronic communications;
- B. the inherent danger of students disclosing personally identifiable information online;
- C. the consequences of unauthorized access (e.g., "hacking", "harvesting", "digital piracy", "data mining", etc.), cyberbullying and other unlawful or inappropriate activities by students or staff online; and
- D. unauthorized disclosure, use, and dissemination of personally identifiable information regarding minors or any other individual.

Furthermore, staff members shall provide instruction for their students regarding the appropriate use of technology and online safety and security as specified above, and staff members will monitor students' online activities while at school.

Monitoring may include, but is not necessarily limited to, visual observations of online activities during class sessions; or use of specific monitoring tools to review browser history and network, server, and computer logs.

The unauthorized disclosure of personally identifiable information about students online is prohibited.

The Department of Information Technology will provide staff and building leaders with appropriate guidance and training materials in order to ensure staff are knowledgeable about this policy and any accompanying guidelines. The District expects staff members will provide guidance and instruction to students in the appropriate use of the District technology resources. Such training shall include, but not be limited to, education concerning appropriate online behavior, including interacting with other individuals on social media including in chat rooms and cyberbullying awareness and response. All users of District Technology Resources are required to sign a written agreement to abide by the terms and conditions of this policy and its accompanying guidelines.

Staff will be assigned a District e-mail address they are required to use for all school-related electronic communications, including those to students, parents and other staff members in accordance with Policy 7540.05.

With prior approval from the Superintendent or his/her designee, staff may direct students who have been issued District assigned e-mail accounts to use those accounts when signing-up/registering for access to various online educational services, including mobile applications to be used by the students for educational purposes under teacher supervision.

Staff members are responsible for good behavior when using District technology and information resources - i.e., behavior comparable to that expected when they are in classrooms, school hallways, and other school premises and school-sponsored events. Communications on the Internet are often public in nature. The District does not approve any use of its technology and information resources that is not authorized by or conducted strictly in compliance with this policy and its accompanying guidelines.

Staff may only use District technology resources to access or use social media in accordance with the District's social media policy, Policy 7544.

Staff and students are strictly prohibited from sharing District-issued login credentials with other users.

Users who disregard these policies and the accompanying guidelines may have their user privileges suspended or revoked, and disciplinary action taken against them. Users are personally responsible and liable, both civilly and criminally, for uses of District technology and information resources that are not authorized by this policy and its accompanying guidelines.

The Board designates the Superintendent and his/her designee as the administrators responsible for initiating, implementing, and enforcing this policy and its accompanying guidelines as they apply to staff members' use of District Technology and Information Resources.

7540.05 - DISTRICT-ISSUED STAFF E-MAIL ACCOUNT

The District provides and authorizes staff members and Board members to use electronic mail ("e-mail") hosted by the District on its servers for its educational purposes. The District is committed to the effective use of e-mail by all District staff and Board members in the conduct of their official duties. This policy and corresponding administrative guidelines are intended to establish a framework for the proper use of e-mail for conducting official business and communicating with colleagues, students, parents and community members.

When available, the District's e-mail system must be used by employees for any official District e-mail communications. Personal e-mail accounts on providers other than the District's e-mail system may be blocked at any time if concerns for network security, SPAM (e.g. unsolicited, undesirable or illegal messages), or virus/spyware/malware protection arise. Furthermore, District staff are expected to exercise reasonable judgment and prudence and take appropriate precautions to prevent viruses from entering the District's network when opening or forwarding any e-mails or attachments to e-mails originating from unknown sources.

District staff shall not send or forward mass e-mails, even if the e-mails concern District business.

District staff may join listservs or other e-mail services (e.g. RSS feeds) pertaining to their responsibilities in the District. If a staff member is unsure whether s/he has adequate storage or should subscribe to a listserv or RSS feed, s/he should discuss the issue with his/her building principal or supervisor and consult with the District's Technology Department staff. The Superintendent or his/her designee is authorized to block e-mail from listservs or e-mail services if the e-mails received by the staff member(s) become excessive.

Staff members are encouraged to keep their inbox and folders organized by regularly reviewing e-mail messages, appropriately saving e-mails constitute a public record or student record and e-mails are subject to a litigation hold and purging all other e-mails that have been read. If the staff member is concerned his/her e-mail storage allotment is not sufficient, s/he should contact his/her building principal or supervisor and consult with the District's Technology Department staff.

Public Records

The District complies with all Federal and State laws pertaining to public records and e-mails. A public record is a writing prepared, owned, used, in the possession of, or retained by the District, its Board, officers, or employees in the performance of an official function, from the time it is created, subject to certain exemptions. Accordingly, e-mails written by or sent to District staff and Board members may be public records if their content concerns District business, or education records if their content includes personally identifiable information about a staff member and/or a student. E-mails are public records and are subject to retention and disclosure, upon request, in accordance with Policy 8310 – Public Records.

State and Federal law exempt certain documents and information within documents from disclosure, no matter what their form. Therefore, certain e-mails may be exempt from disclosure or it may be necessary to redact certain content in the e-mails before the e-mails are released pursuant to a public records request, the request of a parent or eligible student to review education records, or a duly served discovery request involving ESI (electronically stored information).

E-mails written by or sent to District staff and Board members by means of their private e-mail account may be public records if the content of the e-mails concerns District business, or education records if their content includes personally-identifiable information about a student. Consequently, staff shall comply with a District request to produce copies of e-mail in their possession that are either public records or education records, or constitute ESI subject to a litigation hold, even if such records reside on a computer or personal communication device owned by an individual staff member, or are accessed through an e-mail account not controlled by the District.

Retention

Pursuant to State and Federal law, e-mails are public records or education records, and e-mails are subject to a litigation hold shall be retained.

The District maintains archives of all e-mails sent and/or received by users of the District's e-mail service. Staff members are required to forward copies of any e-mails received in their personal e-mail account(s) not affiliated with the District server to their District e-mail account so these records are also archived for future retrieval, if necessary.

Unauthorized E-mail

The Board does not authorize the use of District Technology Resources, including its computer network ("network"), to accept, transmit, or distribute unsolicited bulk e-mail sent through the Internet to network e-mail accounts. In addition, Internet e-mail sent, or caused to be sent, to or through the network makes use of or contains invalid or forged headers, invalid or non-existent domain names, or other means of deceptive addressing will be deemed to be counterfeit. Any attempt to send or cause such counterfeit e-mail to be sent to or through the network is unauthorized. Similarly, e-mail relayed from any third party's e-mail servers without the permission of the third party, or which employs similar techniques to hide or obscure the source of the e-mail, is also an unauthorized use of the network. The District does not authorize the harvesting or collection of network e-mail addresses for the purposes of sending unsolicited e-mail. The District reserves the right to take all legal and technical steps available to prevent unsolicited bulk e-mail or other unauthorized e-mail from entering, utilizing, or remaining within the network. Nothing in this policy is intended to grant any right to transmit or send e-mail to, or through, the network. The District's failure to enforce this policy in every instance in which it might have application does not amount to a waiver of its rights.

Unauthorized use of the network in connection with the transmission of unsolicited bulk e-mail, including the transmission of counterfeit e-mail, may result in civil and criminal penalties against the sender and/or possible disciplinary action.

Authorized Use and Training

Pursuant to Policy 7540.04, staff and Board members using the District's e-mail system shall acknowledge their review of, and agreement to comply with, the District's policy on Acceptable Use and Safety.

Furthermore, staff and Board members using the District's e-mail system shall satisfactorily complete training regarding the proper use and retention of e-mail annually.

7530.01 - DISTRICT-OWNED PERSONAL COMMUNICATION DEVICES

The District will provide personal communication devices ("PCDs") to employees who by the nature of their job have a routine and continuing business need for the use of such devices for official District business. For purpose of this policy, "personal communication device" includes computers, laptops, tablets (e.g., iPads and similar devices), electronic readers ("e-readers"; e.g. Kindles and similar devices), cell phones (e.g., mobile/cell phones/wireless, smartphones [e.g., BlackBerry, iPhone, Android devices, Windows Mobile devices, etc.], personal digital assistants ("PDAs"), Wi-Fi enabled or broadband access devices, two-way radios or video broadcasting devices, or other web-enabled devices of any type, or other devices that allow a person to record and/or transmit, on either real or delayed time basis, sound, video, still images, text, or other information.. PCDs are provided as tools to conduct District business and to enhance business efficiencies. District-owned cell phones are not a personal benefit and shall not be a primary mode of communication, unless they are the most cost-effective means to conduct District business (i.e., because some cell phone services plans are billed on a time-used basis, District-owned cell phones should not be used if a less costly alternative method of communication is safe, convenient and readily available).

The Superintendent or his/her designee shall designate those staff members who will be issued a District-owned cell phone and provided with a cell phone and/or wireless Internet/data service plan.

In deciding which staff members should receive a District-owned cell phone, the Superintendent will consider whether their jobs:

- A. require them to spend a considerable amount of time outside of their assigned office or work area during regular work hours and have regular access to telephone and/or Internet/data connections while outside their office or assigned work area;
- B. require them to be accessible outside of scheduled or regular work hours or to be contacted and respond in the event of an emergency; or
- C. consistently require timely and business critical two (2) way communication for which there is no reasonable alternative technology.

The Superintendent or his/her designee is responsible for verifying:

- A. the need for each District-owned cell phone and related service plan is clearly justified for District business purposes;
- B. alternative solutions for work production and communication are considered;
- C. employees provided with cellular and/or wireless Internet/data service plans are notified of the purpose and limitations of usage;
- D. cell phone and wireless Internet/data service plan invoices outlining the details of usage are received and reviewed for conformance with this policy;
- E. a District-owned cell phone is returned and the corresponding cell phone and/or wireless Internet/data service plan is terminated when it is no longer justified by the established business requirements, the employee leaves District's employment, and/or when the employee has demonstrated a disregard for the limitation of this policy.

District-owned cell phones and/or their related service plans are to be used only to place calls, access the Internet, or receive/send e-mails, instant messages or text messages for District business purposes.

Furthermore, District-owned cell phones are not to be used to place calls or send/receive e-mails, instant messages or text messages of a personal nature, or access the Internet for personal business.

Cellular and wireless Internet/data service plans are expected to be set at the minimum level fulfilling the business need for the position in question. The service plan selected for an employee should provide a combination of services including ample minutes and coverage most nearly matching the employee's recurring business needs as well as text and/or instant messaging, e-mail capability, and ability to access the Internet. The Superintendent or his/her designee will determine the type and level of cell phone and wireless Internet/data service appropriate for the District. In all cases, the Superintendent or his/her designee shall take the steps necessary to secure the most economical and responsible service available.

The District's Information Technology (IT) department will conduct an annual review of the service plans available to determine if the District's plans are the most economical and responsible available. Any change in provider and/or necessary adjustments to individual staff member's device and/or service plan shall be approved by the Superintendent or his/her designee.

Possessing a district-owned cell phone and/or other PCD is a privilege and all employees are expected to use them appropriately and responsibly. Employees are responsible for managing the cost-effectiveness of their cell phone and/or PCD use by utilizing assigned landline and/or designated computers as available and appropriate. Employees should know using a cell phone to place calls outside the immediate area might result in roaming charges, in addition to long distance and regular charges, in which District is charged for both outgoing and incoming calls.

In order to continue to be eligible to receive a District-owned cell phone, staff members are required to answer all calls on his/her District-owned cell phone and promptly respond to any messages.

Safe and Appropriate Use of District-Owned PCDs, Including Cell Phones

Employee safety is a priority of District, and responsible use of District-owned PCDs, including devices such as cell phones, computers, laptops, tablets and other PCDs, requires safe use. Employees may not use a PCD in a way that might reasonably create in the mind of another person an impression of being threatened, humiliated, harassed, embarrassed, bullied or intimidated.

Duty to Maintain Confidentiality of Student Personally Identifiable Information; Public and Student Record Requirements

Employees are subject to all applicable laws, policies and guidelines pertaining to the protection of the security, confidentiality (if applicable), integrity, and availability of the data stored on their District-owned PCDs. See Policy 7530.02 - Staff Use of Personal Communication Devices.

When District intends to dispose of, or otherwise stop using, a District-owned PCD on which an employee has maintained public records, student records and/or Electronically Stored Information (ESI) that is subject to a Litigation Hold, the District's IT department/staff shall verify such records are properly transferred to an alternative storage device, before disposing of, or otherwise ceasing to use, the PCD. The IT department/staff is responsible for securely deleting such

records/ESI before disposing of, or ceasing to use, the District-owned PCD. The IT department/staff is responsible for maintaining documentation concerning the actions it takes to comply with this requirement.

Employee's Responsibilities

Employees are responsible for the safekeeping, care, and custody of District-owned PCDs assigned to them. Further, employees are responsible for the cost of misuse, intentional damage or reckless loss of the District-owned PCDs provided to them. District does not provide or purchase insurance to cover loss or damage to its PCDs. Reasonable precautions should be taken to prevent theft, loss or damage to, or misuse or unauthorized use/access to, District-owned PCDs. Upon resignation or termination of employment, or at any time upon request, an employee may be asked to produce the District-owned PCD issued to him/her for return or inspection. Employees unable to present the device in good working condition within the time period requested (e.g., 24 hours) may be expected to bear the cost of a replacement. Employees who separate from employment with outstanding debts for equipment loss or unauthorized charges will be considered to have left employment on unsatisfactory terms and may be subject to legal action for recovery of the loss.

Any employee who regularly places or receives personal calls, or uses his/her District-owned cell phone to send/receive personal e-mails, text messages, or instant messages, shall be subject to disciplinary action.

PCDs may not be transferred to any other employee without prior notification and approval of the Superintendent or his/her designee. Employees provided with a PCD understand the PCD is owned by the District. Any alteration or switching of PCDs must be approved in advance by the Superintendent or his/her designee.

Cell phone numbers provided by the District, via contract with a cell phone service provider/vendor, are considered business numbers of the District which shall remain and belong to the District for its use unless otherwise changed by the service provider/vendor or as mandated by the Federal Communications Commission. Employees are not allowed to transfer/port a previous personal cell phone number to a District-owned cell phone.

District IT Department and/or the Inspector General reserves the right to audit all District-owned cell phones, which will include, but not be limited to, a review of the detailed monthly statement upon submission after the requisite review by the employee. The detailed monthly service statements for all District-owned cell phones, as well as invoices and payment documents related to these accounts, are public records and, as such, may be subject to disclosure and review.

Use of District-owned Cell Phones for Personal Calls

District-owned cell phones are a public resource and may be used for District business only. Employees are advised to obtain and carry a personally-owned cell phone for personal use at their own expense. District-owned cell phones may not be used for personal uses, except in clearly urgent situations, when no other telephone is readily available, and the call is related to the conduct of official business. Thus, calls, e-mails, text messages, or instant messages home notifying the family of the employee's whereabouts, etc. when required to work extended hours shall be considered business-related. Such communications should be kept brief and to the point. Phones should not be misused for personal business.

Potential Disciplinary Action/Cancellation of District-Owned PCD

Violation of this policy may constitute just cause for disciplinary action up to and including termination. Use of the District-owned PCD in any manner contrary to local, State or Federal laws will constitute misuse and will result in the District canceling the employee's privilege to use the PCD and requiring the employee to immediately return the device.

7530.02 - STAFF USE OF PERSONAL COMMUNICATION DEVICES

Use of personal communication devices ("PCDs") has become pervasive in the workplace.

For purposes of this policy, "personal communication device" includes computers, laptops, tablets (e.g., iPads and similar devices), electronic readers ("e-readers"; e.g., Kindles and similar devices), cell phones (e.g., mobile/cellular/wireless telephones, smartphones [e.g., BlackBerry, iPhone, Android devices, Windows Mobile devices, etc.], personal digital devices ("PDAs"), Wi-Fi enabled or broadband access devices, two-way radios or video broadcasting devices, or other web-enabled devices of any type, or other devices that allow a person to record and/or transmit, on either real or delayed time basis, sound, video, still image, text or other information. Whether the PCD is DPSCD-owned and assigned to a

specific employee, or personally-owned by the employee, the employee is responsible for using the device in a safe and appropriate manner.

Safe and Appropriate Use of Personal Communication Devices, Including Cell Phones

Employees whose job responsibilities include regular or occasional driving and who use a PCD for business use are expected to refrain from using their device while driving.

Safety must come before all other concerns. Regardless of the circumstances, including slow or stopped traffic, employees are strongly encouraged to pull off to the side of the road and safely stop the vehicle before placing or accepting a call. Reading or sending a text message, instant message or e-mail, or browsing the Internet using a PCD while driving is strictly prohibited. If acceptance of a call is unavoidable and pulling over is not an option, employees are expected to use hands-free options (e.g., headsets or voice activation) if available, refrain from the discussion of complicated or emotional topics, and keep their eyes on the road. Special care should be taken in situations where there is traffic, inclement weather, or the employee is driving in an unfamiliar area. In the interest of safety for both Board employees and other drivers, employees are required to comply with all applicable laws while driving (including any laws prohibit texting or using a cell phone or other PCD while driving).

Employees may not use a PCD in a way that might reasonably create in the mind of another person an impression of being threatened, humiliated, harassed, bullied, embarrassed or intimidated.

Duty to Maintain Confidentiality of Student Personally Identifiable Information - Public and Student Record Requirements

Employees are subject to all applicable laws, policies and guidelines pertaining to the protection of the security, confidentiality (if applicable), integrity, and availability of the data stored on their PCDs.

Cellular and wireless communications, including calls, text messages, instant messages, and emails sent from PCDs, may not be secure. Therefore, employees should use discretion in relaying confidential information, particularly as it relates to students on PCDs.

Additionally, cellular/wireless communications, including text messages, instant messages and e-mails sent and/or received by a public employee or school official using his/her PCD may constitute public records if the content of the message concerns District business, or an education record if the content includes personally identifiable information about a staff and/or student. Cellular/wireless communications are public records subject to retention and disclosure, upon request, in accordance with Policy 8310 – Public Records. Cellular/wireless communications that are student records should be maintained pursuant to Policy 8330 – Students Records. Finally, cellular/wireless communications and other electronically stored information (ESI) stored on the staff member's PCD may be subject to a litigation hold. Staff is required to comply with District requests to produce copies of cellular/wireless communications in their possession that are either public records or education records, or constitute ESI is subject to a litigation hold.

At the conclusion of an individual's employment (whether through resignation, non-renewal, or termination), the employee is responsible for informing the Superintendent or his/her designee of all public records, staff and/or student records, and ESI subject to a litigation hold maintained on the employee's Board-owned PCD. The District's IT department/staff will then transfer the records/ESI to an alternative storage device.

If the employee also uses a personally-owned PCD for work-related communications, and the device contains public records, staff and/or students records, and/or ESI subject to a litigation hold, the employee must transfer the records/ESI to the District's custody (e.g., server, alternative storage device) prior to the conclusion of employment, with the assistant of the District's technology staff, as needed. Once all public records, student records and ESI subject to a litigation hold are transferred to the District's custody, the employee is required to delete the records/ESI from his/her personally-owned PCD. The employee will be required to sign a document confirming all such records/information has been transferred to the District's custody and deleted from his/her personally-owned PCD.

If a PCD is lost, stolen, hacked or otherwise subjected to unauthorized access, the employee must immediately notify the Superintendent or his/her designee so a determination can be made as to whether any public records, staff and/or students records, and/or ESI subject to a Litigation Hold has been compromised and/or lost. The Superintendent or his/her designee shall determine whether any security breach notification laws may have application to the situation. Appropriate notifications will be sent unless the records/information stored on the PCD was encrypted.

