
Memo

TO: BOARD OF EDUCATION

FROM: KAREN HILL

DATE: December 11, 2009

RE: POLICY/GUIDELINES OVERVIEW

Policy 2623 – Student Assessment (Revision)

Public Act 349 – 2008 eliminates retakes of the Merit Exam except for the ACT portion of the assessment, requires all students not eligible for free lunch to pay for Merit Exam retakes, restricts any Merit Exam writing exams to only the ACT written test, requires all three WorkKeys components to be administered, and requires the Dept. of Ed to identify specific grade level content expectations to be taught before and after the middle of 11th grade so teachers will know what content will be covered within the Merit Exam. This revision reflects the current state of law and should be adopted to have accurate policies.

Policy 3430.01 / 4430.01 – Family & Medical Leaves of Absence (FMLA) (Revision)

The Department of Labor (DOL) recently released revised regulations related to the FMLA, thus defining “qualifying exigencies” and providing further guidance regarding the twenty-six (26) week military leave provision. These revisions reflect the current state of the law and should be adopted to have accurate policies.

Policy 6144 – Investments (Revision)

Public Act 307 – 2008 amends state statute to clarify when certificates of deposit may be used as investment tools. This revision reflects the current state of law; it is recommended but not required.

Policy 7217 – Weapons (Revision)

Public Act 407 – 2008 adds judges and retired judges to the group of individuals who may carry concealed weapons in otherwise restricted areas, such as schools. This revised policy reflects the current state of the law and should be adopted to have accurate policies.

Policy 7540.05 – Electronic Mail (New)

This new policy is provided to address the use of e-mail by district staff and board members in the conduct of their official duties. The policy outlines the appropriate use of the district’s e-mail system and restrictions concerning its use.

NEOLA has had an Administrative Guideline (7540.05) that addresses the proper use of the district’s e-mail account. That guideline has been revised with this Update to clarify

that e-mails may constitute a public record, an educational record, and/or electronically stored information ("ESI"), which need to be retained and made available for inspection under certain circumstances.

This policy reflects the current state of the law and should be adopted to have accurate policies.

Policy 8310 – Public Records (Revision)

A recent court case provided new interpretation of private information which may be exempted from disclosure under the Freedom of Information Act. This policy change allows the Board to exclude such information as parent's phone numbers, e-mail addresses, and other similar information.

This policy revision reflects the current state of the law.

Policy 8330 – Student Records (Revision)

In December 2008, the US Dept. of Ed released revised regulations to the Family Educational Rights and Privacy Act (FERPA) that include a number of changes to definitions and to use and release of records requirements.

These revisions reflect the current state of the law and should be adopted to have accurate policies.

REVISED POLICY – VOL. 23, NO. 2, MARCH 2009

STUDENT ASSESSMENT

The Board of Education shall, in compliance with law and rules of the State Board of Education, assess student achievement and needs in designated subject areas in order to determine the progress of students and to assist them in attaining District goals.

Each student's proficiencies and needs will be assessed by staff members upon his/her entrance into the District and at least annually thereafter. Procedures for such assessments will include, but need not be limited to, teacher observation techniques, cumulative student records, student performance data collected through standard testing programs, and physical examinations.

The Superintendent shall develop and the Board shall approve a program of testing that includes:

- A. the Michigan Education Assessment Program (for grades 3-9) and the Michigan Merit Examination (or other readiness assessment program approved by the State Superintendent) administered each year in accordance with the schedule established by statute and the State Department of Education;

The purpose of the Michigan Education Assessment Program and the Michigan Merit Examination (MME) is to assess student performance in mathematics, science, social studies, reading, and English language arts for the purpose of improving academic achievement and establishing a Statewide standard of competency. The MME will include the American College Test (ACT) provided at District expense for all students in Grade 11. ACT scores are used during the college admission process to assess high school students' general educational development and their ability to complete college-level work.

- B. criteria-based written and oral examinations which include use of alternative questions, demonstrations, writing exercises, individual and group projects, performances, portfolios, and samples of best work;
- C. selection of assessment instrument, data, and other District criteria that will be used to assess educational achievement of each student in grades 1-5;

- D. aptitude tests;
- E. achievement tests;
- F. vocational inventories;
- G. tests of mental ability.

