

**REVISED BYLAW - VOL. 33, NO. 2 - FEBRUARY 2019**

**DEFINITIONS**

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

**Administrative Guideline**

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

**Agreement**

A collectively negotiated contract with a recognized bargaining unit.

**Apps and Services**

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

**Board**

The Board of Education.

**Bylaw**

Rule of the Board for its own governance.

**Classified or Support Employee**

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

**District**

The School District.

**Due Process**

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

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

**Family Member**

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

**Full Board**

Authorized number of voting members entitled to govern the District.

**Information Resources**

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

**May**

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

**Meeting**

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

**Parent**

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

**Personal Communication Devices**

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

**Policy**

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

**President**

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

**Principal**

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

**Professional Staff Member**

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

**Relative**

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

**Secretary**

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

**Shall**

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

**Social Media**

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

**Student**

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

**Superintendent**

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

### **Technology Resources**

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

### **Treasurer**

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

### **Vice-President**

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

### **Voting**

A vote at a meeting of the Board of Education. **Except to accommodate the absence of any member of the Board due to military duty**, Board members must be physically present to have their vote officially recorded in the Board minutes. ( ) **[OPTIONAL LANGUAGE] unless the Board member has notified the Board President prior to the meeting that s/he must participate remotely and the Board President approves remote participation by the Board member.**

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

MEETINGS

0161 **Parliamentary Authority**

The parliamentary authority governing the Board of Education shall be

( ) Robert's Rules of Order, Newly Revised

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

in all cases in which it is not inconsistent with statute, administrative code, or these bylaws,

( ) or the rules of order of this Board.

0162 **Quorum**

\_\_\_\_\_ **[Majority of the full Board]** members present at a meeting shall constitute a quorum, and no business shall be conducted in the absence of a quorum.

0163 **Presiding Officer**

The President shall preside at all meetings of the Board. In the absence, disability, or disqualification of the President, the Vice-President shall act instead; if neither person is available, any member shall be designated by a plurality of those present to preside. The act of any person so designated shall be legal and binding.

0164 **Call**

0164.1 **Regular Meetings**

The Board shall hold a meeting at least once each month on a date and at a time and place determined annually by a resolution of the Board.

0164.2      **Special Meetings**

Special meetings of the Board may be called by the President or by any two (2) members of the Board provided there is compliance with the notice provision of these Bylaws.

0164.3      **Emergency Meetings**

In the event of a severe and imminent threat to the health, safety, or welfare of the District, its employees, or students, any member of the Board may call an emergency session provided the majority of the Board concur that delay would be detrimental to efforts to lessen or respond to the threat. Actual notice of any emergency meeting shall be attempted, but not required to other Board members.

0165      **Notice**

0165.1      **Regular Meetings**

Within ten (10) days after the organizational Board meeting, the Board shall cause to be posted at the Board office and in other locations considered appropriate by the Board, a notice listing the date, time, and place of each regularly scheduled meeting of the Board. The notice shall contain the name and address of the District and its telephone number.

The notice shall also contain the following statement:

"Upon request to the \_\_\_\_\_, the District shall make reasonable accommodation for a person with disabilities to be able to participate in this meeting."

Upon the written request of an individual, organization, firm, or corporation, and upon the requesting party's payment of a yearly fee of not more than the estimated reasonable cost for printing and postage of each notice as shall be determined annually by the Board, the District shall send to the requesting party by first-class mail a copy of any notice required to be posted by these bylaws. The news media shall be entitled to receive, at their request, copies of such notices free of charge.



0165.2           **Change of Regular Meetings**

Within three (3) days after the Board adopts a resolution changing the date, time, or place of a regularly scheduled meeting, the meeting notice shall state the date, time, and place of the rescheduled meeting, as well as the name, address, and telephone number of the District. Said notice shall be posted on the front door of the Administrative Office Building and such other place(s) as the Board may determine. Said notice shall be posted at least eighteen (18) hours before the rescheduled meeting.

M.C.L. 15.264, 15.266

0165.3           **Special Meetings**

Said notice shall state the date, time, and place of such special meeting and the business to be transacted thereat, as well as the name, address, and telephone number of the District. A notice of any special meeting shall be posted at least eighteen (18) hours before said special meeting at the Board office and such other places as the Board may determine. A copy of said notice shall be served upon each member of the Board.

0165.4           **Emergency Meetings**

No notice of any emergency meeting shall be required.