The District prohibits employees from maintaining the following types of student or parent records and/or information on their PCDs:

- A. social security numbers
- B. driver's license numbers
- C. credit and debit card information
- D. financial account numbers
- E. student personally identifiable information
- F. information required to be kept confidential pursuant to the Americans with Disabilities Act (ADA)
- G. personal health information as defined by the Health Insurance Portability and Accountability Act (HIPAA)

If an employee maintains records and/or information on a PCD that is confidential, privileged or otherwise protected by State and/or Federal law, the employee is required to encrypt the records and/or information.

It is required that employees lock and password protect their PCDs when not in use. Employees are responsible for making sure no third parties (including family members) have access to records and/or information, which is maintained on a PCD in their possession, that is confidential, privileged or otherwise protected by State and/or Federal law.

Privacy Issues

Except in emergency situations or as otherwise authorized by the Superintendent or as necessary to fulfill their job responsibilities, or as otherwise permitted under the Family Education Rights and Privacy Act (FERPA), employees are prohibited from using PCDs to capture, record and/or transmit the words or sounds (i.e., audio) and/or images (i.e., pictures/video) of any student, staff member, or other person in the school or while attending a school-related activity. Using a PCD to capture, record and/or transmit audio and/or pictures/video of an individual without proper consent is considered an invasion of privacy and is not permitted.

PCDs, including but not limited to those with cameras, may not be activated or utilized at any time in any school situation where a reasonable expectation of personal privacy exists. These locations and circumstances include, but are not limited to classrooms in which parents or guardians have not provided appropriate media releases, gymnasiums, locker rooms, shower facilities, rest/bathrooms, and any other areas where students or others may change clothes or be in any stage or degree of disrobing or changing clothes. The Superintendent or his/her designee and building principals are authorized to determine other specific locations and situations where the use of a PCD is absolutely prohibited. Use of PCDs to record or film a school activity which is not a public event shall obtain prior permission from the Superintendent or his/her designee.

Personal Use of PCDs While at Work

Employees may carry PCDs with them while at work including while operating Board equipment, but are subject to the following restrictions:

- A. Excessive use of a PCD for personal business during work hours is considered outside the employee's scope of employment and may result in disciplinary action.
- B. Employees are personally and solely responsible for the care and security of their personally-owned PCDs. DPSCD assumes no responsibility for theft, loss, or damage to, or misuse or unauthorized use of, personally-owned PCDs brought onto its property, or the unauthorized use of such devices.

Potential Disciplinary Action

Violation of this policy may constitute just cause for disciplinary action up to and including termination. Use of a PCD in any manner contrary to local, State or Federal laws may also result in disciplinary action up to and including termination.

7542 - ACCESS TO DISTRICT TECHNOLOGY RESOURCES FROM PERSONAL COMMUNICATION DEVICES

The District permits employees, students, Board members, guests, parents and guardians, contractors, vendors and agents to use their personal communication devices (“PCDs”) to wirelessly access the District's technology resources (guest or business networks, servers, projectors, printers, etc.) while they are on-site at any District facility, as set forth in administrative guidelines. Access to the business/guest network shall require authentication.

For purposes of this policy, “personal communication device” (PCDs) includes computers, tablets (e.g., iPads and similar devices), electronic readers (“e-readers”; e.g., Kindles and similar devices), cell phone (e.g., mobile/cellular telephones, smartphones (e.g., BlackBerry, iPhone, etc.), and/or other web-enabled devices of any type.

The District's Technology Department is charged with developing (or, is directed to develop) the necessary standards for connecting PCDs to the District's technology resources. The standards shall be available upon request.

The standards shall be designed and enforced to minimize the District's exposure to damages, including, but not limited to, the loss of sensitive District data, illegal access to confidential data, damage to the District's intellectual property, damage to the District's public image, damage to the District's critical internal systems, including its technology resources and information systems from unauthorized use.

In order to comply with the Children's Internet Protection Act (“CIPA”), the District has implemented technology protection measures protecting against (e.g., filter or block”) access to visual displays/depictions/materials deemed as obscene, constitute child pornography, and/or are harmful to minors. The District's Technology Department uses software and/or hardware to monitor online activity to restrict access to child pornography and other material that is obscene, objectionable, inappropriate and/or harmful to minors.

Any user who violates the established standards and/or the District's Acceptable Use policies, or who accesses the District's technology resources or information systems without authorization may be prospectively denied access to the District's technology resources. If the violation is committed by a contractor, vendor or agent of the District, the contract may be subject to cancellation. Further disciplinary action may be taken if the violation is committed by a student or employee.

The owner of a PCD bears all responsibility and assumes all risk of theft, loss, or damage to, or misuse or unauthorized use of the device while it is on District property. This provision applies to everyone, regardless of their affiliation or connection to the District.

7543 - UTILIZATION OF THE DISTRICT'S WEBSITE AND REMOTE ACCESS TO THE DISTRICT'S NETWORK

Access to the District's website www.detroitk12.org is encouraged.

The District's website will include relevant information to internal and external stakeholders, including, but not limited to:

- A. the District's calendar of public events
- B. the link to the District's student information system
- C. State-mandated compliance and education reports
- D. the link to Board agendas and minutes
- E. contact information for schools and departments

The District encourages employees, parents, students, and community members to check the District's website regularly for changes to these resources and for the addition of other resources. Some resources may require a user name and password, or a login procedure due to the personally identifiable nature of the information provided through the aforementioned resource (e.g., the student information system and e-mail system). If a user name and password, or login procedure, is necessary to access a resource, information shall be provided on the website explaining who is eligible for a user name and password, how to obtain a user name and password, and detailed instructions concerning the login process.

Access to the District Network through Server

Board members, District employees, and students, as well as contractors, vendors, and authorized agents of the District are permitted to use their personally-owned or District-owned computer or workstation and/or web-enabled devices of any type to remotely (i.e. away from District property and facilities) access the District's server and thereby connect to the District's Network. The District's Network is a part of its Technology Resources. This policy is limited to remote access connections used to do work on behalf of or for the benefit of the District, including, but not limited to, reading or sending e-mail, reviewing or using District-provided intranet web resources, and completing assigned coursework.

Each individual granted remote access privileges pursuant to this policy must adhere to the following standards and regulations:

- A. his/her device computer/device must have, at the minimum, the anti-virus software specified in the District's standards for remote access and connection
- B. the individual may only access the network using his/her assigned user name and password
- C. the individual must not allow other persons, including family members, to use his/her user name and password to login into the Network. The user may not go beyond his/her authorized access.
- D. his/her device may not be connected to any other network at the same time s/he is connected to the Network, with the exception of personal networks under the complete control of the user
- E. his/her device may not, at any time while the individual is using remote access to connect to the Network, be reconfigured for the purpose of split tunneling or dual homing
- F. use of the Network is contingent upon the individual abiding by the terms and conditions of the District's Acceptable Use and Safety policies and guidelines

Users may be required to sign the applicable agreement form prior to being permitted to use remote access.

Additional standards and regulations for remotely accessing and connecting to the District network shall be developed and published in administrative guidelines.

Any user who violates this policy may be denied remote access and connection privileges.

Any employee who violates this policy may be disciplined, up to and including termination; any contractor, vendor, or agent who violates this policy may have his/her contract with the District terminated; and any student who violates this policy may be disciplined up to and including suspension or expulsion.

7545 - ELECTRONIC COMMUNICATIONS

The advancement of technology has provided many new ways for individuals to communicate with one another. These electronic communications include social networking sites, instant/direct messaging, text messaging, e-mailing and photo-sharing, among others. Additional methods of electronic communication can be anticipated as the technology continues to evolve.

However, use of such technology must be approached with caution by District employees. Given the nature of the communications, there is a significant potential both for inappropriate use and for alleged inappropriate use. Employees must adhere to applicable District policies and administrative guidelines related to electronic communications. To protect staff and students, the following restrictions are also established:

- A. Electronic communications with students shall be appropriate in tone, content, and quantity. Stalking, harassment, or other unwelcome behaviors are prohibited, including any type of sexually suggestive comments, photos, or graphics.

- B. Electronic communications with other employees shall be appropriate in tone, content, and quantity. Stalking, harassment, or other unwelcome behaviors are prohibited.
- C. Electronic communications during work time shall only be allowed for work-related matters or personal emergencies. Work time is defined as all paid work time is not a designated break or meal period.
- D. Personal communications with students are not to occur through electronic methods. This does not apply to students to whom you are related or over whom you have guardianship.
- E. Electronic communications with students are only to occur through District-specified and maintained e-mail accounts or websites.
- F. The District may require the employee to produce records for review when there is reason to believe this policy has been violated. Records within the District's control may be reviewed periodically to assure this policy is being complied with. These may include Internet logs, cell phone records, e-mail, websites, apps, Internet content or other similar documentation.

Questions regarding acceptable electronic communications or unwelcomed electronic communications from someone associated with the District should be submitted to the Technology Department.

6107 - AUTHORIZATION TO ACCEPT AND DISTRIBUTE ELECTRONIC RECORDS AND TO USE ELECTRONIC SIGNATURES

Unless a provision of law specifically prohibits the use of an electronic record for the specified purpose, the Board of Education authorizes the acceptance and distribution/transmission of electronic records and electronic signatures to and from District staff and other persons, as well as between District staff members. The Board further authorizes District staff to create, generate, send, communicate, receive, store, process, use, and rely upon electronic records and electronic signatures.

The Superintendent is authorized to develop administrative guidelines and procedures concerning the acceptance and distribution/transmission of electronic records and electronic signatures. After giving due consideration to security, risk, and opportunity for fraud, the Superintendent may specify the following:

- A. The manner and format in which the electronic records must be created, generated, sent, communicated, received, and stored, and the systems established for those purposes.
- B. If electronic records must be signed by electronic means, the type of electronic signature that is required, the manner and format in which the electronic signature must be affixed to the electronic record, and the identity of, or criteria that must be met by any third party used by a person filing a document to facilitate the process.
- C. Control processes and procedures as appropriate to provide for adequate preservation, disposition, integrity, security, confidentiality, and auditability of electronic records.
- D. Any other required attributes for electronic records that are specified for nonelectronic records or reasonably necessary under the circumstances.

2461 - RECORDING OF INDIVIDUALIZED EDUCATION PROGRAM (IEP) AND 504 MEETINGS INVOLVING STUDENTS AND/OR PARENTS

In order to facilitate parents' ability to fully participate in the IEP and/or 504 process, parents of students with disabilities are permitted to audio record IEP Team meetings and 504 Team meetings in accordance with the following procedures:

- A. Parents wishing to audio record an IEP or 504 team meeting must utilize their own recording device and provide notice to the District of the scheduled IEP or 504 team meeting; and

- B. If a parent elects to audio record an IEP or 504 team meeting, the District shall also record the meeting using a District-owned device.

Parents are permitted to audio record meetings with the District provided they notify the District prior to the date of the scheduled meeting of their intent to record the meeting. If a parent provides the requisite notice and is permitted to audio record the meeting, s/he must use his/her own recording device and the District will similarly record the meeting.

Video recording of any District meeting, including IEP and 504 team meetings is strictly prohibited, with the exception of meetings open to the public under the Open Meetings Act.

Parents and students are expressly prohibited from using covert means to listen-in or make a recording (audio or video) of any meeting or activity at school. This includes placing recording devices, or other devices with one- or two-way audio communication technology (i.e., technology that allows a person off-site to listen to live conversations and sounds taking place in the location where the device is located), within a student's book bag, on the student's person or otherwise in an area capable of listening in or recording without express written consent of the Superintendent or his/her designees. Secret recordings are prohibited.

Any requests to place a recording device or other device with one- or two-way audio communication technology within a student's book bag or on a student's person shall be submitted, in writing, to the Superintendent or his/her designees. The Superintendent or his/her designees shall notify the parent(s), in writing, whether such request is denied or granted within five (5) days.

If the District audio records an IEP or 504 team meeting, the resulting recording shall become a part of the student's educational record within the meaning of the Family Educational Rights and Privacy Act (FERPA) and will be maintained in accordance with State and Federal law.

UNAUTHORIZED WORK STOPPAGE

3531 - UNAUTHORIZED WORK STOPPAGE

The Board is obligated and committed to provide certain basic services to students residing in the District under its jurisdiction and as contracted. Therefore, if the schools are open and students are in attendance, those basic services will be provided.

Recognizing the fact that the District, for various reasons, could experience an unauthorized work stoppage, the Board remains committed to providing educational and related services to the schools and will fulfill its obligations to operate the schools when possible.

Staff members who fail to perform their normal duties when so required as part of a concerted unauthorized work stoppage will be subject to loss of pay and fringe benefits, including paid insurance coverage, as well as disciplinary measures in accordance with the laws of the State.

WEAPONS, VIOLENCE AND THREATS

1217 - ADMINISTRATIVE STAFF POSSESSION AND USE OF WEAPONS

The Board of Education prohibits members of the administration from possessing, storing, making, or using a weapon in any setting that is under the control and supervision of the District for the purpose of school activities approved and authorized by the District including, but not limited to, property leased, owned, or contracted for by the District, a school-sponsored event, including athletic events, or in a District vehicle.

The term "weapon" means any object which, in the manner in which it is used, is intended to be used, or is represented, is capable of inflicting serious bodily harm or property damage, as well as endangering the health and safety of persons. Weapons include, but are not limited to, firearms, guns of any type, including spring, air and gas-powered guns (whether

loaded or unloaded) that will expel a BB, pellet, or paint balls, knives, razors, clubs, electric weapons, metallic knuckles, martial arts weapon, ammunition, and explosives or any other weapons described in 18 U.S.C. 921.

The Superintendent shall refer a staff member who violates this policy to law enforcement officials. The staff member will also be subject to disciplinary action, up to and including termination, as permitted by applicable Board policy and the terms of applicable existing collective bargaining agreements.

Exceptions to this policy include:

- A. weapons under the control of law enforcement personnel;
- B. items approved by an administrator, principal, or director as part of a class or individual presentation under adult supervision, if used for the purpose of and in the manner approved; (Working firearms and ammunition shall never be approved.)
- C. theatrical props that do not meet the definition of "weapons" above, used in appropriate settings;
- D. starter pistols used in appropriate sporting events.

Staff members shall immediately report knowledge of dangerous weapons and/or threats of violence by students, staff members, or visitors to their immediate supervisor, building or office administrator or the Office of Employee Relations. Failure to report such information may subject the staff member to disciplinary action, up to and including termination.

3362.01 - THREATENING BEHAVIOR TOWARD STAFF MEMBERS

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

Threatening behavior consisting of any words, deeds, or electronic communications including social media that intimidate a staff member or cause anxiety concerning his/her physical and/or psychological well being is strictly forbidden. Any student, parent, visitor, staff member, or agent of this Board who is found to have threatened a member of the staff will be subject to discipline or reported to the authorities.

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

HOURS OF WORK

BREAKS

4430.03 - NURSING MOTHERS

Staff members who breastfeed their children shall be provided additional unpaid break time, as necessary, to express breast milk on District premises.

Prior to returning to work from maternity leave, the employee shall notify her supervisor of her need to express milk during work hours. The employee shall also keep her supervisor informed of these needs throughout the period of lactation.

The building administrator shall designate a mutually agreed upon private area, other than a restroom, where an employee can express breast milk. The designated area shall be a space where intrusion from coworkers, students, and the public can be prevented and an employee using this area can be shielded from view. Employees can reasonably expect that the area have a door with a functional lock or that the room will have a sign advising that it is in use and not accessible to other employees or the public. Other factors to consider in deciding upon an area for nursing mothers are location of space and nearby amenities (such as proximity to employee's work area, availability of sink for washing, location of refrigerator or storage place for milk (refrigerator or cooler).

An employee can express milk during regularly scheduled break periods. The Principal or employee's supervisor shall make an accommodation if the time of regular breaks needs to be adjusted or if additional and/or longer breaks are needed. If more breaks are needed or the break(s) need to be longer than legally required, the additional time required shall be unpaid, and the employee's work schedule or work day shall be modified accordingly. The Principal, or the employee's supervisor, shall work with the employee to make these necessary modifications.

OVERTIME AND FLEX TIME

6515 - OVERTIME, COMPENSATORY, AND FLEXIBLE TIME

Overtime Eligibility

Employees, except for those identified as exempt under the Fair Labor Standards Act (FLSA) and state law, are entitled to overtime pay when he/she works more than forty (40) hours in a work-week in one or more positions. Employees must be authorized or required to work more than forty (40) hours to receive overtime pay. In working overtime, employees shall receive compensation at not less than one and one half (1.5) times the regular rate at which the employee is employed for actual hours worked in excess of forty (40) hours. Under federal law, there is no limit on the number of hours employees aged sixteen (16) and older may work in any work-week. Overtime pay is not required for work on Saturdays, Sundays, holidays or regular days of rest unless overtime is worked on such days. Generally, overtime pay earned in a particular workweek will be paid on the regular payday for the pay period in which the wages were earned.

Employees must receive who work overtime without prior approval from the Superintendent or Designee prior to working overtime unless in the case of an emergency. Emergency is defined as situations involving the health, safety of students, staff, families of the District or the safety, protection of District property. Employees who work overtime without prior approval may be subject to disciplinary action up to and including termination.

Compensatory Time

Exempt employees are not eligible for overtime pay, but at the discretion of the Superintendent and his/her designee may receive compensatory (comp) time for hours worked beyond the forty (40) hour work week, under certain circumstances for occasional overtime or irregular hours. Employees shall not be required, as a condition of employment, to accept comp time. Compensatory time must be approved by the supervisor prior to an employee completing duties beyond the forty (40) hour work week. The use of comp time must not unduly disrupt the operations of the District. Comp time does not carry over from one fiscal year to the next.

Flexible Time

A flexible work schedule ("flex time") is an alternative to the District's traditional work schedule and work hours for a position. The District may change an employee's work schedule without giving prior notice or obtaining the employee's consent unless otherwise subject to provisions of a Collective Bargaining Agreement or prior agreement with the employee. A work schedule may be changed to flex-time based on District priorities, department need or responsibilities. A request for flex time may be granted provided the schedule change does not unduly disrupt the operations of the District.

Flex time is within the discretion of the District and must be approved by the Superintendent or his/her designee. A change in an employee's work schedule must be communicated in writing to the employee, HR, and Payroll prior to the implementation of the new work schedule.

The Superintendent and his/her designee shall establish administrative guidelines to instruct employees on applicable procedures for working overtime and receiving overtime pay, requesting and using comp time, as well as, flex time.

LEAVES AND ABSENCES

FMLA AND OTHER LEAVES

3430.01 - FAMILY & MEDICAL LEAVE OF ABSENCE ("FMLA")

In accordance with Federal law, the District shall provide up to twelve (12) weeks of unpaid FMLA leave in any twelve (12) month period to eligible administrators for the following reasons:

A-1: the birth of a child and/or the care of a newborn child within one (1) year of the child's birth;

B-1: the placement of a child with the staff member by way of adoption or foster care and/or to care for the child within one (1) year of the child's arrival;

C-1: the staff member is needed to care for a spouse, parent or dependent child if such individual has a serious health condition, or

D-1: the staff member's own serious health condition prevents him/her from performing the functions of his/her position.