The Board requires that:

- A. any assessment tests used shall not be a psychiatric examination, testing, or treatment; or a psychological examination, testing, or treatment in which the primary purpose is to reveal information concerning:
 - 1. political affiliations
 - 2. mental and psychological problems potentially embarrassing to the student or his/her family
 - 3. sex behavior and attitude
 - 4. illegal, anti-social, self-incriminating and demeaning behavior
 - 5. critical appraisals of other individuals with whom respondents have close family relationships
 - 6. legally recognized privileged and analogous relationships, such as those of lawyers, physicians, and ministers.
- B. any personality testing complies with Department of Education guidelines.

The Board also requires that:

- A. tests be administered by persons who are qualified under State law and regulation;
- B. parents be informed of the testing program of the schools and of the special tests that are to be administered to their children;
- C. data regarding individual test scores be entered on the student's cumulative record, where it will be subject to the policy of this Board regarding student records;

- D. the results of each school-wide, program-wide, and district-wide test be made part of the public record.

All students classified as disabled shall be required to participate in the District's student assessment program, except as prescribed in his/her individualized education program (IEP) or by guidelines provided by the State.

No student identified as possessing limited English speaking ability shall be required to participate in an assessment program in a language other than his/her native language, but any such student shall be allowed to participate on the request of his/her parent and the recommendation of his/her classroom teacher.

All eleventh grade students shall participate in the Michigan Merit Examination, unless excluded under the guidelines established by the State Department of Education.

A student who does not qualify for a Michigan Promise Grant, and who wants to repeat the Michigan Merit Examination (or other State approved readiness assessment) may repeat the Examination in the next school year on a designated testing date. The first time a student repeats the Examination shall be without charge to the student, but the student is responsible for paying the cost of any subsequent repeat.

The District shall administer the complete Michigan Merit Examination to a student only once and shall not administer the complete Michigan Merit Examination to the same student more than once. If a student does not take the complete Michigan Merit Examination in grade 11, the District shall administer the complete Michigan Merit Examination to the student in grade 12. If a student chooses to retake the college entrance examination component of the Michigan Merit Examination, the student may do so through the provider of the college entrance examination component and the cost of the retake is the responsibility of the student unless all of the following are met:

- A. *the student has taken the complete Michigan Merit Examination*
- B. *the student did not qualify for a Michigan promise grant based on the student's performance on the complete Michigan Merit Examination*
- C. *the student meets the Federal income eligibility criteria for free breakfast, lunch, or milk*

- D. *the student has applied to the provider of the college entrance examination component for a scholarship or fee waiver to cover the cost of the retake and that application has been denied*
- E. *after taking the complete Michigan Merit Examination, the student has not already received a free retake of the college entrance examination component paid for either by the State of Michigan, or through a scholarship or fee waiver by the provider*

In addition to the testing programs, the Superintendent shall develop administrative guidelines whereby a portfolio is developed and maintained for each student.

M.C.L.A. 380.1279g, 390.1451 et seq., 380.1280b
A.C. Rule 340.1101 et seq.
MEAP Test Administration Manuals

Revised 7/98
Revised 11/13/06
Revised 10/8/07

REVISED POLICY – VOL. 23, NO. 2, MARCH 2009

FAMILY & MEDICAL LEAVES OF ABSENCE ("FMLA")

In accordance with Federal law, the Board of Education shall provide up to twelve (12) weeks of unpaid FMLA leave in any twelve (12) month period to eligible professional staff members 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) active duty or call to active duty in the United States Armed Forces in support of a contingency plan. 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; 7) post-deployment activities; and 8) additional activities not encompassed in the other categories, but agreed to by the employer and employee. (See AG 3430.01C).*

- 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 in the line of duty while on 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.*

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.*

Staff members are "eligible" if they have worked for the Board 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.*

Twelve (12) month period *for determining hours worked and use of leave* is defined as the 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.
 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 health care provider must occur within seven (7) days of the first date of incapacity.
 2. Any incapacity due to pregnancy or for prenatal care;
 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).

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- 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 Superintendent with thirty (30) day's notice. If there is insufficient time to provide such notice because of *unforeseeable events, the staff member shall provide such notice 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.* ~~the need for treatment, the staff member shall provide such notice as early as practicable. When planning medical treatment, the staff member must consult with the Superintendent 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.~~

When planning medical treatment, the staff member must consult with the Superintendent 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, and 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 one ***two***).