0165.5           **Recess**

Any meeting of the Board may be recessed to another time and place. Any meeting which is recessed for more than thirty-six (36) hours shall be reconvened only after a notice stating the date, time, and place of the recessed meeting as well as the name, address, and telephone number of the District has been posted on the front door of the Administrative Office Building and such other place as the Board may determine for at least eighteen (18) hours prior to the time the meeting is to be reconvened.

M.C.L. 15.265, 380.1201(3)(4)

0165.6      **Cancellation**

Any meeting of the Board may be cancelled for appropriate purposes, which shall include, but not be limited to, inclement weather, lack of a quorum, or conflict with a special event relating to the District. If the cancelled meeting is a regular meeting it must be re-scheduled following all notice requirements set forth above.

M.C.L. 15.265, 380.1201(3)(4)

0166      **Agenda**

The Superintendent shall prepare and submit to each Board member a written agenda prior to each regular meeting and each special meeting, unless otherwise directed by the Board. The agenda shall list the various matters to come before the Board and shall serve as a guide for the order of procedure for the meeting. Individual Board members may include items on the agenda upon the concurrence of the Board President.

The agenda of the regular monthly meeting or special meetings shall be accompanied by a report from the Superintendent on information relating to the District with such recommendations as s/he shall make.

Each agenda shall contain the following statement:

"This meeting is a meeting of the Board of Education in public for the purpose of conducting the School District's business and is not to be considered a public community meeting. There is a time for public participation during the meeting as indicated in agenda item \_\_\_\_."

- [ ] Any person or group wishing to place an item on the agenda shall register their intent with the Superintendent no later than \_\_\_\_\_ days prior to the meeting and include:
- ( ) name and address of the participant;
  - ( ) group affiliation, if and when appropriate;
  - ( ) topic to be addressed.

Such requests shall be subject to the approval of the Superintendent and the Board President.

Denial of the opportunity to have an item placed on the agenda will not preclude an individual or group from the opportunity to speak during the public participation portion of the meeting.

The agenda for each regular meeting shall be mailed or delivered to each Board member so as to provide proper time for the member to study the agenda. Generally, the agenda should be mailed no later than \_\_\_\_\_ days prior to the meeting, or delivered so as to provide time for the study of the agenda by the member. The agenda for a special meeting shall be delivered at least twenty-four (24) hours before the meeting, consistent with provisions calling for special meetings.

The Board shall transact business according to the agenda prepared by the Superintendent and submitted to all Board members in advance of the meeting. The order of business may be altered and items added at any meeting by a majority vote of the members present.

0166.1      **Consent Agenda**

The Board of Education shall use a consent agenda to keep routine matters within a reasonable time frame.

The following routine business items may be included in a single resolution for consideration by the Board.

- A.     minutes of prior meetings
- B.     bills for payment
- C.     hiring of personnel
- D.     resolutions that require annual adoption, such as bank signatories, Michigan High School Athletic Association membership, etc.
- E.     resignations and leaves
- F.     \_\_\_\_\_

A member of the Board may request any item to be removed from the consent resolution and defer it for a specific action and more discussion. No vote of the Board will be required to remove an item from the consent agenda. A single member's request shall cause it to be relocated as an action item eligible for discussion. Any item on the consent agenda may be removed and discussed as a nonaction item or be deferred for further study and discussion at a subsequent Board meeting if the Superintendent or any Board member thinks the item requires further discussion.

0167           **Conduct**

0167.1       **Voting**

All regular and those special meetings of the Board at which the Board is authorized to perform business shall be conducted in public. No act shall be valid unless approved at a meeting of the Board by a majority vote of the members elected or appointed to and serving on the Board who are authorized to vote (see Voting as defined in Bylaw 0100) and a proper record made of the vote. Meetings of the Board shall be public and no person shall be excluded therefrom. M.C.L. 380.1201

Unless specifically authorized by Michigan conflict of interest laws, any Board member's decision to abstain shall be recorded and be deemed to acquiesce in the action taken by the majority. Failure to vote, absent a statutory exception or other reasonable ethical basis, constitutes a breach of the Board member's duty as a public official. In situations in which a specified number of affirmative votes is required and abstentions have been noted, the motion shall fail if the specified number of affirmative votes have not been cast. In situations in which there is a tie vote and the abstention represents the deciding vote, the motion shall fail for lack of a majority. 184 Mich App 681, 684 (1990)

**REVISED BYLAW 0167.2 - VOL. 33, NO. 2 - FEBRUARY 2019**

All actions requiring a vote

- ( ) shall be conducted by roll call
- ( ) may be conducted by voice, show of hands, or roll call

provided that the vote of each member be recorded. Proxy voting shall not be permitted. If a vote is not conducted by roll call, any member may request a roll call vote.