Employee Entitlement to Service Member FMLA

Leave Entitlement

Service member FMLA provides eligible employees unpaid leave for one, or for a combination, of the following reasons:

A-2: A "qualifying exigency" arising out of a covered family member's (spouse, son, daughter, or parent) covered active duty or call to covered active duty in the United States Armed Forces including the National Guard and Reserves.

Qualifying exigencies, as defined by Federal regulations, include: 1) short- notice deployment; 2) military events and related activities; 3) childcare and school activities; 4) financial and legal arrangements; 5) counseling; 6) rest and recuperation (maximum fifteen (15) calendar days); 7) post-deployment activities; 8) caring for a military member's parent who is incapable of self-care when the care is necessitated by the member's covered active duty; and 9) additional activities not encompassed in the other categories, but agreed to by the employer and employee. Covered active duty means deployment with the Armed Forces to a foreign country.

B-2: To care for a covered family member, including next of kin as provided in the statute, who has incurred an injury or illness or aggravation of a pre-existing illness or injury while in the line of duty while on covered active duty in the United States Armed Forces, including the National Guard and Reserves, provided that such injury or illness may render the family member medically unfit to perform duties of the member's office, grade, rank, or rating. Covered active duty means deployment with the Armed Forces to a foreign country. This leave is also available to care for veterans of the United States Armed Forces, including the National Guard and Reserves, provided the veteran was a service member at any time within the five (5) years prior to the start of the treatment, recuperation or therapy. In accordance with applicable regulations, a veteran's serious injury or illness incurred or aggravated in the line of active duty can also be manifested by: 1) a physical or mental condition with a VA Service Disability Rating of 50% or greater and is the condition precipitating the need for leave; or 2) a physical or mental condition that substantially impairs the ability to secure or substantially follow a gainful occupation, or would do so absent treatment; or 3) an injury, including psychological, for which the veteran has been enrolled in the Dept. of V.A. Program of Comprehensive Assistance for Family Care Givers.

Duration of Service Member FMLA

- A. When leave is due to a "Qualifying Exigency": An eligible employee may take up to twelve (12) work weeks of leave during any twelve (12) month period. Such leave shall be counted with regular FMLA leave time in calculating the twelve (12) weeks of allowable leave.
- B. When leave is to care for an injured or ill service member: An eligible employee may take up to twenty-six (26) work weeks of leave during a single twelve (12) month period to care for the service member 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. This is a one time benefit per service member. Leave to care for

an injured or ill service member, when combined with other FMLA-qualifying leave, may not exceed twenty-six (26) weeks in a single twelve (12) month period.

- C. Service Member FMLA runs concurrent with other leave entitlements provided under Federal, State, and local law.

General FMLA Provisions

Administrators are "eligible" if they have worked for the District for at least twelve (12) months, and for at least 1,250 hours over the twelve (12) months prior to the leave request. Service time may be aggregated when the break in service is less than seven (7) years for military obligation or subject to recall under a collective bargaining agreement. All full-time administrators are deemed to meet the 1,250 hour requirement. All periods of absence from work due to or necessitated by USERRA-covered service is counted in determining an employee's eligibility for FMLA leave.

Twelve (12) month period for determining hours worked and use of leave is defined as a rolling twelve (12) month period measured backward from the date the staff member uses FMLA leave (i.e. the "leave year" is specific to each individual staff member).

For Service Member FMLA leave, the use of the twenty-six (26) weeks of leave will be measured forward from the first date on which the employee takes leave.

Serious health condition is defined as an illness, injury, impairment, or physical or mental condition that involves:

- A. inpatient care, including any period of incapacity or any subsequent treatment in connection with such inpatient care; or
- B. continuing treatment by a healthcare provider, including:
 - 1. a period of incapacity of more than three (3) consecutive full calendar days and any subsequent treatment or period of incapacity relating to the same condition, that also involves either in person treatment two (2) or more times by a healthcare provider within thirty (30) days of the first date of incapacity absent extenuating circumstances beyond the employee's control, or in person treatment by a healthcare provider on at least one (1) occasion which results in a regimen of continuing treatment under the supervision of a healthcare provider;

The first visit to the healthcare provider must occur within seven (7) days of the first date of incapacity.
 - 2. any incapacity due to pregnancy or for prenatal care;

An expectant mother is entitled to FMLA leave for incapacity due to pregnancy even if she does not receive treatment from a healthcare provider during the absence, and even if the absence does not last for more than three (3) consecutive, full calendar days.
 - 3. any period of incapacity or treatment for such incapacity due to a chronic serious health condition;
 - 4. a period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective;
 - 5. any period of absence to receive multiple treatments by a healthcare provider either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three (3) consecutive days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), kidney disease (dialysis);
- C. conditions for which cosmetic treatment are administered are not "serious health conditions" unless inpatient hospital care is required or complications develop. Ordinarily, unless complications arise, the common cold, the flu, ear aches, upset stomachs, minor ulcers, headaches other than migraines, routine dental or orthodontia problems, periodontal disease, etc., are conditions that do not meet this definition and do not qualify for FMLA leave.

Whenever the leave is foreseeable, the staff member shall provide the District with thirty (30) days notice. If there is insufficient time to provide such notice because of unforeseeable events, the staff member shall provide such notice as soon as possible and practical, generally not later than the next business day after the employee realizes the need for leave. Failure to follow the leave notice requirements may result in delay of obtaining the leave. Employees will still be required to comply with the absence reporting procedures at their buildings.

When planning medical treatment, the staff member must consult with the District and make a reasonable effort to schedule the leave so as not to unduly disrupt the regular operation of the District, subject to the approval of the healthcare provider.

The staff member may request to substitute any of his/her earned or accrued paid vacation leave, personal leave or family leave (per the applicable collective bargaining agreement) for unpaid FMLA leave provided for the birth, adoption or foster care placement of a child, or qualifying exigency for a Service Member Family Leave (see A-1, B-1, and A-2 on page one).

The staff member may request to substitute any of his/her earned or accrued paid vacation, personal leave or sick leave (per the applicable collective bargaining agreement) for unpaid FMLA leave provided for the staff member's own serious health condition or to care for a spouse, parent or dependent child with a serious health condition (see C-1 and D-1 on page one and B-2 on page two).

If the staff member has not earned or accrued adequate paid leave to encompass the entire twelve (12) or twenty-six (26) week period of FMLA leave, any additional weeks of leave to which the staff member is entitled to shall be unpaid. Whenever a staff member uses paid leave for a qualifying leave under this policy, such leave will count towards the maximum allowable leave, the paid leave, and FMLA/Service Member Family leave to which the staff member is entitled will run concurrently.

The District may allow a staff member to take FMLA leave intermittently or on a reduced-leave schedule for the birth, adoption or foster care placement of a child (see A-1 and B-1 on page one). A staff member may take FMLA leave on an intermittent or reduced-leave schedule when medically necessary for his/her own serious health condition or to care for a spouse, parent or dependent child with a serious health condition (see C-1 and D-1 on page one). The taking of such leave results in the total reduction of the twelve (12) weeks only by the amount of leave actually taken. Leave will be accounted for in increments no greater than the smallest increment used for other similar leaves, but in no event greater than one (1) hour increments. Leave entitlement will not be reduced by more than the amount of leave actually taken.

If the intermittent or reduced-leave schedule is foreseeable based on planned medical treatment, the District may require the staff member to transfer temporarily to an available alternative position which better accommodates recurring periods of leave. The alternative position shall have equivalent pay and benefits but not necessarily equivalent duties. Instructional staff members (i.e. individuals whose principal function is to teach and instruct students in a class, a small group, or an individual setting) who request intermittent leave or a reduced-leave schedule which would exceed twenty percent (20%) of the total number of working days over the period of anticipated leave must elect either to:

- A. take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment;
or
- B. transfer temporarily to an available alternative position offered by the District for which the instructional staff member is qualified, and that has equivalent pay and benefits and that better accommodates the recurring periods of leave than the staff member's regular position.

The District will notify the staff member when the District intends to designate leave as FMLA-qualifying. Such notice may be given orally or in writing. When verbal notice is given, it will be followed by written notice within ten (10) business days. In the case of intermittent or reduced-leave schedule leave, only one (1) such notice is required unless the circumstances regarding the leave have changed. If the District does not have sufficient information about the reason for an employee's use of paid leave, the District may inquire further to ascertain whether the paid leave is FMLA-qualifying. Once the District learns that a paid leave is for an FMLA leave-qualifying reason, the District will promptly notify the staff member that the paid leave will count toward the staff member's twelve (12) week FMLA-leave entitlement.

In cases in which the District employs both spouses, the total amount of FMLA leave is twelve (12) weeks for the couple, except when the leave is due to the serious health condition of either spouse or a child, or twenty-six (26) weeks of FMLA leave for Service Member Leave.

When FMLA leave is taken for the staff member's own serious health condition or to care for a spouse, parent or dependent child with a serious health condition (see C-1 and D-1 on page one), the staff member must provide medical certification from the healthcare provider of the eligible staff member or his/her immediate family member. When the staff member requests qualifying Service Member Leave, he/she must provide certification of a qualifying exigency or of the service member's serious illness. For service member leave, any certification permitted under 29 C.F.R. 825.310 shall be allowed.

The staff member may either:

- A. submit the completed medical certification to the District; or
- B. direct the healthcare provider to transfer the completed medical certification directly to the District, which will generally require the staff member to furnish the healthcare provider with a HIPAA- compliant authorization.

In the event the staff member fails to provide medical certification, any leave taken by the employee will not qualify for FMLA Leave/Service Member Family Leave.

When the need for FMLA leave is foreseeable and at least thirty (30) days notice has been provided, the staff member must provide the medical certification before the leave begins. When this is not possible, the employee must provide the requested certification to the Superintendent within fifteen (15) calendar days after the staff member requests FMLA leave unless it is not practicable under the circumstances to do so despite the staff member's diligent and good faith efforts.

Any dispute over eligibility for FMLA leave shall be discussed between the employee and District. The District shall be responsible for maintaining a record of those communications.

The District reserves the right to obtain, at its expense, the opinion of a second healthcare provider and, in the event of conflict, the opinion of a third healthcare provider whose decision shall be binding and final. The staff member may either:

- A. submit the opinion of the second healthcare provider, and the opinion of the third healthcare provider if applicable, to the District; or
- B. direct the second or third healthcare provider to transfer his/her opinion directly to the Superintendent, which will generally require the staff member to furnish the healthcare provider with a HIPAA-compliant authorization.

In the event the staff member fails to provide the medical opinion of the second or third healthcare provider, if applicable, any leave taken by the employee will not qualify for FMLA leave.

A staff member who takes leave for his/her own serious health condition prior to returning to work, must provide the District with a statement from his/her healthcare provider that he/she is able to resume work.

Upon return from any FMLA leave, the District will restore the staff member to his/her former position or to a position with equivalent employment benefits, pay and conditions of employment. During FMLA leave, the District shall maintain the staff member's current coverage under the District's group health insurance program on the same conditions as coverage would have been provided if the staff member had been continuously working during the leave period. If the staff member was paying all or part of the premium payments prior to going on FMLA leave, the staff member must continue to pay his/her share during the leave.

Any leave or return from leave during the last five (5) weeks of an academic term shall be reviewed individually by the District to minimize disruption to the students' program. Special rules under the FMLA may apply for instructional staff.

The staff member shall not accrue any sick leave, vacation, or other benefits during a period of unpaid FMLA leave.

The use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of the staff member's leave.

If the staff member fails to return to work at the end of the leave for reasons other than the continuation, recurrence, or onset of a serious health condition of the staff member or of the staff member's immediate family member, or for circumstances beyond the control of the staff member, the staff member shall reimburse the District for the health insurance premiums paid by the District during the unpaid FMLA leave period.

Communication Requirements

When the need for FMLA leave is not foreseeable, an employee on FMLA shall comply with the employer's usual and customary notice and procedural requirements for requesting leave. Employees on FMLA shall also follow District call-in guidelines like any other employee. Under FMLA regulations, an employee must comply with the District's call-in procedures unless unusual circumstances prevent them from doing so. In such cases, the employee shall provide notice to his/her supervisor as soon as practicably possible. Failure to provide timely absence or tardy notice to the employee's immediate supervisor shall lead to FMLA leave approval delays or denials, and are subject to progressive employee discipline where good cause is not shown. Failure to adhere to daily call-in requirements may also result in delays to processing intermittent and reduced schedule FMLA leave requests and associated compensation requests.

Work Beyond District Employment While on FMLA Leave

District Policy 3430.02 titled Outside Employment prohibits outside supplemental employment for all District employees while on any type of leave. An employee approved for FMLA leave shall therefore not work in any capacity that impedes the employee's recovery from, or treatment for reported health condition(s). As such, employees found to be engaging in outside employment while on FMLA leave that potentially impedes the employee's recovery efforts shall be subject to investigation, potential disciplinary action and dismissal.

FMLA fraud occurs when employees take FMLA leave for purposes other than those permitted under FMLA. For example:

- Working for another employer, performing same or similar duties that the employee's FMLA medical certification form says he or she is not able to perform; or
- Engaging in off-duty activity, while on FMLA leave for one's own serious health condition, that is inconsistent with the limitations the serious health condition imposes.

Travel While on FMLA Qualifying Leave

Whether District employees engage in personal travel while on FMLA leave and retain the law's protections will depend on the nature of their activities while engaging in personal travel, and whether those activities stand in contrast to the reason FMLA qualifying leave was taken. This policy requires employees on medical leave to stay close to home and allows travel for purpose of obtaining treatment for themselves or to care for an immediate family member (spouse, child, or parent) with a serious health condition. Long distance travel requires written permission from the District.

Recertification

To the extent permitted by applicable law, if the District has reason to doubt the validity of a medical certification, the District shall exercise its right to obtain a second or third medical opinion at the District's expense. If the District determines that the certification is incomplete, it shall provide a written notice indicating what additional information is required.

During an FMLA leave, employees shall be required to provide the District periodic status updates regarding expected date of return and/or intent to return to work.

Recertification shall be required no more often than every thirty (30) days in connection with an absence by the staff member unless the condition will last for more than thirty (30) days. For conditions that are certified as having a minimum duration of more than thirty (30) days, the District will not request recertification until the specified period has passed, except that in all cases the staff member must submit recertification every six (6) months in connection with an absence by the employee. Additionally, the District may require a staff member to provide recertification in less than thirty (30) days if the staff member requests an extension of leave, the circumstances described in the previous certification have changed significantly, or if the District receives information that casts doubt upon the staff member's stated reason for the absence or the continuing validity of the certification. Finally, staff members must provide a new medical certification each leave year for medical conditions that last longer than one (1) year. If an employee fails to provide a recertification within a reasonable time under the particular facts and circumstances, then the employer may deny continuation of the FMLA leave protections.

A staff member who takes leave for their own serious health condition that makes him/her unable to perform the functions of his/her position; prior to returning to work, must provide the District and his/her designees with a fitness-for-duty

certification that specifically addresses the staff member's ability to perform the essential functions of his/her job. The fitness-for-duty certification shall only apply to the particular health condition that caused the staff member's need for FMLA leave. If reasonable safety concerns exist, the District shall under certain circumstances, require a staff member to submit a fitness-for-duty certification before he/she returns to work from FMLA leave. The cost of the certification shall be borne by the staff member.

Dishonesty, Fraud, and Misuse of FMLA

All credible reports of suspected FMLA abuse shall be investigated and documented. FMLA dishonesty, fraud, and abuse refers to employees' legitimate use of FMLA qualifying leaves in a fraudulent manner, or in cases where FMLA was fraudulently obtained by the employee. All findings of FMLA malfeasance and or abuse shall be subject to disciplinary action and dismissal. Under all circumstances where an employee has committed fraud in obtaining FMLA leave, the District is exempted from all obligations to the employee under FMLA rules. A staff member who fraudulently obtains and uses FMLA leave is not protected by this policy's job restoration or maintenance of health benefits provisions.

Compliance

Absent extenuating circumstances, if an employee fails to follow this policy, the District shall exercise its right to delay or deny the FMLA request. The District shall prepare administrative guidelines that are appropriate for this policy and shall ensure that the policy and associated administrative guidelines are posted and properly adhered to.

In any areas where discretion is allowed in the implementation of this policy or its guidelines for implementation, such discretion shall be exercised in a non-discriminatory manner. Similarly situated persons shall be treated similarly.

The District shall provide a copy of this policy to all staff members on any form of FMLA. A notice of Rights and Obligations shall also be provided each time an employee requests FMLA leave or the District has sufficient information to believe that the employee may qualify for FMLA leave.

The approval, denial and administration of leave under this policy will be governed by the Family Medical Leave Act of 1993, as amended, and its published regulations, as applied and interpreted by the Superintendent and his/her designees.

The District will not interfere with, restrain, or deny the exercise or attempted exercise of a right established under this FMLA policy. Further, the District will not discharge, fine, suspend, expel, discipline, or discriminate against a staff member with respect to any term or condition of employment because of the staff member's actual or potential exercise, or support for another employee's exercise, of any right established under this FMLA policy. Nothing herein shall prevent the District from taking an employment action that is independent of the exercise of a right under this FMLA policy. Finally, the District will not deprive an employee who takes FMLA pursuant to this policy of any benefit that accrued before the date that leave commences.

4437.01 - MILITARY LEAVE

The Board provides military leave, reemployment, and other rights as established by the Federal Uniformed Services Employment and Reemployment Rights Act (USERRA) and State law.

To qualify:

- A. the employee (or an appropriate officer in the uniformed service in which the employee's military service is performed) provided advance written or verbal notice of his/her military duty unless excused;
- B. the cumulative length of all periods of military service with the employer do not exceed five (5) years, except as provided under State or Federal statute;
- C. the employee timely reports to work after the period of military service ends; and
- D. the employee has not separated from service with a disqualifying or other than honorable conditions.

The Superintendent and his/her designees shall post notices of employees' rights under USERRA at conspicuous locations within the District.

Employees shall contact the U.S. Department of Labor or the Michigan Department of Military and Veteran's Affairs to obtain more information regarding their rights under these statutes.

This policy is intended to comply with and explain the service person's rights under USERRA and State law. To the extent there is any conflict, the USERRA, State law and applicable regulations shall govern.

PERSONNEL

ASSIGNMENT AND TRANSFER

3130 - ASSIGNMENT AND TRANSFER

The Board of Education believes that the appropriate placement of qualified and competent professional and support staff is essential to the successful functioning of the District.

The Superintendent and his/her designees shall be responsible for the proper assignment and unbiased transfer of all professional and support staff members and shall attempt to effect the optimum assignment of the professional and support staff in conformance with any applicable contractual or legal requirements, State certification requirements, and Federal requirements. He/she shall establish an audit procedure to ensure that each instructional staff member's teaching certificate is currently in compliance with appropriate State certification criteria and has not been nullified.

HIRING, PROMOTION, AND SELECTION

1100 - DISTRICT ORGANIZATION AND HIRING

The Board recognizes the grouping of grades and services within District schools promotes the success of all students by ensuring management of the District, operations, and resources for a safe, efficient, and effective learning environment.

The Superintendent shall serve as the chief executive officer of the District. The Board delegates authority to the Superintendent for recruiting, screening, and hiring administrative and school level personnel. The Superintendent maintains a system for performing District functions, and shall make every effort to ensure the most qualified administrative and school level personnel are hired to support District programming. Responsibility shall flow clearly from the Superintendent through administrative staff to operational personnel.