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~~If the staff member has not earned or accrued adequate paid leave to encompass the entire twelve (12) week period of FMLA leave the additional weeks of leave to obtain the twelve (12) weeks of FMLA leave the staff member is entitled to shall be unpaid. Whenever a staff member uses paid leave in substitution for unpaid FMLA leave such leave counts toward the twelve (12) week maximum leave allowance provided by this policy.~~

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, as the paid leave and FMLA/Service Member Family leave will run concurrently.

The Superintendent 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.

If the intermittent or reduced-leave schedule is foreseeable based on planned medical treatment, the Superintendent 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.

The Superintendent ~~or his/her designee~~ 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 ~~(see Form 3430.01-F3)~~. 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 Superintendent does not have sufficient information about the reason for an employee's use of paid leave, the Superintendent may inquire further to ascertain whether the paid leave is FMLA-qualifying. Once the Superintendent learns that a paid leave is for an FMLA leave-qualifying reason, the Superintendent ~~or his/her designee~~ will promptly notify the staff member that the paid leave will count toward the staff member's twelve (12) week FMLA-leave entitlement.

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In cases in which the Board 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 (see ~~Form 3430.01 F2~~). **When the staff member requests qualifying Service Member Leave, s/he must provide certification of a qualifying exigency or of the service member's serious illness.** The staff member may either:

The staff member may either:

- A. submit the completed medical certification to the Superintendent or his/her designee; or
- B. direct the healthcare provider to transfer the completed medical certification 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 medical certification, any leave taken by the employee will not qualify for FMLA leave. **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 Superintendent. The District shall be responsible for maintaining a record of those communications.

The Board 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 if applicable, to the Superintendent ~~or his/her designee~~; 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 that 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 Superintendent with a statement from his/her healthcare provider that s/he is able to resume work (~~see Form 3430.01 F4~~).

Upon return from any FMLA leave, the Board 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 Board shall maintain the staff member's current coverage under the Board'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.

Except as required by law and in accordance with the applicable collective bargaining agreement, the staff member shall not accrue any sick leave, vacation, or other benefits during a period of unpaid FMLA leave.

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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.

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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 Board for the health insurance premiums paid by the Board during the unpaid FMLA leave period.

A staff member who fraudulently obtains FMLA leave is not protected by this policy's job restoration or maintenance of health benefits provisions.

The Superintendent shall prepare any guidelines that are appropriate for this policy and ensure that the policy is posted properly.

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 Superintendent shall provide a copy of the policy ~~upon the request of a staff member.~~ ***to all staff members, and retain a record of how and when the policy was distributed. 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.

29 U.S.C. 2601 et seq.
29 C.F.R. Part 825

Adopted 11/14/94
Revised 4/14/08

REVISED POLICY – VOL. 23, NO. 2, MARCH 2009

FAMILY & MEDICAL LEAVES OF ABSENCE ("FMLA")

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

- A. the birth of a child and/or the care of a newborn child within one (1) year of the child's birth;
- B. 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. the staff member is needed to care for a spouse, parent or dependent child if such individual has a serious health condition; or
- D. the staff member's own serious health condition prevents him/her from performing the functions of his/her position.

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

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- 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 in the line of duty while on 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.*

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

Staff members are "eligible" if they have worked for the Board 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.*

Twelve (12) month period *for determining hours worked and use of leave* is defined as the 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 health care provider must occur within seven (7) days of the first date of incapacity.
 2. Any incapacity due to pregnancy or for prenatal care;
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 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 Superintendent with thirty (30) day's notice. If there is insufficient time to provide such notice because of *unforeseeable events*, *the staff member shall provide such notice 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.* ~~the need for treatment, the staff member shall provide such notice as early as practicable. When planning medical treatment, the staff member must consult with the Superintendent 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.~~

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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, and 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 ~~one~~ ***two***)).

- 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.

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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 one two).

In cases in which the Board 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. ~~(see Form 4430.01 F2).~~ **When the staff member requests qualifying Service Member Leave, s/he must provide certification of a qualifying exigency or of the service member's serious illness.** ~~The staff member may either:~~

The staff member may either:

- A. submit the completed medical certification to the Superintendent or his/her designee; or
- B. direct the healthcare provider to transfer the completed medical certification 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 medical certification, any leave taken by the employee will not qualify for FMLA leave. **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 Superintendent. The District shall be responsible for maintaining a record of those communications.