0167.2

**Closed Session**

The Board may ( ) by means of a roll call vote **[END OF CHOICE]** meet in a closed session, one closed to the public, for the following purposes:

- A. to consider the dismissal, suspension, or disciplining of, or to hear complaints or charges brought against, or to consider a periodic personnel evaluation of, a public officer, staff member, or individual agent, if the named person requests a closed hearing **(a majority vote is required)**
- B. to consider the dismissal, suspension, or disciplining of a student only if the student or student's parents request a closed hearing **(a majority vote is required)** (Also see Bylaw 0169, Student Disciplinary Hearings)
- C. for strategy and negotiation sessions connected with the negotiation of a collectively-bargained agreement if either negotiating party requests a closed hearing **(a majority vote is required)**
- D. to consider the purchase or lease of real property up to the time an option to purchase or lease that real property is obtained **(a two-thirds (2/3's) vote is required)**

- E. to consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation, but only if an open meeting would have a detrimental financial effect on the litigating or settlement position of the public body **(a two-thirds (2/3's) vote is required)**
- F. to consider materials exempt from discussion or disclosure under State or Federal statute, including by way of example only, written opinions of legal counsel, and school safety plans **(a two-thirds (2/3's) vote is required)**
- G. to review the specific contents of an application for employment or appointment if the candidate requests that the application remain confidential **(a two-thirds (2/3's) vote is required)**

However, all interviews for employment or appointment of the Superintendent shall be held in an open meeting of the Board.

- H. to consider security planning to address existing threats or prevent potential threats to the safety of the students or staff (a majority vote is required)**

In keeping with the confidential nature of closed sessions, no member of the Board shall disclose the content of discussions that take place during such sessions. The only exceptions will be discussions with the District's legal counsel or as directed by an order of a court with proper jurisdiction.

It is expected that Board members shall not record nor communicate by any means, electronic or otherwise, with party or parties outside such meetings regarding the substance of such meetings either during or after the course of such meetings.

M.C.L. 15.267, 15.268

0167.3      **Public Participation at Board Meetings**

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

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

The presiding officer shall be guided by the following rules:

- A.    Public participation shall be permitted
  - ( )    as indicated on the order of business.
  - ( )    before the Board takes official action on any issue of substance.
  - ( )    at a time as determined by the presiding officer.
  
- B.    Anyone with concerns related to the operation of the schools or to matters within the authority of the Board may participate during the public portion of a meeting.
  - ( )    Attendees must register their intention to participate in the public portion of the meeting upon their arrival at the meeting.
  - ( )    Participants must be recognized by the presiding officer
    - ( )    and will be requested to preface their comments by an announcement of their name;
      - ( )    address;
      - ( )    group affiliation, if and when appropriate.



- ( ) Each statement made by a participant shall be limited to \_\_\_\_\_ minutes duration.
- ( ) No participant may speak more than once.
- ( ) Participants shall direct all comments to the Board and not to staff or other participants.
- ( ) The presiding officer may:
  - ( ) prohibit public comments which are frivolous, repetitive, or harassing;
  - ( ) interrupt, warn, or terminate a participant's statement when the statement is too lengthy, personally directed, abusive, obscene, or irrelevant;
  - ( ) request any individual to leave the meeting when that person behaves in a manner that is disruptive of the orderly conduct of the meeting;
  - ( ) request the assistance of law enforcement officers in the removal of a disorderly person when that person's conduct interferes with the orderly progress of the meeting;
  - ( ) call for a recess or an adjournment to another time when the lack of public decorum so interferes with the orderly conduct of the meeting as to warrant such action;
  - ( ) waive these rules.
    - ( ) with the approval of the Board when necessary for the protection of privacy or the administration of the Board's business.

- ( ) The portion of the meeting during which the participation of the public is invited shall be limited to \_\_\_\_\_, but the timeframe will be extended, if necessary, so that no one's right to address the Board will be denied.

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

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

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

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

0167.4

**Administrative Participation**

The Superintendent and those administrators directed by the Superintendent shall attend all meetings, when feasible. Administrative participation shall be by professional counsel, guidance, and recommendation - as distinct from deliberation, debate, and voting of Board members.