The Board will receive recommendations from the Superintendent to hire and approve after consideration the lead District administrators for legal services, finance, and communications. The Board will be provided a list containing new hire, separation, and resignation transactions included on monthly board meeting agendas.

Within the functional budgetary resource allocations established by the Board, the Superintendent shall define and determine administrative and school level positions required to implement educational and operational programs, plans, and activities established in the District, including the selection and hiring of candidates for administrative and school level positions. The Board shall approve the annual budget and any amendments thereto, including a clearly delineated total allocation amount for the funding of administrative positions.

The Superintendent is also authorized to establish and modify the administrative and school level organization of the District, including but not limited to the job description of administrative positions, the tasks and responsibilities assigned to administrators, the functions of divisions/department, and the placement of personnel, subject to the limitations of the Board-adopted budget and Board policy.

It shall be the responsibility of the Superintendent to determine the need for and define operational requirements sufficient to ensure optimized functioning of the District. Maintenance of an efficient, skilled, operational workforce is essential to the effective performance of the District and schools. The Superintendent shall make any necessary modifications to the District's organization which are in the best interests of students, make the most strategic use of District resources, serve

the mission, vision, core values, and priorities of the District. The Board shall be notified within 30 days of any substantive change in the District's organization and shall be provided with a revised organizational chart.

3120 - CONDITIONS FOR EMPLOYMENT AND REEMPLOYMENT OF PROFESSIONAL STAFF

Applicants for employment or reemployment must submit an employment application, a copy of the social security card with correct name, and a minimum of three (3) acceptable references. Candidates shall meet the District's hiring guidelines and employment prerequisites prior to consideration for any vacancy.

False or misleading statements or responses, or omissions made by a person in connection with seeking employment may bar a person from employment with the District or, if discovered after employment, may result in disciplinary action, including termination upon the recommendation of the Superintendent and the approval of the Board. Each case shall be considered on its own merits.

3120.01 - NEW EMPLOYEE ONBOARDING

The Board is committed to supporting new employees in their successful transition to the District, as well as supporting the District's need to enable new employees to achieve high levels of performance. A new hire's successful transition requires an onboarding experience that engages each new employee beginning with the acceptance of a District employment offer, and continuing through the first year of employment.

The Department of Human Resources and Talent shall guide and support District onboarding efforts. This policy and associated training are intended to provide new employees with a comprehensive onboarding experience that reinforces their choice to work for the District and support employees in performing their duties and responsibilities. This policy calls for departments to support an onboarding program that meets the needs of each type of employee.

The ongoing collection and analysis of feedback from new employees about their onboarding experience shall inform and encourage program enhancements and additional training and support resources.

Onboarding Program Development and Training Requirements

The Department of Human Resources and Talent shall develop, implement, monitor and maintain a documented onboarding program for all new employees. Departments shall be provided the flexibility to develop customized onboarding programs to best meet the individual needs of each employee provided the departments' onboarding programs comply with the onboarding process/programs of the Department of Human Resources and Talent. Each work location shall be required to have all new hires complete the onboarding program. The goal for program completion is thirty (30) days.

Onboarding Program Requirements

At a minimum, each program shall:

- A. Reflect a time period that begins with the accepted job offer and spans the first thirty (30) days of employment.
- B. Describe each onboarding activity, which type(s) of employees each activity applies to, when the activity should occur, and who is responsible for each activity.
- C. Designate an onboarding coordinator from among staff at the program location who shall possess accountability for initiating onboarding activities for each new hire at each work location. If the division/department has multiple functional areas that are delegated to division/department sub-units, an onboarding liaison shall be designated for each division/department sub-unit. The onboarding liaison shall possess the ultimate responsibility for ensuring new hires acquire foundational information needed to succeed and be productive in their new position.

Onboarding Program Feedback

To ensure onboarding programs remain up-to-date, active, and effective, the Department of Talent and Human Resources shall collect onboarding feedback. All new employees shall be provided the opportunity to provide feedback about their onboarding experience. The Department shall collect feedback on a regular basis from new employees about each component of their onboarding experience.

3120.08 - EMPLOYMENT OF PERSONNEL FOR CO-CURRICULAR/EXTRA-CURRICULAR ACTIVITIES

The District may find it necessary to employ, on a part-time basis, coaches or activity sponsors. Such part-time employees may be members of the District's support staff or individuals from the community who are able to sustain positive and consistent relationships with students beyond athletics and activities.

The Board authorizes the Superintendent or his/her designee to act for the Board in employing such part-time staff.

The Superintendent shall establish administrative guidelines to ensure that each person employed as a coach or activity sponsor has the appropriate qualifications, has been properly interviewed, and signs an employment contract that includes the conditions of employment, compensation arrangements, and contract termination procedures. Expectations of coaches and activity sponsors, full or part-time, are the same for those hired outside of the District as those internally.

Appropriate qualifications shall, at a minimum, include any requirements established by the State, and may also include any program specific training or certification as determined by the Superintendent or his/her designee, such as cardio pulmonary resuscitation and/or first aid.

3121 - CRIMINAL HISTORY RECORD CHECK

Before the District hires any employee (full or part-time) or allows any individual under contract to continuously and regularly work in the schools, a criminal history records check shall be conducted in accordance with State law.

"Under contract" shall apply to all individuals, as well as owners and employees of entities, who contract directly with the District or with a third party vendor, management company, or similar contracting entity.

Prior to allowing an individual, who is subject to the criminal history record check requirement, to work in the District, the District shall submit a fingerprint-based check on the individual, using Michigan State Police (MSP) Form RI-030 (7/2012), regardless of whether the individual will work directly for the District or be contracted through a third-party vendor, management company or similar contracting entity ("Private Contractors"). Except as provided below, the report from the MSP must be received, reviewed and approved by the District prior to the individual commencing work.

Private Contractors cannot receive or retain criminal history record information ("CHRI"). Information Technology contractors and vendors may be granted access to CHRI subject to successful completion of fingerprint-based records criminal history records check. In cases where the District contracts with a Private Contractor for the services of an individual, the District will notify the Private Contractor(s), after review of the MSP report, whether the individual has been approved to work within the District. The District may not give any details, including the fact that a criminal history check was run. Notice for approval to work in the District should use the Affidavit of Assignment or similar "red light/green light" procedure.

Should it be necessary to employ a person or contract for a person to maintain continuity of the program prior to receipt of the criminal history report, the Superintendent may contract on a provisional basis until the report is received. Any such provisional hire requires that:

- A. the record check has been requested;
- B. the applicant has signed a disclosure of all convictions and acknowledges that employment may be terminated if there are discrepancies; and
- C. the hiring occurs during the school year or not more than thirty (30) days before the beginning of the school year.

For substitute teachers or substitute bus drivers, or for an individual who regularly and continuously is currently working or under contract in another district, public school academy or nonpublic school in the State, the Superintendent may use a report received from the State Police by such school to confirm the individual has no criminal history. Absent such confirmation, a criminal history record check shall be performed.

Individuals working in multiple districts may authorize the release of a prior criminal history records check with another district in lieu of an additional check for either direct employment or working regularly and consistently under contract in the schools.

Individuals who previously received a statutorily required criminal background check and who have been continuously employed by a school district, intermediate school district, public school academy or non- public school within the State, with no separation, may have their previous record check sent to the District in lieu of submitting to a new criminal background check. If this method is used, the Superintendent must confirm that the record belongs to that individual and whether there have been any additional convictions by processing the individual's name, sex and date of birth through the Internet Criminal History Access Tool (ICHAT).

"No separation," for purposes of the preceding paragraph, means a lay off or leave of absence of less than twelve (12) months with the same employer; or the employee transfers without a break in service to another school district, intermediate school district, public school academy or nonpublic school within the State.

The District shall implement administrative guidelines for the review of criminal history reports, including the results of fingerprint-based checks and physical records, from all external entities.

All CHRI received from the State Police or produced by the State Police and received by the District from another proper source, will be maintained pursuant to Policy 8321.

When the District receives a report that shows an individual has been convicted of a listed offense under State statutes or any felony, the Superintendent and his/her designee shall take steps to verify that information using public records, in accordance with the procedures provided by the State Department of Education.

Verified convictions may result in termination of employment or rejection of an application. The District will not hire or continue to employ any individual, either directly or as a contracted employee to work regularly and continuously in the schools, who has been convicted of a "listed" offense as defined in M.C.L. 28.722. The District will not hire or continue to employ any individual, either directly or as a contracted employee to work regularly and continuously in the schools, who has been convicted of any non-listed felony or misdemeanors, related to child abuse or controlled substances unless both the Superintendent and the Board provide written approval.

The District must report as directed by and to the State Department of Education the verified information regarding conviction for any listed offense or conviction for any felony and the action taken by the District with regard to such conviction. Such report shall be filed within sixty (60) days of receipt of the original report of the conviction.

The Superintendent shall establish the necessary procedures for obtaining from the Criminal Records Division of the State Police any criminal history on the applicant maintained by the State Police. In addition, the Superintendent shall request the State Police to obtain a criminal history records check from the Federal Bureau of Investigation.

An applicant must submit, at no expense to the District, a set of fingerprints, prepared by an entity approved by the Michigan State Police, as part of his/her employment application or as required by State law for continued employment.

Confidentiality

All information and records obtained from such criminal background inquiries and disclosures are to be considered confidential and shall not be released or disseminated to those who have not been given access to CHRI by the Superintendent. Violation of confidentiality is considered a misdemeanor punishable by a fine up to \$10,000.

CHRI may be released with the written authorization of the individual. Records may also be released, in accordance with statute, upon the request of a school district, intermediate school district, public school academy or nonpublic school when the individual is an applicant for employment at such school and there has been no separation from service, as defined in this policy and by statute.

3121.01 - CRIMINAL CONVICTION REVIEW

In an effort to maintain a safe environment for students, staff and visitors, the District performs a criminal background check of those individuals who apply for employment with the District, work for the District, or are contracted to work on a regular and continuous basis at the District. Employees and individuals who have applied or are applying for a position

have a continuing duty to disclose any pending criminal charges or convictions.

Individuals convicted of crimes listed in Section 2 of the Sex Offender Registry Act, M.C.L. 28.722, cannot be employed by the District.

An employee convicted of a felony not listed in the Sex Offender Registry Act may not continue to work in the District, unless or until they have received written approval from both the Superintendent and the Board. Pending such approval, employee shall be placed on administrative leave.

Individuals convicted of a misdemeanor related to child abuse or controlled substances shall require the written approval of the Superintendent and the Board to continue or to obtain employment.

Individuals convicted of certain non-listed misdemeanors may be denied employment at the discretion of the Superintendent.

The Superintendent shall suspend consideration of any applicant who has a felony charge pending and shall determine whether an employee or person contracted to work in the District will be allowed to continue to work while a felony charge is pending against the individual.

In making the determination regarding whether to hire an applicant or allow an individual to continue working with pending felony charges or after a conviction, the Superintendent and the Board will consider the following factors:

- A. the nature of the offense does, is it related to children, deviant behavior, drugs, violence or involve a matter of national security, etc.;
- B. how long ago did the incident occur;
- C. were there repeated incidents;
- D. nature of assignment in District (access to children, role model, etc.);
- E. whether any treatment or other rehabilitation has occurred;
- F. the nature of the employee's work record since offense (likelihood of repeated misbehavior) and
- G. the individual's record of working positively to promote the achievement, health and welfare of students since the occurrence of the incident.

Neither the Board nor the Superintendent shall consider criminal charges that did not result in conviction, or pending misdemeanor charges in determining whether to hire or continue the employment of any individual.

Criminal Background Check Appeals Process

The Board authorizes the Superintendent to establish a criminal background check appeals workgroup to review and make a determination for applicants who have been nominated for employment and for whom a background check identifies a potential issues and concerns. The criminal background check appeals workgroup shall obtain criminal background information for applicants through requests to the Michigan Department of Education (MDE) and the Federal Bureau of Investigation (FBI).

The criminal background check appeals workgroup will be comprised of five members, two senior employees from Human Resources, one from School Operations, Legal Services, and the Police Department.

When the fingerprint or background check reports reflect a criminal history, the criminal background appeals workgroup shall review both the application and the report(s) concerning the individual. The criminal background check appeals workgroup shall also request and compare information provided by the new employee with the information received from MDE and/or the FBI.

The criminal background check appeals workgroup does not have the authority to clear candidates with felony convictions fewer than five (5) years or misdemeanor convictions fewer than three (3) years.

Upon the receipt of a formal appeal by the applicant, the criminal background check appeals workgroup may consider specific mitigating circumstances for felony offenses committed within the past five (5) years and not otherwise enumerated in state and Federal laws and, if the criminal background check appeals workgroup concurs, recommend a waiver to the Superintendent. The Superintendent may recommend background clearance for consideration by the Board.

Upon the receipt of a formal appeal by the applicant, the Board authorizes the Superintendent to consider background clearance when specific mitigating circumstances have been identified by the applicant for offenses committed within the past three (3) years.

In situations where an applicant has been convicted of the offenses listed below or found to have committed an act in an administrative proceeding or a civil action, consideration of certain mitigating circumstances may be applied by the criminal background check appeals workgroup that allow for consideration of an applicant without a request for a waiver from the Board. In these situations where an applicant is nominated for employment due to mitigation, the Superintendent will personally approve the recommendation of the committee and so notify the Board:

- A. Possession or use of controlled substances;
- B. Driving under the influence of alcohol or unsafe driving record;
- C. Bad checks, misappropriation of funds or theft of personal property;
- D. Committing or conviction of a misdemeanor;
- E. Harassment, discrimination, or incidents that evidence prejudice of a student or adult on the basis of race, color, religion, sex, age, national or ethnic origin, political beliefs, marital status, disability, sexual orientation or social and family background; or harassment or discrimination which interferes with an individual's work responsibilities or with the orderly processes of education or which creates a hostile, intimidating, abusive, offensive, or oppressive environment.

The circumstances for each situation identified above will be individually considered as well as the position to which the applicant is applying. Aggravating and mitigating factors or circumstances to be considered by the criminal background check appeals workgroup include:

- A. The severity of the offense;
- B. The age of the victim or student/child involvement;
- C. The danger posed to the public including the degree of physical and mental harm to a student, other employees or members of the public;
- D. The actual damage, physical or otherwise, caused by the misconduct;
- E. Any repetition of the offense(s) and length of time between offenses;
- F. Attempts by the applicant to correct or stop the misconduct or mitigate its effect;
- G. Actual negligence of the applicant pertaining to any misconduct;
- H. Pecuniary benefit or self-gain to the applicant realized by the misconduct;
- I. The deterrent effect of the punishment or discipline imposed;
- J. Related misconduct by the applicant in other employment including findings of guilt or innocence, discipline imposed and/or discipline served;
- K. Any effort of rehabilitation by the applicant;
- L. If previously employed by the District, the number of times the applicant has been previously disciplined by the District as well as the type of discipline;

- M. The length of time since the misconduct, with a minimum of three (3) years. (In circumstances where there is one offence which is not violent or child related, applicants may be considered within the three (3) year period);
- N. Any other relevant mitigating or aggravating factors under the circumstances.

Reconsideration and Appeal

Applicants who have been denied employment because of their criminal record shall receive written notice and may request reconsideration by the criminal background check appeals workgroup only if they present new information not previously available to the committee. Under this policy, candidates denied employment are entitled to disclosure of the information contained in their background check report(s) within thirty (30) calendar days of receipt of results. Affected candidates have the right to report any mitigating factors or circumstances to be considered by the criminal background check appeals workgroup.

Applicants who have been denied consideration by the criminal background check appeals workgroup may appeal to the Superintendent for a reconsideration of their case. Their appeal must be in writing and may not include any documents or material that has not been previously considered by the criminal background check appeals workgroup.

Approval of a waiver by the Superintendent shall be communicated to the Board at the time of nomination. The findings and the decision of the Superintendent shall be final.

Probationary employees who have been denied permanent employment because of their criminal record shall receive a written notice from the criminal background check appeals workgroup and notice of the right to appeal such a decision. They shall be advised of their appeal rights to the Superintendent. The employee shall have the opportunity to respond in writing to the findings and the decision of the Superintendent shall be final.

Individuals whose fingerprints have not been retained by MDE must be re-fingerprinted and re-screened upon re-employment or re-engagement to provide service as a support staff member that has direct contact with students in order to comply with the law.

No employee shall be hired or report to a work site before the MDE and FBI background checks are reviewed and the individual has been cleared.

3144 - EMPLOYMENT OF RETIRED STAFF

The District is under no obligation to employ any retired staff member and further, there shall be no expectation of continued employment or re-employment when a staff member that retires from full-time District employment.

Retired staff formerly employed by the District may be reemployed if they retired in good standing. If the former employee separated from the District in good standing and is eligible for rehire, that employee shall adhere to District application and onboarding procedures and requirements as other applicants.

Staff members employed by the District after retirement will be entitled to a one (1) year limited contract only and his/her contract shall contain a resignation clause effective at the end of the one (1) year period. It is understood that all retire/rehire employment contracts shall expire without further action by the District or notice of contract expiration to the individual employee.

A retired professional or support staff member who may be eligible for rehire must waive his/her eligibility for continuing contract status as a professional or support staff member of the District.

Salary placement shall be at the staff member's respective degree level (i.e. Bachelor's, Master's, etc.), if applicable, and will be at the first salary step for their specific job title as found in the tentative agreement between the Board and the staff member's labor union. The retired staff member shall not advance on the salary schedule, and only be entitled to wage increases that may be granted to other professional staff members at the first salary step of negotiated wage schedules.

Retired staff hires shall return to employment with no sick leave balance and shall not carry over any sick leave or personal leave days. However, upon reemployment, he/she will be eligible to accumulate sick leave and personal leave time.

The performance review and evaluation of retired staff members shall be the same as other staff members with similar job titles.

DISCIPLINE

1439 - ADMINISTRATOR DISCIPLINE

Whenever it becomes necessary to discipline an Administrator, the Superintendent, or the Superintendent's designee, shall utilize the following principles and procedures. The Board, or its designee, shall utilize the following principles and procedures if the Superintendent is the subject of the disciplinary action.

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

The investigation shall include, at a minimum, written statements of appropriate persons and a meeting with the subject Administrator to allow the Administrator an opportunity to respond to the allegations. Prior notice of this meeting shall be provided to the Administrator for any discipline that may result in a suspension or discharge.

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

Discipline may include, but is not limited to:

- A. verbal warning;
- B. written warning/reprimand;
- C. suspension without pay; and
- D. discharge.

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

The Superintendent's decision to impose any disciplinary action that is not subject to Board review is final.

Discharge, demotion or non-renewal of an Administrator may only be imposed upon the Superintendent's recommendation by the Board in adherence with the requirements of the Revised School Code.

3139 - STAFF DISCIPLINE

Whenever it becomes necessary to discipline a member of the staff, the Superintendent or his/her designee(s) shall utilize related procedures described in the current negotiated agreement, to the extent not inconsistent with the current negotiated agreement, the following principles and procedures.

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

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

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

After completion of the investigation, if discipline is to be imposed, the staff member shall receive written notice of the discipline and this notice shall also be placed in the staff member's file. Discipline may include, but is not limited to:

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

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

If it appears that disciplinary action beyond written reprimand may be necessary, the administrator should contact the Superintendent or his/her designee(s) to discuss the disciplinary action that is to be taken.