The Board 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 if applicable, to the Superintendent ~~or his/her designee~~; 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 that 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 Superintendent with a statement from his/her healthcare provider that s/he is able to resume work (~~see Form 4430.01 F4~~).

Upon return from any FMLA leave, the Board 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 Board shall maintain the staff member's current coverage under the Board'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.

Except as required by law and in accordance with the applicable collective bargaining agreement, the staff member shall not accrue any sick leave, vacation, or other benefits during a period of unpaid FMLA leave.

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.

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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 Board for the health insurance premiums paid by the Board during the unpaid FMLA leave period.

A staff member who fraudulently obtains FMLA leave is not protected by this policy's job restoration or maintenance of health benefits provisions.

The Superintendent shall prepare any guidelines that are appropriate for this policy and ensure that the policy is posted properly.

~~The Superintendent shall provide a copy of the policy upon the request of a staff member.~~

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 Superintendent shall provide a copy of the policy to all staff members, and retain a record of how and when the policy was distributed. 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.

29 U.S.C. 2601 et seq.
29 C.F.R. Part 825

Adopted 12/11/06
Revised 4/14/08

REVISED POLICY – VOL. 23, NO. 2, MARCH 2009

INVESTMENT INCOME

The Board of Education authorizes the Superintendent or the Executive Director for Business and Operations to make investments of available monies from the several funds of the District in:

- A. bonds, bills, or notes of the United States; obligations, the principal and interest of which are fully guaranteed by the United States; or obligations of the State;
- B. certificates of deposit issued by a State or nationally-chartered bank or a State or Federally-chartered savings and loan association, savings bank, or credit union whose deposits are insured by an agency of the United States government and which maintains a principal office or branch office in Michigan under Michigan and Federal laws;
- C. *certificates of deposit of a public corporation(s) (CDs) in insured depository institutions in accordance with the following conditions:*
 - 1. *the funds are initially invested through a financial institution that is not ineligible to be a depository of surplus funds belonging to this State under (M.C.L.A. 21.146 (discriminatory lending practices))*
 - 2. *the financial institution arranges for the investment of the funds in certificates of deposit in one (1) or more insured depository institutions, as defined in 12 U.S.C. 1813, for the account of the school district*
 - 3. *the financial institution acts as custodian for the school district is insured by an agency of the United States*
 - 4. *the financial institution acts as custodian for the school district with respect to each certificate of deposit*

5. *at the same time that the funds are deposited and the certificate or certificates of deposit are issued, the financial institution receives an amount of deposits from customers of other insured depository institutions equal to or greater than the amount of the funds initially invested by the school district through the financial institution*
- ~~C.D.~~ commercial paper rated prime 1 or prime 2 at the time of purchase and maturing not more than 270 days after the date of purchase;
- ~~D.E.~~ securities issued or guaranteed by agencies or instrumentalities of the United States government;
- ~~E.F.~~ United States government or Federal agency obligation repurchase agreements;
- ~~F.G.~~ bankers' acceptances issued by a bank that is a member of the Federal deposit insurance corporation;
- ~~G.H.~~ mutual funds composed entirely of investment vehicles that are legal for direct investment by a school district;
- ~~H.I.~~ investment pools, as authorized by the surplus funds investment pool act, Act. No. 367 of the Public Acts of 1982, being sections 129.11 to 129.118 of the Michigan Compiled Laws, composed entirely of instruments that are legal for direct investment by a school district.

The purpose of the investments is to maximize the returns on the District's excess cash balances consistent with safety of those monies and with the desired liquidity of the investments.

Investments in U.S. Treasury securities and those other securities completely guaranteed by the Treasury as to payment of principal and interest may be purchased in any dollar amount or up to 100% of the available reserves.

Investments in other types of authorized securities may be made with the provision that no more than fifty percent (50%) of the total current cash and investment portfolio is deposited with any one (1) depository. This provision shall not apply to investments held under a "sweep" arrangement with the District's primary financial institution.

The Executive Director for Business and Operations is authorized to contract with a depository for the operation of a cash management system under the following condition:

- A. the contract is in writing;
- B. the contract provides for the investment of funds by the depository with the written approval of the Executive Director of Business and Operations;
- C. the investments are made in accordance with State law; and/or
- D. the contract is awarded using the District's bidding procedure.

All investments must mature or be redeemable within four (4) years of the date of purchase.