Any disciplinary action that is not subject to Board review as described below may be submitted to the Superintendent for review within five (5) work days of the staff member's receipt of the written confirmation. The Superintendent or his/her designee(s) is/are not required to conduct an independent investigation. He/she shall meet with the administrator who issued the discipline and with the staff member and his/her designated representative, if requested. The Superintendent or his/her designee(s) may affirm, revise or reject any disciplinary action taken against a staff member and his/her decision is final. The administrator's decision to impose any disciplinary action that is not subject to Board review, as described below, is final.

The following disciplinary actions may only be imposed by the Board in adherence with the requirements of the Teacher Tenure Act:

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

3139.01 - WORK RULES AND STAFF CORRECTIVE DISCIPLINE

As we educate and empower every student, in every community, every day to build a stronger Detroit, the Board of Education recognizes that a focus on maintaining high standards for staff conduct is critical to our success. This policy has been established to provide progressive disciplinary guidelines to be utilized when employees deviate from expected Detroit Public Schools Community District (DPSCD) standards, or fail to adhere to work rules, policies, administrative guidelines and procedures. The Department of Human Resources and Talent (Human Resources) will respond specifically to actions or activities of employees requiring disciplinary intervention.

DPSCD Work Rules

The following work rules are published for informational purposes and to minimize the likelihood of any employee, through misunderstanding or otherwise, becoming subject to any disciplinary action. Violation of these rules cannot be ignored by management. In the event an employee is found to have violated these rules, he/she will be subject to immediate discipline, including suspension, discharge, and criminal prosecution where warranted.

This list is not all-inclusive. Employees may be disciplined or discharged for other inappropriate conduct as determined by the District.

- A. All employees are expected to report for duty every working day. Excessive tardiness or absenteeism will not be condoned.
- B. Each employee must notify his/her administrator in charge of intended absence within the time limitations specified.
- C. Each employee must observe working hour schedules (starting time, end time, lunch hour, and preparation periods).
- D. No employee may solicit or collect contributions for any purpose on Board property without written management permission.
- E. Employees must not sell or offer for sale any article or service without written management permission.
- F. Employees must be diligent in their duties during assigned working hours. Loafing or other abuse of compensable time during scheduled work hours will not be tolerated.
- G. Employees must not interfere with any other employee's performance of duties.
- H. Employees may not perform unauthorized personal work during assigned working hours.
- I. Employees must not commit an act which might endanger the safety or lives of others.
- J. Employees must perform all work properly assigned by an administrator in charge.
- K. Employees may not falsify school records, reports or payrolls.
- L. Employees must not abuse, destroy, damage, or deface Board property, tools, equipment, or the property of others on Board premises.
- M. Employees must not fight on Board property.
- N. Employees are prohibited from carrying liquor or illegal substances on Board property or consuming liquor or using illegal substances on Board property, or reporting for duty under the influence of liquor or illegal substances.
- O. Employees are prohibited from carrying firearms or other weapons on Board property.
- P. Employees must not disclose confidential information to unauthorized persons.
- Q. Employees must not convert Board of Education, other employees', students', or vendors' property for their own use.
- R. Employees must adhere to the District's Staff Dress and Grooming policy. See Policy 3216.
- S. Employees are prohibited from fraternizing with students. This includes but is not limited to any inappropriate activities, touching, excessive conversation, romantic or sexual relationships or other non-job related personal contact with students.

Staff Corrective Discipline

Human Resources possesses the primary responsibility for managing and interpreting the District's corrective discipline process. This responsibility includes providing direct assistance to principals and supervisory administrators with respect to applying and interpreting the work rules and implementing disciplinary procedures. Accordingly, pursuant to this policy, Human Resources will conduct disciplinary hearings and make recommendations for disciplinary action. Human Resources will provide guidance and training to administrators on the corrective discipline process. The set of corrective disciplinary guidelines and procedures outlines due process in dealing with unacceptable employee behavior.

Progressive discipline is designed to correct unacceptable employee conduct through a series of progressively more serious penalties. Depending on the circumstances, progressive discipline provides the employee with an opportunity to correct his/her behavior before discharge. Progressive disciplinary steps include, but are not limited to the following:

- A. Warning;
- B. Written Reprimand;
- C. Suspension with or without pay; and
- D. Demotion or Discharge.

Progressive discipline may be issued at an appropriate level based on the circumstances surrounding the infraction, the nature and severity of the offense, the employee's past record and previous history of discipline. Progressive discipline requires that any penalty imposed must correspond to the severity of the misconduct. It should be noted that several disciplinary steps may be skipped if the misconduct of the employee is so serious that a more severe penalty is appropriate. Consequently, under certain circumstances discharge may be warranted on the first offense. The District reserves the right to determine whether infractions committed warrant suspension or discharge.

Investigation & Due Process

Generally, prior to application of discipline, an investigation of the situation should be conducted. However, an employee may be subject to immediate suspension, depending upon the nature of the offense, pending an investigation. An investigation may include questioning available witnesses, obtaining statements, reviewing applicable records, and interviewing the employee who is subject to disciplinary action.

A fair and objective investigation should be conducted, and the degree of discipline administered should be reasonably related to the seriousness of the employee's proven offense and the prior disciplinary record of the employee.

The District shall abide by due process as required by law or as such term is set forth in a collective bargaining agreement, the Teacher Tenure Act or the individual contract, as applicable.

If any provision of these policies conflict with an express provision(s) of an applicable collective bargaining agreement, the latter shall supersede this policy to the extent necessary to comply with contractual obligations.

DISCHARGE, RESIGNATION AND NON-RENEWAL

1443 - NON-RENEWAL OF ADMINISTRATOR CONTRACTS

To consider non-renewal of the contract of an administrator, no less than seven (7) days before issuance of the notice of non-renewal the Superintendent or his/her designee shall notify the administrator (the "Notice of Consideration") in writing of:

- A. the reasons for possible non-renewal, which shall not be arbitrary or capricious; and
- B. the right to meet with a majority of the Board, in open or closed session, to discuss the decision prior to the vote on non-renewal.

After issuance of the Notice of Consideration and any requested meeting with members of the Board, the Board shall vote on the non-renewal.

The vote on non-renewal must occur:

- A. At a meeting which shall be open to the public under section 8 of the open meetings act, 1976 PA 267, MCL 15.268; and
- B. After the Notice of Consideration is issued but before written notice of non-renewal decision is issued.

Written notice of the non-renewal decision must be provided to the administrator at least thirty (30) days prior to the termination date of the administrator's contract.

If the Board fails to allow for a meeting, or if the non-renewal is for arbitrary or capricious reasons as determined by a court, then the administrator's contract is renewed for one (1) additional year.

3140 - TERMINATION AND RESIGNATION

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

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

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

RESIGNATION

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

An administrator may resign by filing a written resignation with the Superintendent at least thirty (30) days prior to the effective date of the resignation. A resignation, once accepted, may not then be rescinded.

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

4140 - TERMINATION AND RESIGNATION

TERMINATION

Except as set forth in an applicable negotiated, collectively bargained agreement, an employee may be terminated for reasons that are lawful and not arbitrary or capricious. Terminations may only occur upon a majority vote of the Board. When considering termination the Board shall abide by District policy and administrative guidelines. An employee shall be provided due process.

When the Board approves the termination of an individual from employment, the termination shall apply to all positions that the individual may hold at that time.

No person who has been separated from employment by the Board shall be reemployed in any department on any basis, unless a special request for doing so, is recommended by the Superintendent and approved by the Board.

RESIGNATION

A staff member may resign by submitting a written resignation with the Superintendent, his/her designees, or the employee's immediate supervisor with a suggested timeframe of thirty (30) days prior to the effective date of the resignation. The District will respectfully request that a written confidential statement of reasoning for resignation, subject to FOIA, be submitted to the Board. A resignation, once accepted by Superintendent and his/her designees, or an

employee's immediate supervisor shall not then be rescinded. The Superintendent may act for the Board in the acceptance of employee resignations.

The Superintendent shall present to the Board a report of monthly personnel transactions providing District terminations and resignations.

PERFORMANCE EVALUATION

1420 - SCHOOL ADMINISTRATOR EVALUATIONS

The Board of Education, through the powers derived from the Revised School Code and other relevant statutes, is responsible for the employment and discharge of all personnel. To carry out this responsibility, the Board with the involvement of school administrators, shall adopt and implement a rigorous, transparent, and fair performance evaluation system in accordance with State law that does the following:

- A. Evaluates the school administrator's job performance at least annually in a year-end evaluation, while providing timely and constructive feedback.

The Superintendent or designee shall perform administrators' evaluations. Administrators rated highly effective on three (3) consecutive year-end evaluations may be evaluated every other year, instead of annually, at the District's discretion.

- B. Establishes clear approaches to measuring student growth.
- C. Evaluates a school administrator's job performance as highly effective, effective, minimally effective or ineffective, using multiple rating categories that take into account student growth and assessment data. For the 2018-2019 school year twenty-five percent (25%) of the annual year-end evaluation shall be based on student growth and assessment data. Beginning with the 2019-2020 school year, forty percent (40%) of the annual year end evaluation shall be based on student growth and assessment data.

For building level administrators, the data to be used is the aggregate student growth and assessment data that are consistent with and used in teacher annual year-end evaluations in each school in which the school administrator works as an administrator. For a central office-level administrator, the pertinent data is that of the entire School District.

- D. Uses the evaluations, at a minimum, to inform decisions regarding all of the following:
 - 1. The effectiveness of school administrators, so that they are given ample opportunities for improvement.
 - 2. Promotion, retention, and development of school administrators, including providing relevant coaching, instruction support, or professional development.
 - 3. Removing ineffective school administrators after they have had ample opportunities to improve, and providing that these decisions are made using rigorous standards and streamlined, transparent, and fair procedures.
- E. The portion of the annual year-end evaluation that is not based on student growth and assessment data shall be based on at least the following for the school in which the school administrator works as an administrator:
 - 1. The school administrators' training and proficiency in conducting teacher performance evaluations if s/he does so or his/her designee's proficiency and training if the administrator designates such duties.
 - 2. The progress made by the school or District in meeting the goals established in the school/District improvement plan.
 - 3. Student attendance.

4. Student, parent and teacher feedback and other information considered pertinent by the Board.
- F. For the purposes of conducting annual year-end evaluations under the performance evaluation system, the District shall adopt and implement one (1) or more of the evaluation tools for teachers or administrators, if available, that are included on the list established and maintained by the Michigan Department of Education ("MDE"). However, if the District has one (1) or more local evaluation tools for administrators or modifications of an evaluation tool on the list, and the District complies with section H of this policy, the District may conduct annual year-end evaluations for administrators using one (1) or more local evaluation tools or modifications. The evaluation tools shall be used consistently among the schools operated by the District so that all similarly situated school administrators are evaluated using the same measures.
- G. Beginning with the 2016-2017 school year, the District shall post on its public website all of the following information about the measures it uses for its performance evaluation system for school administrators:
1. The research base for the evaluation framework, instrument, and process or, if the District adapts or modifies an evaluation tool from the MDE list, the research base for the listed evaluation tool and an assurance that the adaptations or modifications do not compromise the validity of that research base.
 2. The identity and qualifications of the author or authors or, if the District adapts or modifies an evaluation tool from the MDE list, the identity and qualifications of a person with expertise in teacher evaluations who has reviewed the adapted or modified evaluation tool.
 3. Either evidence of reliability, validity, and efficacy or a plan for developing that evidence or, if the District adapts or modifies an evaluation tool from the MDE list, an assurance that the adaptations or modifications do not compromise the reliability, validity, or efficacy of the evaluation tool or the evaluation process.
 4. The evaluation frameworks and rubrics with detailed descriptors for each performance level on key summative indicators.
 5. A description of the processes for conducting classroom observations, collecting evidence, conducting evaluation conferences, developing performance ratings, and developing performance improvement plans.
 6. A description of the plan for providing evaluators and observers with training.
- H. Beginning with the 2016-2017 school year, the District shall:
1. Provide training to school administrators on the measures used by the District in its performance evaluation system and on how each of the measures is used. This training may be provided by a single school district or by a consortium consisting of two (2) or more school districts, the intermediate school District or a public school academy.
 2. Ensure that training is provided to all evaluators and observers. The training shall be provided by an individual who has expertise in the evaluation tool or tools used by the District, which may include either a consultant on that evaluation tool or framework or an individual who has been trained to train others in the use of the evaluation tool or tools. The District may provide the training in the use of the evaluation tool or tools if the trainer has expertise in the evaluation tool or tools.

The evaluation system shall ensure that if the administrator is rated as minimally effective or ineffective, the person(s) conducting the evaluation shall develop and require the school administrator to implement an improvement plan to correct the deficiencies. The improvement plan shall recommend professional development opportunities and other measures designed to improve the rating of the administrator on his/her next annual year-end evaluation. An administrator rated as "ineffective" on three (3) consecutive year-end evaluations must be dismissed from employment with the District. This subdivision does not affect the ability of the District to dismiss a school administrator from his/her employment regardless of whether the school administrator is rated ineffective on three (3) consecutive evaluations.

Evaluations shall be conducted of each administrator as required by the Revised School Code and District guidelines and procedures. An administrator shall be given a copy of or provided access to documents relating to his/her performance evaluation which are to be placed in the personnel file.

This policy shall not deprive an administrator or the District of any rights provided by State law or any contractual rights consistent with State law.

3220 - PROFESSIONAL STAFF EVALUATIONS

The Board of Education, through the powers derived from the Revised School Code and other relevant statutes, is responsible for the employment and discharge of all personnel. To carry out this responsibility, the Board with involvement of professional staff, shall adopt and implement a rigorous, transparent, and fair performance evaluation system in accordance with State law that does all of the following:

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

Teachers rated highly effective on three (3) consecutive year-end evaluations may be evaluated every other year, at the District's discretion.

- B. Establishes clear approaches to measuring student growth;
- C. Evaluates an employee's job performance, using rating categories of highly effective, effective, minimally effective and ineffective, which take into account student growth and assessment data. For the 2018-2019 school year twenty five percent (25%) of the annual year-end evaluation shall be based on student growth and assessment data. Beginning with the 2019-2020 school year, forty percent (40%) of the annual year-end evaluation shall be based on student growth and assessment data.

Evaluation must also comply with the following:

1. The portion of a teacher's annual year-end evaluation that is not based on student growth and assessment data shall be based primarily on a teacher's performance as measured by the evaluation instrument developed or adopted by the District.
2. Beginning with the 2018-2019 school year, for core content areas in grades and subjects in which state assessments are administered, fifty percent (50%) of student growth must be measured using the state assessments, and the portion of student growth not measured using state assessments must be measured using multiple research-based growth measures or alternative assessments that are rigorous and comparable across schools within the District. Student growth also may be measured by student learning objectives or nationally normed or locally adopted assessments that are aligned to state standards, or based on achievement of individualized education program goals.
3. If there are student growth and assessment data available for a teacher for at least three (3) school years, the annual year end evaluation shall be based on the student growth and assessment data for the most recent three (3) consecutive school-year period. If there are not student growth and assessment data available for a teacher for at least three (3) school years, the annual year-end evaluation shall be based on all student growth and assessment data that are available for the teacher.
4. The portion of a teacher's evaluation that is not measured using student growth and assessment data or using the evaluation tool developed or adopted by the District shall incorporate criteria enumerated in section M.C.L. 380.1248(1)(b)(i) to (iii) that are not otherwise evaluated under the tool. (See Policy 3131.)

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

1. the effectiveness of employees, so that they are given ample opportunities for improvement
2. promotion, retention, and development of employees, including providing relevant coaching, instruction support, or professional development
3. whether to grant tenure or full certification, or both, to employees, using rigorous standards and streamlined, transparent, and fair procedures

4. removing ineffective tenured and untenured employees after they have had ample opportunities to improve, and providing that these decisions are made using rigorous standards and streamlined, transparent, and fair procedures
 5. to evaluate job performance for employees hired after the accountability system required by MCL 380.380 has been implemented.
- E. provides a mid-year progress report for every teacher who is in the first year of probation or has received a rating of minimally effective or ineffective on the most recent annual year-end evaluation

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

1. be based, at least in part, on student achievement;
 2. be aligned with the teacher's individualized development plan;
 3. include specific performance goals and any recommended training for the remainder of the school year, as well as written improvement plan developed in consultation with the teacher that incorporates the goals and training.
- F. includes classroom observations in accordance with the following:
1. must include review of the lesson plan, State curriculum standards being taught and student engagement in the lesson
 2. must include multiple observations unless the teacher has received an effective or higher rating on the last two (2) year end evaluations
 3. observations need not be for an entire class period
 4. at least one (1) observation must be unscheduled;
 5. the school administrator responsible for the teacher's performance evaluation shall conduct at least one (1) of the observations;
- Other observations may be conducted by other observers who are trained in the use of the evaluation tool as described below. These other observers may be teacher leaders.
6. the District shall ensure that, within thirty (30) days after each observation, the teacher is provided with feedback from the observation.
- G. For the purposes of conducting annual year-end evaluations under the performance evaluation system, in 2017-18, the District will adopt and implement one (1) or more of the evaluation tools for teachers that are included on the list established and maintained by the Michigan Department of Education ("MDE"). However, if the District has one (1) or more local evaluation tools for professional tools or modifications of an evaluation tool on the list, and the District complies with section H of this policy, the District may conduct annual year-end evaluations for teachers using one (1) or more local evaluation tools or modifications. The evaluation tools shall be used consistently among the schools operated by the District so that all similarly situated school teachers are evaluated using the same measures.

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

- H. The District will post on its public website all of the following information about the measures it uses for its performance evaluation system for teachers:
1. The research base for the evaluation framework, instrument, and process or, if the District adapts or modifies an evaluation tool from the MDE list, the research base for the listed evaluation tool and an assurance that the adaptations or modifications do not compromise the validity of that research base.

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

I. The District shall also:

1. Provide training to teachers on the evaluation tool(s) used by the District in its performance evaluation system and how each evaluation tool is used. This training may be provided by a single school district or by a consortium consisting of two (2) or more school districts, the intermediate school District or a public school academy.
2. Ensure that training is provided to all evaluators and observers. The training shall be provided by an individual who has expertise in the evaluation tool or tools used by the District, which may include either a consultant on that evaluation tool or framework or an individual who has been trained to train others in the use of the evaluation tool or tools. The District may provide the training in the use of the evaluation tool or tools if the trainer has expertise in the evaluation tool or tools.

The staff evaluation program shall aim at the early identification of specific areas in which the individual professional staff member needs help so that appropriate assistance may be provided or arranged for. A supervisor offering suggestions for improvement to a professional staff member shall not release that professional staff member from the responsibility to improve. If a professional staff member, after receiving a reasonable degree of assistance, fails to perform his/her assigned responsibilities in a satisfactory manner, dismissal, or non-renewal procedures may be invoked. A teacher rated as "ineffective" on three (3) consecutive year-end evaluations must be dismissed from employment as a teacher with the District. In such an instance, all relevant evaluation documents may be used in the proceedings. This subdivision does not affect the ability of the District to dismiss a teacher from his/her employment regardless of whether professional staff are rated ineffective on three (3) consecutive evaluations.