An obligation purchased in accordance with Section 380.1223(2), when received by the chief business official, shall be deposited with the bank or trust company having the deposit of the money of the particular fund from which the obligation was purchased.

Money in the several funds of the School District shall not be commingled for the purpose of making an investment authorized by Section 380.1223. The Board, however, may establish and maintain one (1) common debt retirement fund for bond issues of like character.

Earnings of an investment shall become a part of the fund of which the investment was made.

Funds of the Board may be withdrawn from approved public depositories or negotiable instruments owned by the Board and sold before maturity at the sole discretion of the chief business official acting within the law.

The Executive Director for Business and Operations may request, no more often than four (4) times per year, that each public depository report the amount of monies deposited by him/her and the total value of the pool of securities pledged to secure the monies of this District held by the depository.

Security in the form of collateral, surety bond, or another form may be taken for the deposits or investments of a School District in a bank, savings and loan association, or credit union. However, an investment pursuant to section 622 (2)(e) or section 1223 (1)(e) or in an investment pool that includes instruments eligible for investments pursuant to sections 622 (2)(e) and 1223 (1)(e) shall be secured by the transfer of title and custody of the obligations to which the repurchase agreements relate and an undivided interest in those obligations must be pledged to the School District for these agreements.

Notwithstanding subsection (1), additional funds of a School District shall not be deposited or invested in a bank, savings and loan association, or credit union which is not eligible to be a depository of surplus funds belonging to this State under Section 5 or 6 of Act No. 105 of the Public Acts of 1855, as amended, being sections 21.245 and 21.146 of the Michigan Compiled Laws.

As used in this section, "deposit" includes purchase of or investment in shares of a credit union.

M.C.L.A. 129.92, 380.1223

Revised 2/10/92
Revised 9/92
Revised 3/1/04

REVISED POLICY – VOL. 23, NO. 2, MARCH 2009

WEAPONS

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

State law establishes a "Weapon-Free School Zone" that extends 1,000 feet from the boundary of any school property.

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 air, spring, and gas-powered guns, (whether loaded or unloaded), knives, razors, clubs, electric weapons, metallic knuckles, martial arts weapons, ammunition, and explosives.

The Superintendent shall refer a visitor who violates this policy to law enforcement officials and may take any necessary steps to exclude the visitor from Board property and Board-sponsored events.

Exceptions to this policy include:

- A. weapons under the control of law enforcement personnel;
- B. items approved by a principal 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 used in appropriate settings;
- D. starter pistols used in appropriate sporting events;

These restrictions shall not apply in the following circumstances *to persons who are properly licensed to carry a concealed weapon*:

- A. A parent or legal guardian of a student of the school, ~~who is properly licensed to carry a concealed weapon~~ may carry a concealed pistol **weapon** while in a vehicle on school property, if s/he is dropping the student off at the school or picking up the child from the school.
- B. A county corrections officer, ~~a motor carrier officer, a State Police Capitol security officer,~~ a member of a Sheriff's posse, a police or sheriffs reserve or auxiliary officer, or a State Department of Corrections parole or corrections officer, **a private investigator, a Michigan State Police motor carrier officer or Capitol security officer, a State court judge, a security officer required by the employer** provided s/he is properly licensed to carry a concealed weapon and is on duty or in the course of his/her employment to carry a concealed firearm on school property; **weapon while on the premises.**
- C. A retired police or law enforcement officer **or a retired State court judge,** if properly licensed to carry a concealed weapon may do so on school property.

The Superintendent shall take the necessary steps to prosecute for a violation of the Weapon-Free School Zone.

18 U.S.C. 922
M.C.L.A. 28.425o
20 U.S.C. 4141(g)

Adopted 4/97
Revised 12/11/06

NEW POLICY – VOL. 23, NO. 2, MARCH 2009

ELECTRONIC MAIL

The Board of Education is committed to the effective use of electronic mail ("e-mail") by all District staff and Board members in the conduct of their official duties. This policy, as well as any guidelines developed pursuant to it, are not meant to limit or discourage the use of e-mail for conducting the official business of the District, but rather, this policy and any corresponding guidelines are intended to establish a framework for the proper use of e-mail as an official business tool.

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 due to concerns for network security, SPAM, or virus protection. 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 that originate from unknown sources.

District staff shall not send or forward mass e-mails, even if the e-mails concern District business, without prior approval of the Technology Director.

District staff may join list serves or other e-mail services (e.g. RSS feeds) that pertain to their responsibilities in the District, provided these list serves or other e-mail services do not exceed the staff member's e-mail storage allotment. Staff members are required to keep their inbox and folders organized by regularly reviewing e-mail messages, appropriately saving e-mails that constitute a public record or student record and e-mails that are subject to a Litigation Hold, and purging all other e-mails that have been read. If the staff member is concerned that his/her e-mail storage allotment is not sufficient, s/he should contact the District's technology coordinator (IT staff). Similarly, if a staff member is unsure whether s/he has adequate storage or should subscribe to a list serv or RSS feed, s/he should discuss the issue with his/her building principal or the District's Technology Director.

The Technology Director is authorized to block e-mail from list serves or e-mail services if the e-mails received by the staff member(s) regularly exceed ten (10) megabytes.

Public Records

The District complies with all Federal and State laws pertaining to electronic mail. 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 student. E-mails that are public records are subject to retention and disclosure, upon request, in accordance with Policy 8310 – Public Records. E-mails that are student records should be maintained pursuant to Policy 8330 – Student Records. Finally e-mails may constitute electronically stored information ("ESI") that may be subject to a Litigation Hold pursuant to Policy 8315 – Information Management.

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.

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 that constitute ESI that is subject to a Litigation Hold, even if such records reside on a computer 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 that are public records or education records, and e-mails that are subject to a Litigation Hold shall be retained.

E-mail retention is the responsibility of the individual e-mail user. E-mails sent or received using the District's e-mail service may only be retained for thirty (30) days on the server. This retention is for disaster recovery and not to provide for future retrieval. The District does not maintain a central or distributed e-mail archive of e-mail sent and/or received.

Unauthorized E-mail

The Board does not authorize the use of its proprietary computers and 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 that 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 that is relayed from any third party's e-mail servers without the permission of that 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 Board does not authorize the harvesting or collection of network e-mail addresses for the purposes of sending unsolicited e-mail. The Board 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 Board'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 intent to comply with, the District's policy on acceptable use and safety by signing and submitting Form 7540.04 F1.

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

REVISED POLICY – VOL. 23, NO. 2, MARCH 2009

PUBLIC RECORDS

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

The public records of this District include any record that has been required by law to be made, maintained, or kept on file by this Board or its officials, but does not include the following:

- A. personnel records of an individual, except the individual's name, title of position, salary, length of service, attendance record, and data other than detailed medical or psychological information, which shows conformity with qualifications for employment and pensions
- B. material containing privileged or confidential information about individuals to the extent permitted by law
- C. rosters of children, parents, or school staff members, except as may be released by the Superintendent to professional organizations and groups closely allied with education (e.g.: the P.T.A.)
- D. reports of investigations in progress
- E. records regarding matters the disclosure of which would impair a right to receive Federal funds
- F. records regarding pending negotiations toward a collective bargaining agreement
- G. records regarding the contemplated purchase, sale, lease, or acquisition of real property
- H. records regarding tactics and techniques utilized in protecting the safety and property of the public where such disclosure would impair such protection

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- I. records regarding pending or anticipated litigation, contract negotiations (other than in the collective bargaining process), and other issues that may fall within the privileged relationship between the Board and its attorney
- J. notations and tape recordings made and temporarily retained by an individual solely as an administrative convenience in the performance of assigned duties.

Any resident of the State may inspect and copy by hand the public records of this District during the regular business hours of the office in which such records are maintained, provided that advance notice of such intended inspection has been given the custodian of the records not less than one (1) working day before the inspection. The Superintendent is authorized to grant or refuse access to the records of this District in accordance with the intent of this policy.

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

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

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

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

M.C.L.A. 15.231 et seq.

M.C.L.A. 445.81 et seq.

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

Revised 9/9/02

Revised 12/11/06

REVISED POLICY – VOL. 23, NO. 2, MARCH 2009

STUDENT RECORDS

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

Student "personally identifiable information" includes, but is not limited to: the student's name; the name of the student's parent or other family members; the address of the student or student's family; a personal identifier, such as the student's social security number, student number, or biometric record; other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name; other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or information requested by a person who the District reasonably believes knows the identity of the student to whom the education record relates.