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

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

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

PERSONNEL FILES

8320 - PERSONNEL FILE

A personnel information system shall be prepared for the retention of appropriate files bearing upon an employee's duties and responsibilities to the District and the District's responsibilities to the employee.

Sufficient records shall exist to ensure an employee's qualifications for the job held, compliance with Federal, State, and local benefit programs, conformance with District policies, and evidence of completed evaluations. The records will be maintained in compliance with the laws of the State of Michigan.

"Personnel file" shall mean all records, information, data, or materials maintained by the District, in any form or retrieval system, with respect to any of its staff, which are uniquely applicable to that employee, whether maintained in one (1) or more locations.

Information relating to the professional role of the employee and submitted by authorized school administrative personnel and the Board may be entered in the official record file. An employee may submit a statement to be included in the file if there is disagreement with information contained within the personnel file. A copy of each entry shall be provided to the employee upon request.

Personnel files shall be maintained, handled and accessible to employees as required by the Bullard- Plawecki Employee Right to Know Act, M.C.L. 423.501 et. seq. The employee shall have access to his/her file upon request.

PROFESSIONAL DEVELOPMENT

3242 - INSTRUCTIONAL STAFF GROWTH REQUIREMENTS

The Board believes that study is a prerequisite for professional growth of staff and, therefore, encourages the participation of professional staff members in in-service and other training programs. Additionally, staff are encouraged to seek development opportunities independently.

The Superintendent and his/her designees shall plan and implement a program of staff development for:

- A. professional staff members; and
- B. support staff members.

Such staff development programs should be designed to address the professional development needs of staff members who are working at a particular level, involved in a particular course or subject, or need to be prepared for a new assignment.

- A. Whenever feasible, principals should participate with their staff members in order to ensure better follow-up and support;
- B. The Superintendent and his/her designees may reimburse staff members for the costs incurred in participation therein, subject to prior approval from Superintendent and his/her designees.
- C. Participation in the program shall be voluntary unless considered part of the duties of any participating staff member according to provisions in a negotiated, collectively-bargained agreement or other contractual arrangements.

During the first three (3) years of employment, each nontenured instructional staff member shall be provided fifteen (15) days of professional development related to his/her Individual Development Plan (IDP). The Superintendent and his/her designees shall also arrange for the assignment to each such staff member of one or more mentors who have demonstrated proficiency in the teaching skills established in the staff member's IDP.

The Superintendent and his/her designees shall arrange to provide each member of the teaching staff with at least five (5) days of professional development annually. These days shall be in addition to any of the required fifteen (15) days of professional development provided to non-tenured teachers during their first three (3) years of teaching.

TENURE

3370 - TENURE

Professional staff members covered by the Michigan Teachers' Tenure Act shall acquire tenure in accordance with the Michigan Teacher's Tenure Act (M.C.L. 38.71 et. seq.).

In accordance with the time periods specified in the Act, the Superintendent shall make recommendations to the Board regarding whether probationary employees covered by the Act should be permitted to acquire tenure. These recommendations shall be acted upon by the Board.

Administrators shall not be entitled to acquire tenure in administrative positions.

STUDENT ISSUES

1613 - STUDENT SUPERVISION AND WELFARE

Administrators shall maintain a standard of care for the supervision, control, and protection of students commensurate with their assigned duties and responsibilities and are expected to establish and maintain professional staff/student boundaries that are consistent with their legal, professional and ethical duty of care for students.

The School District shall maintain and enforce the following standards:

- A. Each administrator shall report immediately any accident, safety hazard, or other potentially harmful condition or situation s/he detects.
- B. Each administrator shall immediately report any knowledge of threats or violence by students.
- C. An administrator shall not send students on any personal errands.
- D. An administrator shall not associate or fraternize with students at any time in a manner that may give the appearance of impropriety, including, but not limited to, the creation or participation in any situation or activity that could be considered abusive or sexually suggestive or involve harmful substances such as illegal drugs, alcohol or tobacco. Any sexual or other inappropriate conduct with a student by any administrator will subject the offender to potential criminal prosecution and disciplinary action by the Board up to and including termination of employment.
- E. If a student approaches an administrator to seek advice or to ask questions regarding a personal problem related to sexual behavior, substance abuse, mental or physical health, and/or family relationships, etc., the administrator may attempt to assist the student by facilitating contact with certified or licensed individuals in the District or community who specialize in the assessment, diagnosis, and treatment of the student's stated problem. However, under no circumstances should an administrator attempt, unless properly licensed and authorized to do so, to counsel, assess, diagnose, or treat the student's problem or behavior, nor should such administrator inappropriately disclose personally identifiable information concerning the student to third persons not specifically authorized by law.
- F. An administrator shall not transport students in a private vehicle without the approval of the Superintendent or his/her designee.
- G. A student shall not be required to perform work or services that may be detrimental to his/her health.
- H. Administrators shall only engage in electronic communication with students via email, texting, social media and/or online networking media, when such communication is directly related to curricular matters or co-curricular/extracurricular events or activities with prior approval of the principal.
- I. Administrators are prohibited from electronically transmitting any personally identifiable image of a student(s), including video, photographs, streaming video, etc. via email, text message, or through the use of social media and/or online networking media, unless written parent consent or School District publicity release form is

completed. Such transmission has been made as part of a pre- approved curricular matter or co-curricular/extracurricular event or activity such as a school- sponsored publication or production.

Since most information concerning a child in school, other than directory information described in the student records policy is confidential under Federal and State laws, any administrator who shares confidential information with another person not authorized to receive the information may be subject to discipline and/or civil liability. This includes, but is not limited to, information concerning assessments, grades, behavior, family background, and alleged child abuse.

Pursuant to the laws of the State and Board Policy 1252 regarding student abuse and neglect, each administrator shall report to the proper legal authorities, immediately, any sign of suspected child abuse or neglect.

See Board Policy 1252 – Student Abuse & Neglect

2260 - ACCESS TO EQUAL EDUCATIONAL OPPORTUNITY

The Board is committed to providing an equal opportunity for all students, regardless of race, color, national origin, sex, sexual orientation, gender identity, disability, age, religion, height, weight, citizenship, marital or family status, military status, ancestry, genetic information, and/or any other legally protected category, (collectively, "Protected Classes") protected by Federal or State civil rights laws, place of residence within the boundaries of the District, or social or economic background, to learn through the curriculum offered in this District.

In order to achieve the aforesaid goal, the Board directs the Superintendent to:

A. Curriculum Content

review current and proposed courses of study and textbooks to detect any bias based upon any Protected Classes or culture; ascertaining whether or not supplemental materials, singly or taken as a whole, fairly depict the contribution of both genders, various races, ethnic groups, etc., toward the development of human society;

B. Staff Training

develop an ongoing program of in-service training for school personnel designed to identify and solve problems of color/racial, gender, religious, national, cultural, or other biases based on the Protected Classes in all aspects of the program;

C. Student Access

review current and proposed programs, activities, facilities, and practices to verify that all students have equal access thereto and are not segregated on the basis of race, color, creed, gender, disability, national origin, or any other of the Protected Classes in any duty, work, play, classroom, or school practice, except as may be permitted under State and Federal laws and regulations;

D. District Support

verify that like aspects of the District's program receive like support as to staff size and compensation, purchase and maintenance of facilities and equipment, access to such facilities and equipment, and related matters;

E. Student Evaluation

F. verify that assessments, procedures, or guidance and counseling materials, which are designed to evaluate student progress, rate aptitudes, analyze personality, or in any manner establish or tend to establish a category by which a student may be judged, are not differentiated or stereotyped on the basis of race, color, creed, gender, or national origin.

District Compliance Officers

The following individuals serve as the District's "Compliance Officer(s)" or "CO(s)" (also known as "Civil Rights Coordinator(s)"):

Kristen M. Howard, Esq.
Title IX Coordinator, Chief of Staff
3011 W. Grand Blvd., 14th Floor
Detroit, MI 48202
dpscd.compliance@detroitk12.org

Carrie S. Bryant, Esq.
Deputy Executive Director of Employee Relations
3011 W. Grand Blvd., 10th Floor
Detroit, MI 48202
employee.relations@detroitk12.org

The names, titles, and contact information of these individuals will be published annually (i) in the parent/student and staff handbooks and (ii) on the School District's website.

The District will accommodate the use of certified service animals when there is an established need for such supportive aid in the school environment. Certain restrictions may be applied when necessary due to allergies, health, safety, disability or other issues of those in the classroom or school environment. The goal shall be to provide all students with the same access and participation opportunities provided to other students in school. Please see District Policy 8390 for additional information regarding the use of service animals.

The CO is responsible for coordinating the District's efforts to comply with applicable Federal and State laws and regulations, including the District's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination, retaliation or denial of equal access. The CO shall also verify that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act (as amended), Title VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendment Act of 1972, Section 504 of the Rehabilitation Act of 1973 (as amended), and the Age Discrimination Act of 1975 is provided to students, their parents, staff members, and the general public. A copy of each of the Acts and regulations on which this notice is based may be found in the CO's office.

The Superintendent shall annually attempt to identify children with disabilities, ages 0-25, who reside in the District but do not receive public education.

In addition, s/he shall establish procedures to identify students who are Limited English Proficient (LEP), including immigrant children and youth, to assess their ability to participate in District programs, and develop and administer a program that meets the English language and academic needs of these students. This program shall include procedures for student placement, services, evaluation and exit guidelines and shall be designed to provide students with effective instruction that leads to academic achievement and timely acquisition of proficiency in English. As a part of this program, the District will evaluate the progress of students in achieving English language proficiency in the areas of listening, speaking, reading and writing, on an annual basis (also see Policy 2225).

Reports and Complaints of Unlawful Discrimination and Retaliation

Students and all other members of the School District community and third parties are encouraged to promptly report incidents of unlawful discrimination and/or retaliation to a teacher, administrator, supervisor, or other District official so that the District may address the conduct. Any teacher, administrator, supervisor, or other District employee or official who receives such a complaint shall report it to the CO and/or his/her designee(s) as soon as possible but no later than five (5) business days.

Members of the School District community, which includes students or third parties, who believe they have been unlawfully discriminated/retaliated against are entitled to utilize the complaint process set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the complaining individual's employment or participation in educational or extra-curricular programs. While there are no time limits for initiating complaints under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

If, during an investigation of alleged bullying, aggressive behavior and/or harassment in accordance with Policy 5517.01 – Bullying and Other Forms of Aggressive Behavior, the Principal believes that the reported misconduct may constitute unlawful discrimination based on a Protected Class, the Principal shall report the act to the CO and/or his/her designee(s) who shall investigate the allegation in accordance with this policy. While the CO investigates the allegation, the Principal

shall suspend his/her Policy 5517.01 investigation to await the CO's written report. The CO shall keep the Principal informed of the status of the Policy 2260 investigation and provide him/her with a copy of the resulting written report.

The CO will be available during regular school/work hours to discuss concerns related to unlawful discrimination/retaliation. The CO shall accept complaints of unlawful discrimination/retaliation directly from any member of the School District community or a visitor to the District, or receive complaints that are initially filed with a school building administrator. Upon receipt of a complaint either directly or through a school building administrator, a CO will begin either an informal or formal process (depending on the request of the person alleging the discrimination/retaliation or the nature of the alleged discrimination/retaliation), or the CO will designate a specific individual to conduct such a process. The CO will provide a copy of this policy to any person who files a complaint. In the case of a formal complaint, the CO will prepare recommendations for the Superintendent or oversee the preparation of such recommendations by a designee. All members of the School District community must report incidents of discrimination/retaliation that are reported to them to the CO as soon as possible, but no later than five (5) business days of learning of the incident/conduct.

Any District employee who directly observes unlawful discrimination/retaliation of a student is obligated, in accordance with this policy, to report such observations to the CO within five (5) business days. Additionally, any employee who observes an act of unlawful discrimination/retaliation is expected to intervene to stop the misconduct, unless circumstances make such an intervention dangerous, in which case the staff member should immediately notify other employees and/or local law enforcement officials, as necessary, to stop the misconduct. Thereafter, the CO or designee must contact the student, if age eighteen (18) or older, or the student's parents if the student is under the age eighteen (18), within two (2) school days to advise s/he/them of the District's intent to investigate the alleged wrongdoing.

Investigation and Complaint Procedure

Any student who believes that s/he has been subjected to unlawful discrimination or retaliation may seek resolution of his/her complaint through the procedures described below. The formal complaint procedures involve an investigation of the individual's claims and a process for rendering a decision regarding whether the charges are substantiated.

Due to the sensitivity surrounding complaints of unlawful discrimination or retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs. Once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within sixty (60) business days of the complaint being received).

The procedures set forth below are not intended to interfere with the rights of a student to pursue a complaint of unlawful discrimination or retaliation with the United States Department of Education Office for Civil Rights ("OCR"). The Cleveland Office of the OCR can be reached at 1350 Euclid Avenue, Suite 325, Cleveland, Ohio 44115; Telephone: (216) 522-4970; Fax: (216) 522-2573; TDD: (216) 522-4944; E-mail: ocr.cleveland@ed.gov; Web: <http://www.ed.gov/ocr>.

Informal Complaint Procedure

The goal of the informal complaint procedure is to quickly stop inappropriate behavior and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for a student who believes s/he has been unlawfully discriminated or retaliated against. This informal procedure is not required as a precursor to the filing of a formal complaint.

The informal process is only available in those circumstances where the parties (the alleged target of the discrimination and individual(s) alleged to have engaged in the discrimination) agree to participate in it.

Students who believe that they have been unlawfully discriminated/retaliated against may proceed immediately to the formal complaint process and individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process.

All complaints involving a District employee or any other adult member of the School District community against a student will be formally investigated.

A student who believes s/he has been unlawfully discriminated/retaliated against may make an informal complaint, either orally or in writing: (1) to a teacher, other employee, or building administrator in the school the student attends; (2) to the Superintendent or other District-level employee; and/or (3) directly to the CO.

All informal complaints must be reported to the CO who will either facilitate an informal resolution as described below, or appoint another individual to facilitate an informal resolution.

The School District's informal complaint procedure is designed to provide students who believe they are being unlawfully discriminated/retaliated against with a range of options aimed at bringing about a prompt resolution of their concerns. Depending upon the nature of the complaint and the wishes of the student claiming unlawful discrimination/retaliation, informal resolution may involve, but not be limited to, one (1) or more of the following:

- A. Advising the student about how to communicate his/her concerns to the person who allegedly engaged in the discriminatory/retaliatory behavior.
- B. Distributing a copy of Policy 2260 – Non-Discrimination and Access to Equal Educational Opportunity as a reminder to the individuals in the school building or office where the individual whose behavior is being questioned works or attends.
- C. If both parties agree, the CO may arrange and facilitate a meeting between the student claiming discrimination/retaliation and the individual accused of engaging in the misconduct to work out a mutual resolution.

While there are no set time limits within which an informal complaint must be resolved, the CO or designee will exercise his/her authority to attempt to resolve all informal complaints within thirty (30) business days of receiving the informal complaint. Parties who are dissatisfied with the results of the informal complaint process may proceed to file a formal complaint. And, as stated above, parties may request that the informal process be terminated at any time to move to the formal complaint process.

Formal Complaint Procedure

If a complaint is not resolved through the informal complaint process, if one of the parties requested that the informal complaint process be terminated to move to the formal complaint process, if the student elects to file a formal complaint initially, or if the CO deems the informal complaint procedure inappropriate due to the nature of the claim, the formal complaint process shall be implemented.

A student who believes s/he has been subjected to unlawful discrimination/retaliation (hereinafter referred to as the "Complainant") may file a formal complaint, either orally or in writing, with a teacher, Principal, or other District employee at the student's school, the CO, Superintendent, or another District employee who works at another school or at the District level. Due to the sensitivity surrounding complaints of unlawful discrimination, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs. If a Complainant informs a teacher, Principal, or other District employee at the student's school, Superintendent, or other District employee, either orally or in writing, about any complaint of discrimination/retaliation, that employee must report such information to the CO as soon as possible, but no later than five (5) business days.

Throughout the course of the process, the CO should keep the parties informed of the status of the investigation and the decision-making process.

All formal complaints should include the following information to the extent it is available: the identity of the individual believed to have engaged in, or be engaging in; the discriminatory/retaliatory conduct; a detailed description of the facts upon which the complaint is based; and may include a list of potential witnesses, and the resolution sought by the Complainant.

If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the CO shall ask for such details in an oral interview. Thereafter, the CO will prepare a written summary of the oral interview, and the Complainant will be asked to verify the accuracy of the reported charge.

Within two (2) business days of receiving a complaint, the CO or designee will initiate a formal investigation to determine whether the Complainant has been subjected to unlawful discrimination/retaliation. All investigations will be prompt, adequate, reliable, and impartial.

The CO will notify the individual alleged to have engaged in the discriminatory or retaliatory conduct (hereinafter referred to as the "Respondent") that a complaint has been received within five (5) business days of receipt of the formal complaint. The Respondent will be informed about the nature of the allegations and provided with a copy of any relevant

policies and/or administrative guidelines, including Policy 2260 - Nondiscrimination. The Respondent will also be informed of the opportunity to submit a written response to the complaint within ten (10) business days, and will be given the opportunity to identify witnesses and other evidence.

Upon receiving a formal complaint, the CO will consider whether any action (hereinafter referred to as "Interim Measures") should be taken in the investigatory phase to protect the Complainant from further discrimination or retaliation, that may include, but is not limited to, a change of work assignment, work schedule, class schedule, class seating, counseling, and academic assistance. In making such a determination, the CO should consult the Complainant to assess his/her agreement to the proposed action. The CO will notify the parties, and any party's parents/guardians if the party is a minor, in writing, that Interim Measures are available during the District's investigation. Requests for Interim Measures can be made immediately and directed to the CO, school Principal, or other department as necessary. The District will take steps to ensure that appropriate Interim Measures are taken or provided. And, the District will take steps to ensure, where possible and supported by the available information, that such Interim Measures minimize the burden on the Complainant.

Concurrent Investigations

A Complainant, and the Complainant's parents/guardians if the Complainant is a minor, may pursue a complaint with the CO and the police simultaneously. Should this occur, the CO may need to briefly suspend the fact-finding aspects of its investigation at the request of law enforcement while law enforcement is in the process of gathering evidence. The CO or designee will maintain regular contact with law enforcement to determine when it may resume its investigation. And, the CO or designee will promptly resume its investigation as soon as notified by the law enforcement agency that it has completed the evidence gathering process, or sooner if the CO determines that the evidence gathering process will be lengthy or delayed. The CO will not delay its investigation until the ultimate outcome of the criminal investigation.

Concluding an Investigation

The CO or designee will work diligently to conclude all investigations within sixty (60) business days of receiving the complaint. Within five (5) business days of concluding an investigation, all parties, including the Respondent, the alleged victim, and if different, the Complainant will be notified in writing as to the outcome of the complaint. The CO or designee will ensure that all notifications comply with the Family Educational Rights and Privacy Act (FERPA) and District policies regarding student privacy.

At the conclusion of the investigation, the CO or designee shall prepare and deliver a written report to the Superintendent or designee that summarizes the evidence gathered during the investigation and provides a summary of findings based on the evidence and the definition of unlawful discrimination/retaliation as provided in Board policy and State and Federal law as to whether the Complainant has been subjected to unlawful discrimination/retaliation. The report will also include appropriate corrective actions and sanctions to stop any harassment, prevent its recurrence, and if appropriate, remedy its effects. The CO's findings must be based upon the totality of the circumstances, including the ages and maturity levels of those involved. In determining if unlawful discrimination or retaliation occurred, a preponderance of evidence standard will be used. All decisions will be final.