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

- A. observations and ratings of individual students by professional staff members acting within their sphere of competency
- B. samples of student work
- C. information obtained from professionally acceptable standard instruments of measurement such as:
 1. interest inventories and aptitude tests

2. vocational preference inventories
 3. achievement tests
 4. standardized intelligence tests
 5. District assessments
- D. authenticated information provided by a parent or adult student concerning achievements and other school activities which the parent or student wants to make a part of the record
 - E. verified reports of serious or recurrent behavior patterns
 - F. rank in class and academic honors earned
 - G. psychological tests
 - H. attendance records
 - I. health records
 - J. custodial arrangements

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

Student records shall be available only to students and their parents, eligible students, and designated school officials ~~and designated school personnel~~, 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); a person serving on the Board; a person or company with whom the Board has contracted to perform a special task (such as an attorney, auditor, or medical consultant); a contractor, consultant, volunteer or other party to whom the Board has outsourced a service otherwise performed by Board employees (e.g. a therapist); or 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).

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

The Board authorizes the administration to:

- A. forward student records, including any suspension and expulsion action against the student, on request to a school or school district in which a student of this District seeks or intends to enroll upon condition that the student's parents be notified of the transfer, receive a copy of the record if desired, and have an opportunity for a hearing to challenge the content of the record;
- B. ~~provide "personally identifiable" information to appropriate parties in connection with an emergency if such knowledge is necessary to protect the health and safety of the student or other individuals;~~

- B. *provide "personally-identifiable" information to appropriate parties, including parents of an eligible student, whose knowledge of the information is necessary to protect the health or safety of the student or other individuals, if there is an articulable and significant threat to the health or safety of a student or other individuals, considering the totality of the circumstances;*
- C. report a crime committed by a child with or without a disability to appropriate authorities and 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;
- D. *release de-identified records and information in accordance with Federal regulations;*
- E. *disclose personally identifiable information from education records, without consent, to organizations conducting studies "for, or on behalf of" the District for purposes of developing, validating or administering predictive tests, administering student aid programs, or improving instruction;*

Information disclosed under this exception must be protected so that students and parents cannot be personally identified by anyone other than representative of the organization conducting the study, and must be destroyed when no longer needed for the study. In order to release information under this provision, the District will enter into a written agreement with the recipient organization that specifies the purpose of the study. (See Form 8330 F14.) While the disclosure of personally identifiable information without consent is allowed under this exception, it is recommended that whenever possible the administration either release de-identified information or remove the students' names and social security identification numbers to reduce the risk of unauthorized disclosure of personally identifiable information.

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

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

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

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

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

DIRECTORY INFORMATION

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

- A. a student's name;
- B. address;
- C. date and place of birth;

- D. major field of study;
- E. participation in officially recognized activities and sports; height and weight, if a member of an athletic team;
- F. dates of attendance;
- G. date of graduation;
- H. awards received;
- I. honor rolls;
- J. scholarships;
- K. telephone numbers only for inclusion in school or PTO directories;
- L. or any other information which would not generally be considered harmful or an invasion of privacy, if disclosed.

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

Armed Forces Recruiting

The Board shall, in accordance with State and Federal law, provide at least the same access to the high school campus and to student directory information (names, addresses, and telephone listings of secondary students) of the students enrolled in the high school as is provided to other entities offering educational or employment opportunities to official recruiting representatives of all of the following for the purpose of informing students of educational and career opportunities available in the armed forces of the United States and the service academies of the armed forces of the United States. "Armed forces of the United States" means the armed forces of the United States and their reserve components and the United States Coast Guard.

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

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

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

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

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

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

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

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

The Board shall not permit the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose.)

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

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

- A. inspect and review the student's ~~educational~~ **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 ~~educational~~ **education** records, except to unauthorized disclosures allowed by the law;
- D. challenge the Board's noncompliance with a parent's request to amend the records through a hearing;
- E. file a complaint of ~~Board noncompliance~~ with the **United States** Department of Education;
- F. obtain a copy of the Board's policy and administrative guidelines on student records.

The Superintendent shall also develop procedural guidelines for:

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

policy

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

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

M.C.L.A. 380.1135

Letter, April 6, 2004 Jeremy Hughes, Deputy Supt. Department of Education
34 C.F.R. Part 99, 2002

Section 444 of subpart of part C of the General Education Provisions Act
Title IV of Public Law 90-247

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

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

20 U.S.C. 7165(b)

26 U.S.C. 152

20 U.S.C. 7908

Revised 9/14/92

Revised 2/9/04

Revised 12/11/06