Corrective Actions and Sanctions

Appropriate corrective action may include, but is not limited to policy changes, mandatory trainings or other interventions to repair the educational environment, assistance with making a schedule change, facilitating a restorative circle between the parties, issuing new policy statements, reimbursement for professional counseling, provision of tutoring, and/or any other corrective actions the CO deems appropriate to the circumstances.

As required, disciplinary or other sanctions may be taken in accordance with the Student Code of Conduct, District employee discipline policies and/or other District policies and procedures. This may include suspension, expulsion, and/or termination. The decision of the Superintendent shall be final.

The District reserves the right to investigate and resolve a complaint or report of unlawful discrimination/retaliation regardless of whether the student alleging the unlawful discrimination/retaliation pursues the complaint. The District also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Superintendent or his/her designee.

The Complainant may be represented, at his/her own cost, at any of the above described meetings/hearings.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a Complaint with the Office for Civil Rights or the filing of a court case. Use of this internal complaint procedure is not a prerequisite to the pursuit of other remedies.

Privacy/Confidentiality

The School District will employ all reasonable efforts to protect the rights of the Complainant, the Respondent(s), and the witnesses as much as possible, consistent with the District's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under the terms of this policy shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. All Complainants proceeding through the formal investigation process will be advised that their identities may be disclosed to the Respondent(s).

During the course of a formal investigation, the CO or designee will instruct each person who is interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of an investigation is expected not to disclose to third parties any information that s/he learns and/or provides during the course of the investigation.

Sanctions and Monitoring

The District shall vigorously enforce its prohibitions against unlawful discrimination/retaliation by taking appropriate action reasonably calculated to stop and prevent further misconduct. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law and the terms of the relevant collective bargaining agreement(s). When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter, including the ages and maturity levels of those involved. In those cases where unlawful discrimination/retaliation is not substantiated, the District may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of the relevant collective bargaining agreement(s).

Where the District becomes aware that a prior remedial action has been taken against a member of the School District community, all subsequent sanctions imposed by the District shall be reasonably calculated to end such conduct, prevent its reoccurrence, and remedy its effects.

Retaliation

Retaliation against a person who makes a report or files a complaint alleging unlawful discrimination, or participates as a witness in an investigation is prohibited. Specifically, the District will not retaliate against, coerce, intimidate, threaten or interfere with any individual because the person opposed any act or practice made unlawful by any Federal or State civil rights law, or because that individual made a charge, testified, assisted or participated in any manner in an investigation, proceeding, or hearing under those laws, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws.

Education and Training

In support of this policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Superintendent or designee shall provide appropriate information to all members of the School District community related to the implementation of this policy and shall provide training for District students and staff where appropriate. All training, as well as all information, provided regarding the Board's policy and discrimination in general, will be age and content appropriate.

The District will endeavor to assist the student and/or his/her parents in their access to District programs by providing notices to the parents and students in a language and format that they are likely to understand.

Materials approved by the State Department of Education describing the benefits of instruction in Braille reading and writing shall be provided to each blind student's individualized planning committee. The District shall not deny a student the opportunity for instruction in Braille, reading, and writing solely because the student has some remaining vision.

Retention of Investigatory Records and Materials

All individuals charged with conducting investigations under this policy must retain all information, documents, electronically stored information, and electronic media (as defined in Policy 8315) created and received as part of an investigation, which may include, but not be limited to:

- A. all written reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;
- B. any narratives that memorialize oral reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;
- C. any documentation that memorializes the actions taken by District personnel related to the investigation and/or the District's response to the alleged violation of this policy;
- D. written witness statements;
- E. narratives, notes from, or audio, video, or digital recordings of witness interviews/statements;
- F. e-mails, texts, or social media posts that directly relate to or constitute evidence pertaining to an alleged violation of this policy (i.e., not after-the-fact commentary about or media coverage of the incident);
- G. notes or summaries prepared contemporaneously by the investigator in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.), but not including transitory notes whose content is otherwise memorialized in other documents;
- H. written disciplinary sanctions issued to students or employees and other documentation that memorializes oral disciplinary sanctions issued to students or employees for violations of this policy;
- I. dated written determinations/reports (including summaries of relevant exculpatory and inculpatory evidence) and other documentation that memorializes oral notifications to the parties concerning the outcome of the investigation, including any consequences imposed as a result of a violation of this policy;
- J. documentation of any interim measures offered and/or provided to complainants and/or the alleged perpetrators, including no contact orders issued to both parties, the dates the no contact orders were issued, and the dates the parties acknowledged receipt of the no contact orders;
- K. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects;
- L. copies of the Board policy and/or procedures/guidelines used by the District to conduct the investigation, and any documents used by the District at the time of the alleged violation to communicate these expectations to students and staff with respect to the subject of this policy (e.g., Student and/or Employee Handbooks or Codes of Conduct); and
- M. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment.

These investigative records and materials created or received as part of an investigation shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, and Policy 8330 for not less than three (3) years, but longer if required by the District's records retention schedule.

5517.02 - SEXUAL VIOLENCE, SEXUAL HARASSMENT, AND SEX DISCRIMINATION

The Board of Education does not discriminate on the basis of race, color, national origin, sex, sexual orientation, gender identity, disability, age (except as authorized by law), religion, height, weight, citizenship, military or family status, ancestry, genetic information, and/or any other legally protected category, (collectively, "Protected Classes") protected by Federal or State civil rights laws in its education programs and activities. The Board is committed to maintaining an education and work environment that is free from all forms of unlawful harassment, including sexual harassment.

Sexual harassment, including sexual violence, interferes with both students' rights to receive an education free from discrimination and creates a hostile work environment for employees., and, in the case of sexual violence, it is a crime. Pursuant to its Title IX obligations, the Board is committed to eliminating sexual violence in all forms and will take appropriate action against any individual found responsible for violating this policy. To further its commitment against sexual violence, the Board provides reporting options, an investigative and disciplinary process, and other related services as appropriate.

This policy and the below grievance procedures apply to complaints alleging all forms of sex discrimination against students, employees, and third parties, whether filed by a student, his/her parent, an employee, or third party on the student's behalf. It applies to all District operations, programs, and activities, as well as to unlawful conduct occurring on school property or during a Board-sponsored activity. All students, administrators, teachers, staff, and all other school personnel share responsibility for avoiding, discouraging, and reporting any form of unlawful harassment.

Definitions

Sexual Harassment

Sexual harassment is defined as unwelcome conduct of a sexual nature. This can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal or physical conduct of a sexual nature. Sexual harassment may involve the behavior of a person of either gender against a person of the same or opposite gender.

Examples include, but are not limited to:

- A. unwelcome sexual propositions, invitations, solicitations, and flirtations;
- B. unwanted physical and/or sexual contact;
- C. threats or insinuations implying that a person's conditions of education may be adversely affected by not submitting to sexual advances;
- D. unwelcome sexual verbal expressions, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; unwelcome sexually degrading language, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls;
- E. sexually suggestive objects, pictures, videotapes, audio recordings or literature;
- F. unwelcome and inappropriate touching, patting, or pinching; obscene gestures;
- G. a pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliation to another;
- H. speculations about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history;
- I. inappropriate boundary invasions into a student's or an employee's personal space and personal life; and
- J. verbal, nonverbal or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature.

Sexual Violence

Sexual violence, as used in this policy and pertaining to both students and employees, refers to physical sexual acts occurring between any persons, including members of the same sex, perpetrated against a person's will or where a person is incapable of giving consent (e.g., due to the student's age, intellectual or other disability, or use of drugs or alcohol).

Sexual violence includes rape, sexual assault, sexual battery, sexual abuse, and sexual coercion. Sexual violence can be carried out by school and District employees, other students, or third parties. All such acts of sexual violence are forms of sexual harassment and, in turn, sex discrimination prohibited by Title IX.

Harassing conduct creates a hostile environment when it interferes with or limits a student's or employee's ability to participate in or benefit from the school's program or the District's workplaces. A single or isolated incident of sexual harassment may create a hostile environment if the incident is sufficiently severe. For example, a single instance of rape is sufficiently severe to create a hostile environment.

Sex Discrimination

Actions or policies that exclude, separate, deny benefits to, or otherwise treat differently any person on the basis of sex. Sex discrimination may happen in connection with recruitment, admissions, counseling, athletics, treatment of pregnant and parenting students, discipline, and employment. This definition also includes Sexual Assault, and Sexual Harassment that is so persistent and severe that it denies a person the benefit of the District's programs and activities.

Office of Equity, Advocacy & Civil Rights

The department within the District charged with overseeing investigations pursuant to Title IX.

Complaint Submission Date

The Date on which a complaint was submitted to the Title IX Coordinator or the Office of Equity, Advocacy & Civil Rights

Interim Measures

Individualized services offered as appropriate to either or both parties involved in an alleged incident of Sex Discrimination prior to or during an investigation to prevent further discrimination. Interim Measures may include counseling, extensions of time or other course-related adjustments, modifications of class or work schedules, restrictions on contact between the parties, changes in policies, or procedures, and other similar accommodations.

School Investigation

The process by which the School Principal (or designee(s)) investigates complaints of Sex Discrimination under Title IX and this policy.

EACR Investigation

The process by which the Office of Equity, Advocacy & Civil Rights investigates complaints of Sex Discrimination under Title IX.

Preponderance of the Evidence

The evidence standard used to determine whether an alleged incident of Sex Discrimination occurred. The standard weighs the evidence to determine if an alleged incident more likely than not occurred.

Anti-Harassment Compliance Officers

The Board designates the following individuals to serve as "Anti-Harassment Compliance Officer(s)" for the District. Each respectively, a "Compliance Officer."

Kristen M. Howard, Esq.
Title IX Coordinator, Chief of Staff
3011 W. Grand Blvd., 14th Floor
Detroit, MI 48202
dpscd.compliance@detroitk12.org

Carrie S. Bryant, Esq.
Deputy Executive Director of Employee Relations
3011 W. Grand Blvd., 10th Floor
Detroit, MI 48202
employee.relations@detroitk12.org

The names, titles, and contact information of these individuals will be published annually on the School District's website.

The Compliance Officer is available during regular school/work hours to discuss Title IX questions, sexual violence concerns, and to assist students, other members of the School District community, and third parties. The Compliance Officer shall accept sexual violence complaints directly from any members of the School District community or a visitor to the District, as well as those initially filed within a school building administrator. Upon receiving a complaint, the Compliance Officer or designee will discuss confidentiality issues with the complainant (and his/her parent, if the complainant is a minor), and open an investigation as described below.

Complaint Procedures

Complaints of all forms of Sex Discrimination may be filed with the Title IX Coordinator or any personnel in the Office of Equity, Advocacy & Civil Rights.

Employees are required, and parents, community members, third parties, and students are encouraged to report sex discrimination, including sexual violence promptly to a teacher, administrator, supervisor, or other school official. All employees are expected to promptly report incidents of sex discrimination they observe or learn about to the Office of Equity, Advocacy & Civil Rights (hereinafter referred to as "EACR")

All complaints will be promptly reviewed by the Title IX Coordinator to determine whether an EACR Investigation or School Investigation will be conducted. All School Investigations will be conducted by the Principal (or designee) under the supervision and advice of the Title IX Coordinator. The Title IX Coordinator (or designee) will conduct an EACR Investigation under the following circumstances:

- A. There is a conflict between the Principal (or designee) and any parties to a complaint;
- B. Accusations made by a student or third party against an employee or the District;
- C. Either party to a complaint requests an EACR Investigation;
- D. Any other reason the Title IX Coordinator determines an EACR Investigation is necessary to ensure a prompt, thorough, and equitable resolution of the complaint.

All investigations will be prompt, adequate, reliable, and impartial. Respondents will be notified within five (5) business days that a complaint has been filed against them. All parties will have ten (10) business days from the date they are notified of the complaint to identify witnesses and other evidence.

The District will work diligently to conclude all investigations within sixty (60) business days of the Complaint Submission Date. All parties will be notified should an extension of time be required.

Interim Measures

Title IX requires the District to take steps to ensure equal access to its educational programs and activities and protect the parties as necessary during an investigation, including taking interim measures before the outcome of an investigation. These measures can include, but are not limited to, changes in class schedule, counseling, and academic assistance. Interim Measures are available to all parties. The District will notify the parents, and any party's parents/guardians if the parent is a minor, in writing, that interim measures are available during the District's investigation. Requests for Interim Measures can be made immediately and directed to EACR or the school Principal. The District will take steps to ensure that appropriate interim measures are taken or provided. And, the District will take steps to ensure, where possible and supported by available information, that such interim measures minimize the burden on the complainant.

The District will implement appropriate interim measures during its investigation, including during any law enforcement agency's investigative period when the District has temporarily deferred its investigation, to assist and protect the safety of the Complainant(s) and the District community and to prevent retaliation.

Concurrent Investigations

A Complainant and the Complainant's parents/guardians if the Complainant is a minor, may pursue a complaint with the District and the police simultaneously. Should this occur, the District may need to briefly suspend the fact-finding aspect of its Title IX investigation at the request of law enforcement while law enforcement is in the process of gathering evidence. The District will maintain regular contact with law enforcement to determine when it may resume its investigation. And, the District will promptly resume its investigation as soon as notified by the law enforcement agency that it has completed the evidence gathering process, or sooner if the District determines the evidence gathering process will be lengthy or delayed. The District will not delay its investigation until the ultimate outcome of the criminal investigation.

Concluding an Investigation

Within five (5) business days of concluding an investigation, all parties, including the Respondent, the alleged victim and, if different, the Complainant will be notified in writing as to the outcome of the complaint. The District will ensure that all notifications will comply with the Family Educational Rights and Privacy Act (FERPA) and District policies regarding student privacy.

In cases where Sex Discrimination is found to have occurred, the District will determine appropriate, enforceable sanctions reasonably calculated to stop the discrimination and prevent its recurrence; eliminate any hostile environment; and remedy the discriminatory effects on the Complainant and others as appropriate.

The District will take prompt and effective steps to end discrimination found to have occurred; eliminate any hostile environment; prevent its recurrence; and remedy the discriminatory effects on the victim and others as appropriate.

Any incidents of Sex Discrimination that come to the District's attention through a disciplinary matter, as opposed to a formal grievance, will be promptly addressed consistent with this procedure.

Corrective Actions and Sanctions

Appropriate corrective action can include, but is not limited to, policy changes, mandatory trainings or other interventions to repair the educational environment, assistance with making a schedule change, facilitating a restorative circle between the parties, issuing new policy statements, reimbursement for professional counseling, provision of tutoring, and/or any other corrective actions the Title IX Coordinator deems appropriate to the circumstances.

As required, disciplinary or other sanctions may be taken in accordance with the Student Code of Conduct, District employee discipline policies, and/or other District policies and procedures. This may include suspension, expulsion, or termination.

Retaliation

Federal law strictly prohibits retaliation against a complainant or witness. The District will inform complainant of this prohibition and direct him/her to report retaliation, whether by students or school officials, to the Compliance Officer. Upon learning of retaliation, school officials will take strong responsive action as appropriate.

Training

All staff will be trained so they know to report harassment to appropriate school officials. This training will include practical information about how to identify and report sexual harassment, including sexual violence. The training will be provided to any employees likely to witness or receive complaints involving sexual harassment and/or sexual violence, including teachers, school law enforcement unit employees or school resource officers, school administrators, school counselors, and health personnel. Further, school administrators responsible for investigating allegations of sexual harassment and sexual violence will be trained how to conduct such investigations and respond properly to such charges.

Retention of Investigatory Records and Materials

All individuals charged with conducting investigations under this policy shall retain all documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315) created and/or received as part of an investigation, which may include but not be limited to:

- A. all written reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;
- B. any narratives that memorialize oral reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;
- C. any documentation that memorializes the actions taken by District personnel related to the investigation and/or the District's response to the alleged violation of this policy;
- D. written witness statements;
- E. narratives, notes from, or audio, video, or digital recordings of witness interviews/statements;
- F. e-mails, texts, or social media posts that directly relate to or constitute evidence pertaining to an alleged violation of this policy (i.e., not after-the-fact commentary about or media coverage of the incident);
- G. notes or summaries prepared contemporaneously by the investigator in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.), but not including transitory notes whose content is otherwise memorialized in other documents;
- H. written disciplinary sanctions issued to students or employees and other documentation that memorializes oral disciplinary sanctions issued to students or employees for violations of this policy;
- I. dated written determinations/reports (including summaries of relevant exculpatory and inculpatory evidence) and other documentation that memorializes oral notifications to the parties concerning the outcome of the investigation, including any consequences imposed as a result of a violation of this policy;
- J. documentation of any interim measures offered and/or provided to complainants and/or the alleged perpetrators, including no contact orders issued to both parties, the dates the no contact orders were issued, and the dates the parties acknowledged receipt of the no contact orders;
- K. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects;
- L. copies of the Board policy and/or procedures/guidelines used by the District to conduct the investigation, and any documents used by the District at the time of the alleged violation to communicate the Board's expectations to students and staff with respect to the subject of this policy (e.g., Student and/or Employee Handbooks or Codes of Conduct);
- M. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment;

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

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

8462 - STUDENT ABUSE AND NEGLECT

The Board of Education is concerned with the physical and mental well-being of the students of this District and will cooperate in identifying and reporting cases of child abuse or neglect in accordance with law.

According to the Michigan Penal Code, the following actions constitute child abuse and neglect:

- A. A person is guilty of child abuse in the first degree if the person knowingly or intentionally causes serious physical or serious mental harm to a child.
- B. A person is guilty of child abuse in the second degree if any of the following apply:
 - 1. The person's omission causes serious physical harm or serious mental harm to a child or if the person's reckless act causes serious physical harm or serious mental harm to a child.
 - 2. The person knowingly or intentionally commits an act likely to cause serious physical or mental harm to a child regardless of whether harm results.
 - 3. The person knowingly or intentionally commits an act that is cruel to a child regardless of whether harm results.
 - 4. The person or a licensee as licensee is defined in section 1 of 1973 PA 116, MCL 722.111, violates section 15(2) of 1993 PA 218, MCL 722.125.
- C. A person is guilty of child abuse in the third degree if any of the following apply:
 - 1. The person knowingly or intentionally causes physical harm to a child.
 - 2. The person knowingly or intentionally commits an act that under the circumstances poses an unreasonable risk of harm or injury to a child, and the act results in physical harm to a child.

Michigan Child Protection Law requires professional staff and all other persons employed by this District who are mandatory reporters under the law (mandatory reporters) who have reasonable cause to suspect child abuse and/or neglect to file reports with the Department of Human Services, Children's Protective Services Division.

All mandatory reporters who have reasonable cause to suspect child abuse or neglect shall immediately report any such case 1) directly to Child Protective Services through central intake by telephone, or through the online reporting system; in addition to 2) his/her supervisor; and 3) the principal or his/her designee.

All other persons employed by this District who are not designated mandatory reporters under the law report suspected child abuse or neglect to 1) his/her supervisor, and 2) the principal or his/her designee who shall, in turn, immediately notify Children's Protective Services.

The District shall establish procedures to report situations of suspected child abuse/neglect and shall advise staff members of their responsibilities.

The identity of all mandatory reporters shall remain confidential, subject only to disclosure by consent, court order or otherwise allowed by applicable law. All mandatory reporters shall not be dismissed or otherwise penalized for making a report of child abuse or neglect.

Information concerning alleged child abuse is confidential. Any unauthorized disclosure by an official or employee of the District is a violation of the law and subjects the disseminator to civil liability for resulting damages.

Each administrator or his/her designee should be mindful of the possibility of physical or mental abuse being inflicted on a student by a staff member. Any such instances, whether real or alleged, should be dealt with in accordance with the administrative guidelines established by the Superintendent or his/her designee.

All District staff will be required to undergo periodic training on the identification and reporting of suspected abuse or neglect of a child.

3213 - STUDENT NON-FRATERNIZATION

The Board expects all District internal and external stakeholders who directly engage with students on or off District property, to maintain the highest professional, moral and ethical standards in their conduct with students. The interactions and relationships between all District internal and external stakeholders should be based upon mutual respect and trust,

an understanding of the appropriate boundaries between adults and students in an educational settings; and consistent with District and community standards.

The Board expects all professional and support staff, contractors, as well as all athletic coaches, counselors, administrators, volunteers, and other District stakeholder who directly engage with students on or off District property, to maintain appropriate professional relationships with students and be sensitive to the appearance of impropriety in their conduct with students. All professional and support members are encouraged to discuss issues and concerns with District administrators or other personnel who function in an administrative/supervisory capacity whenever they are unsure whether particular conduct may constitute or appear as a violation of this policy.

Fraternization of any type may create the perception of inappropriate conduct or may lead to allegations or instances of sexual harassment or child abuse. Accordingly, all staff members are prohibited from engaging in any of the following types of prohibited conduct, regardless of whether the conduct occurs on or off school property or whether the conduct occurs during or outside of school hours. The following list of prohibited conduct does not, and is not intended to, constitute the entire list of conduct for which discipline may be imposed:

- A. allow a student into his/her home, or enter the home of a student, at any time without the express permission of the principal or the parent(s) or legal guardian of the student, and a record of the permission placed on file;
- B. engaging in any romantic or sexual relationships with students, including dating, flirting, sexual contact, inappropriate physical displays of affection, or sexually suggestive comments between staff and students, regardless of whether staff or student initiates the behavior, whether the relationship is consensual, or whether the student has parental permission;
- C. fostering, encouraging, or participating in inappropriate emotionally or socially intimate relationships with students in which the relationship is outside the bounds of the reasonable, professional staff-student relationship and in which the relationship could reasonably cause a student to view the professional or support staff person as more than an administrator, teacher, or coach;
- D. initiating or continuing communications with students, including those through District and personal accounts, for reasons unrelated to any appropriate purpose, including oral or written communication; telephone calls; electronic communication such as texting, instant messaging, email, chat rooms, Facebook, or other social networking sites; webcams; or photographs;
- E. providing any mood altering substances to students;
- F. socializing with students outside of class time for reasons unrelated to any appropriate purpose; and
- G. transporting students in personal vehicles, or ride in a personal vehicle with a student, before, during or after school hours without the express permission of the principal and the parent(s) or legal guardian(s) of the student, and a record of the permission placed on file.

Any person with knowledge or suspicion of an improper relationship between staff and a student must immediately report the conduct to school administration. Staff who makes a good-faith report of a suspected fraternization violation, or who cooperates in inquiries or investigations related to the investigation of such a report, shall be protected from retaliation in accordance with District policy.

Reports of suspected fraternization violations by represented staff shall follow the procedures set forth in accordance with the appropriate District disciplinary policies and guidelines. The District shall take appropriate disciplinary action, up to and including dismissal, against any staff found to have violated this non-fraternization policy.

5630 - CORPORAL PUNISHMENT AND USE OF REASONABLE FORCE AND RESTRAINT

District employees shall assume full-authority over students under their span of control and maintain order. Under no circumstance shall District employees find it necessary to resort to physical force or violence to compel student obedience and manage disruptive behavior. Instead, district employees shall consider the application of alternative discipline approaches that include, but are not limited to, counseling, student mediation, conflict resolution, parental involvement, alternative education programs, restorative justice, and other forms of positive reinforcement. If all other means fail,

professional staff shall consider the administrative removal of disruptive students through detention and in-school/out-of-school suspension. By no means, shall corporal punishment ever be exercised to manage disruptive behavior.

Corporal Punishment

While recognizing that students may require disciplinary action in various forms, the Board does not condone, in any form, the use of corporal punishment as an appropriate means to discipline students. Corporal punishment is therefore strictly prohibited.

If any staff member, full-time, part-time, or substitute intentionally inflicts, or causes physical pain to be inflicted by hitting, paddling, spanking, slapping, head-butting, forcing prolonged maintenance of physically-painful positions, or make use of any other kind of physical force as a means of disciplining a student, the professional or support staff member shall be subject to discipline up to and including discharge.

A staff member engaging in the use of corporal punishment shall also be subject to possible criminal charges and prosecution.

Reasonable Force and Restraint

Staff may use or apply incidental, minor, or reasonable physical contact (reasonable physical force) as necessary to maintain order and control in a school or school-related setting for the purpose of providing an environment conducive to safety and learning, under limited circumstances, as described below:

- A. if after requesting that the student refrain from further disruptive acts, staff may restrain a student whose behavior is interfering with the orderly exercise and performance of school district functions;
- B. for self-defense or defense of another;
- C. to prevent a student from inflicting harm on himself or herself;
- D. to quell a disturbance threatening physical injury to others;
- E. to obtain possession of weapons or other dangerous objects upon or within the control of the student; or
- F. for the protection of property.

The above-referenced policy governs the use of corporal punishment, reasonable force and restraint. All District staff and contractors interacting with students will be trained in accordance with this policy, such training shall include de-escalation techniques. The Board directs all staff to comply with Michigan law and policy, as well as, District policy related to the use of emergency seclusion and emergency physical restraint as defined and prohibited, as well as, permitted.

5772 - STUDENT POSSESSION OF WEAPONS

The Board of Education prohibits students from possessing, storing, making, or using a weapon in any setting that is under the control and supervision of the District for the purpose of school activities approved and authorized by the District including, but not limited to, property leased, owned, or contracted for by the District, a school-sponsored event, including athletic events, or in a District vehicle without the permission of the Superintendent.

The term "weapon" means any object which, in the manner in which it is used, is intended to be used, or is represented, is capable of inflicting serious bodily harm or property damage, as well as endangering the health and safety of persons. Weapons include, but are not limited to, firearms, guns of any type whatsoever, including spring, air and gas-powered guns (whether loaded or unloaded) that will expel a BB, pellet, or paint balls, knives, razors, clubs, electric weapons, metallic knuckles, martial arts weapons, ammunition, and explosives or any other weapon described in 18 U.S.C 921.

This policy shall also encompass such actions as look-alike items, false fire alarms, bomb threats, or intentional calls to falsely report a dangerous condition.

The Superintendent is authorized to establish instructional programs on weapons which require students to immediately report knowledge of weapons and threats of violence by students and staff to the building principal. Failure to report such knowledge may subject the student to discipline up to and including suspension or expulsion from school.

The Superintendent will refer any student who violates this policy to the student's parents or guardians and to the criminal justice or juvenile delinquency system. The student may also be subject to disciplinary action, up to and including expulsion.

Policy exceptions include:

- A. weapons under the control of law enforcement personnel;
- B. items pre-approved by the building principal as part of a class or individual presentation under adult supervision, if used for the purpose and in the manner approved. (Working firearms and any ammunition will never be approved as part of a presentation.)

This policy will be published annually in all District student and staff handbooks. Publication is not a precondition to enforcement of this policy.

2240 - CONTROVERSIAL ISSUES

The District believes that the consideration of controversial issues has a legitimate place in the instructional program of the schools.

Properly introduced and conducted, the consideration of such issues can help students learn to identify important issues, explore fully and fairly all sides of an issue, weigh carefully the values and factors involved, and develop techniques for formulating and evaluating positions.

For purposes of this policy, a controversial issue is a topic on which opposing points of view have been promulgated by responsible opinion.

The Board will allow the introduction and proper educational use of controversial issues, as part of curriculum or course of study, provided that their use in the instructional program:

- A. is related to the instructional goals of the course of study and level of maturity of the students;
- B. does not tend to indoctrinate or persuade students to a particular point of view; and
- C. encourages open-mindedness and is conducted in a spirit of scholarly inquiry.

Controversial issues related to the program may be initiated by the students themselves provided they are presented in the ordinary course of classroom instruction and it is not substantially disruptive to the educational setting.

Controversial issues may not be initiated by a source outside the schools unless prior approval has been given by the principal. When controversial issues have not been specified in the course of study, the Board shall permit the instructional use of only those issues which have been approved by the Superintendent and his/her designees.

In the discussion of any issue, a teacher may express a personal opinion, but shall identify it as such, and must not express such an opinion for the purpose of persuading students to his/her point of view.

The Board recognizes that a course of study or certain instructional materials may contain content and/or activities that some parents find objectionable. If after careful, personal review of the program lessons and/or materials, a parent indicates to the school that either content or activities conflicts with his/her religious beliefs or value system, the school will honor a written request for his/her child to be excused from particular classes for specified reasons. The student, however, will not be excused from participating in the course or activities mandated by the State and will be provided alternative learning activities during times of parent requested absences.

The Superintendent and his/her designees shall develop administrative guidelines and shall provide training for professional personnel to constructively handle controversial issues.

2270 - RELIGION IN THE CURRICULUM

The District believes that an understanding of religions and their effects on civilization is essential to the thorough education of young people and to their appreciation of a pluralistic society. To that end, curriculum may include as appropriate to the various ages and attainments of the students, instruction about the religions of the world.

The District acknowledges the degree to which a religious consciousness has permeated the arts, literature, music, and issues of morality. The instructional and resource materials approved for use in the District's schools frequently contain religious references or concern moral issues that have traditionally been the focus of religious concern. That such materials may be religious in nature shall not, by itself, bar their use by the District. The Board directs that professional staff members employing such materials be neutral in their approach and avoid using them to advance or inhibit religion in any way.

The District recognizes that religious traditions vary in their perceptions and doctrines regarding the natural world and its processes. The curriculum is chosen for its place in the education of the District's students, not for its conformity to religious principles. Students should receive unbiased instruction in the schools, so they may privately accept or reject the knowledge thus gained, in accordance with their own religious tenets.

Subject to Board Policy 2240, Controversial Issues, no student shall be exempted from attendance in a required course of study on the grounds that the instruction therein interferes with the free exercise of his/her religion.

The Superintendent and his/her designees shall prepare administrative guidelines which ensure protections against the establishment of religion and that students are not influenced to accept a particular religious belief or point of view.

2410 - PROHIBITION OF REFERRAL OR ASSISTANCE

In accordance with Michigan statute, any officer, agent, or employee of the Board of Education shall strictly comply with Michigan Revised School Code as it relates to provision of sex education and is prohibited from referring a student for an abortion or assisting a student in obtaining an abortion.

Whenever it becomes necessary to discipline a member of the staff for violation of this policy, the Superintendent shall utilize related procedures described in the Staff Discipline Policy 1439, Policy 3139, and Policy 4139 or the current negotiated agreement, if applicable.

The Superintendent and his/her designees shall conduct an investigation, as appropriate to the situation, including providing the employee with reasonable notice and the opportunity to respond.

If it is determined that any officer, agent, or employee of the Board has violated this policy, the Board shall apply a financial penalty against such individual that is equivalent to not less than three percent (3%) of that individual's annual compensation.

The District shall refund to the State School Aid fund an amount of money equal to the amount of the penalty or fine.

5340 - STUDENT ACCIDENTS AND INCIDENTS

The Board of Education believes that school personnel have certain responsibilities in case of accidents which occur in school. Said responsibilities extend to the administration of first aid by persons trained to do so, summoning of medical assistance, notification of administration personnel, notification of parents, and the filing of accident and incident reports.

Employees should administer first aid within the limits of their knowledge of recommended practices. All employees should make an effort to increase their understanding of the proper steps to be taken in the event of an accident or incident. The Superintendent or designee may provide for an in-service program on first aid and CPR procedures.

The administrator in charge must submit an accident or incident report to the Superintendent or designee on all accidents or incidents.

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

Pursuant to Section 504 of the Rehabilitation Act of 1973 and its implementing regulations ("Section 504") and the provisions of the Americans with Disabilities Act (ADA) as more fully set forth below, no otherwise qualified individual with a disability shall, solely by reason of his/her disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity operated by the District. The School Board does not discriminate in admission or access to, participation in, or treatment, or employment in, its programs or activities. As such, the Board's policies and practices will not discriminate against employees and students with disabilities, will provide equal opportunity for employment, and will make accessible to qualified individuals with disabilities its facilities, programs, and activities. No discrimination will be knowingly permitted against any individual with a disability on the sole basis of that disability in any of the programs, activities, policies, and/or practices in the District.

Definitions

In accordance with the ADA and Section 504, an individual with a disability means and individual who (a) has a physical or mental impairment that substantially limits one or more major life activities of such an individual; (b) has a record of such an impairment; or (c) is regarded as having such an impairment. Major life activities are understood by law to include, but are not limited to, the following: caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentration, thinking, communicating, and learning.

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

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

The determination of whether an impairment substantially limits a major life activity must be made without regard to the ameliorative effects of mitigating measures such as medication, medical supplies, equipment or appliances, low-vision devices (defined as devices that magnify, enhance, or otherwise augment a visual image, but not including ordinary eyeglasses or contact lenses), prosthetics (including limbs and devices), hearing aid(s) and cochlear implant(s) or other implantable hearing devices, mobility devices, oxygen therapy equipment or supplies, use of assistive technology, reasonable accommodations or "auxiliary aides or services," learned behavioral or adaptive neurological modifications.

With respect to employment, a qualified person with a disability means a person with a disability who satisfies the requisite skills, requirements and experience for the job, and who, with or without, reasonable accommodation, can perform the essential functions of the job in question.

Under Section 504, with respect to public preschool, elementary, and secondary educational services, a qualified person with a disability means a person with a disability:

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

With respect to vocational education services, a qualified person with a disability means a person with a disability who meets the academic and technical standards requisite to admission or participation in the vocational program or activity.

With respect to other services, a qualified person with a disability means a person who meets the essential eligibility requirements for the receipt of such services.

District Compliance Officer

The Compliance Officer (also known as "Civil Rights Coordinator") is responsible for coordinating the District's efforts to comply with and fulfill its responsibilities under Section 504 and Title II of the ADA. A copy of the Section 504 of the

Rehabilitation Act of 1973 and the Americans with Disabilities Act, including copies of their implementing regulations, may be obtained from the Civil Rights Coordinator. The District's Compliance Officer is designated as the Civil Rights Coordinator and can be reached at:

Section 504 District Coordinator
(313) 870-3480
504.coordinator@detroitk12.org

8330 - STUDENT RECORDS

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

Student "personally identifiable information" ("PII") includes, but is not limited to: the student's name; the name of the student's parent or other family members; the address of the student or student's family; a personal identifier, such as the student's social security number, student number, or biometric record; other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name; other information, alone or in combination, is linked or linkable to a specific student would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or information requested by a person who the District reasonably believes knows the identity of the student to whom the education record relates.

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

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

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

Student records shall be available only to students and their parents, eligible students, and school officials, within the meaning of FERPA, who have a legitimate educational interest in the information, or to other individuals or organizations

as permitted by law. The term "parents" includes legal guardians or other persons standing in loco parentis (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the welfare of the child). The term "eligible student" refers to a student who is eighteen (18) years of age or older or a student of any age who is enrolled in a postsecondary institution.

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

A school official is a person employed by the Board as an administrator, supervisor, teacher/instructor (including substitutes), or support staff member (including health or medical staff and law enforcement unit personnel); and a person serving on the Board. The outside parties, individuals and entities, who meet the following criteria below are also "school officials" for the purpose of Family Educational Rights and Privacy Act (FERPA):

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

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

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

The Board authorizes the Superintendent and his/her designee(s) to:

- A. forward student records, including any suspension and expulsion action against the student, on request to a school or school district in which a student of this District seeks or intends to enroll upon condition the student's parents be notified of the transfer, receive a copy of the record if desired, and have an opportunity for a hearing to challenge the content of the record;
- B. forward student records, including disciplinary records with respect to suspensions and expulsions, upon request to a public school or school district in which a student in foster care is enrolled. Such records shall be transferred within one (1) school day of the enrolling school's request;
- C. provide "personally-identifiable" information to appropriate parties, including parents of an eligible student, whose knowledge of the information is necessary to protect the health or safety of the student or other individuals, during an emergency if there is an articulable and significant threat to the health or safety of a student or other individuals, considering the totality of the circumstances. The period of release without consent is limited to the duration of the emergency;
- D. report a crime committed by a child with or without a disability to appropriate authorities and, with respect to reporting a crime committed by a student with a disability, to transmit copies of the student's special education records and disciplinary records including any suspension and expulsion action against the student to the authorities and school officials for their consideration.

The District will comply with a legitimate request for access to a student's records within a reasonable period of time but not more than forty-five (45) days after receiving the request or within such shorter period as may be applicable to students with disabilities. Upon the request of the viewer, a record shall be reproduced, unless said record is copyrighted,

and the viewer may be charged a fee equivalent to the cost of handling and reproduction. Based upon reasonable requests, viewers of education records will receive explanation and interpretation of the records.

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

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

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

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

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

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

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

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

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

DIRECTORY INFORMATION

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

- A. a student's name;
- B. participation in officially recognized activities and sports;
- C. height and weight, if member of an athletic team;
- D. date of graduation;
- E. awards received;
- F. honor roll;
- G. scholarships;
- H. telephone numbers and/or addresses for inclusion in school or PTA directories;
- I. school photographs or videos of students participating in school activities, events or programs.

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

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

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

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

Parents and eligible students may also refuse to allow the District to disclose any or all of such "directory information" upon written notification to the District within thirty (30) days after receipt of the District's public notice.

Armed Forces Recruiting

The Board shall provide United States Armed Forces recruiters with at least the same access to the high school campus and to student directory information as is provided to other entities offering educational or employment opportunities to

those students. "Armed forces of the United States" means the armed forces of the United States and their reserve components and the United States Coast Guard.

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

The opt-out form shall provide notice of the right to refuse disclosure of any or all "directory information" including to the armed forces of the United States and the service academies of the armed forces of the United States.

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

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

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

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

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

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

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

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

The parent of a student or an eligible student has the right to inspect upon request any instrument used in the collection of personal information before the instrument is administered or distributed to a student. Personal information for this section is defined as individually identifiable information including a student or parent's first and last name, a home or other physical address (including street name and the name of the city or town), a telephone number, or a Social Security identification number. In order to review the instrument, the parent or eligible students, must submit a written request to the building principal. The parent will have access to the instrument within a reasonable period of time after the request is received by the building principal.

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

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

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

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

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

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

The Superintendent and his/her designee shall also develop procedural guidelines for:

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

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

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

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

Change History

VERSION	EDITS OR ADDITIONS	AUTHORIZATION	EFFECTIVE DATE
1.	First version Multi_EmployeeHandbook created		3/25/2019
2.	Second version Multi_EmploymentHandbook created		1/29/2020
3.	Third version Multi_EmploymentHandbook created		8/31/2020
4.