0167.5      **Use of Electronic Mail**

Since E-mail is a form of communication that could conflict with the Open-Meetings Law, it will be used to conduct business of the Board only for the purposes of communicating:

- ( ) messages between Board members or between a Board member and employee(s) which do not involve deliberating or rendering a decision on matters pending before the Board;
- ( ) possible agenda items between the Superintendent and the Board President;
- ( ) times, dates, and places of regular or special Board meetings;
- ( ) a Board meeting agenda or public record information concerning items on the agenda;
- ( ) requests for public record information from a member of the administration, school staff, or community pertaining to District operations;
- ( ) responses to questions posed by members of the public, administrators, or school staff.

Under no circumstances shall Board members use E-mail to discuss among themselves Board business that is only to be discussed in an open meeting of the Board, is part of an executive session, or could be considered an invasion of privacy if the message were to be monitored by another party.

There should be no expectation of privacy for any messages sent by E-mail. Messages that have been deleted may still be accessible on the hard drive, if the space has not been occupied by other messages. Messages, deleted or otherwise, may be subject to disclosure under the Freedom of Information Act, unless an exemption would apply.

0167.6      **Use of Social Media**

Social Media, as defined in Bylaw 0100, shall not be used to conduct any form of Board business.

0168      **Minutes**

0168.1      **Open Meeting**

The Secretary, or a temporary secretary appointed by the presiding officer, shall designate a person to keep minutes of each meeting showing the date, time, place, members present, members absent, any decisions made at a meeting open to the public, and the purpose or purposes for which a closed session is called. These minutes must be approved by the Board and endorsed by the Secretary at the next meeting. The minutes shall include all roll-call votes taken at the meeting. Proposed minutes shall be available for public inspection not later than eight (8) business days after the meeting to which the minutes refer. Approved minutes shall be available for public inspection not later than five (5) business days after the meeting at which the minutes are approved. The minutes shall be available for inspection at the Superintendent's office and shall be available for purchase at a fee estimated by the business office to cover the cost of printing and copying.

The Board Secretary shall not include in or with its minutes any personally identifiable information on any student of the District which if released, would prevent the public body from complying with the Family Educational Rights and Privacy Act of 1974.

The official minutes shall be bound together by years and kept in the office of the Board of Education.

Minutes of the preceding meetings shall be approved by the Board as its first order of business at its next meeting.

The minutes shall show only action taken.

- ( ) and if requested, remarks of
- ( ) Board members.
- ( ) administration.
- ( ) citizens present.

M.C.L. 15.269, 380.1201

0168.2 **Closed Meeting**

The Board shall designate a person to keep separate minutes of each closed meeting of the Board. These minutes shall be retained by the Secretary of the Board, but shall not be available to the public and shall only be disclosed if required by a civil action filed under M.C.L. 15.270 et seq. These minutes may be destroyed one (1) year and one (1) day after approval of the minutes of the regular meeting at which the closed session was approved.

M.C.L. 15.267, 15.269, 15.270-71, 15.273

0168.3 **Committee Meetings**

Any Board committee, whether standing or appointed ad hoc, which exercises governmental or proprietary authority must comply with the Open Meetings provisions in 0168.1 and 0168.2, and Public Participation provisions in 0167.3. Committees that are empowered to take action, make recommendations or otherwise deliberate in place of the Board are subject to this requirement.

0169            **Student Disciplinary Hearings**

0169.1        **Closed Session Requested**

If parent or student requests a closed hearing, a vote must be taken. The purpose of the closed session should be announced: “To consider a student disciplinary matter, pursuant to the request of the parent/guardian” **(NOTE: Do not need to use the name since that could identify the student)**. A majority is required to go into a closed session.

Those invited into closed session should include the student, parent(s) and/or representative(s) and school administrator(s) bringing charges. Others may be admitted at Board discretion, if needed for the proceeding or at the request of student/parents.

Witnesses should be admitted when needed to testify. They should be asked to leave the closed session after testifying. Witnesses may be required to affirm that they will tell the truth.

The Administration should present a summary of the requested discipline and an overview of the incident(s) supporting discipline. The Administration shall call and question witnesses as it determines appropriate. The administrator may testify as a witness to the results of his/her investigation of the incident and the student's past record.

The student, parent, or representative (only one (1)) should be allowed to ask the witness(es) questions related to issues reasonably related to the discipline. Additional questioning by the Administration, the student/representative and/or the Board may be allowed at the Board's discretion.

The student, parent, or representative may then present witnesses or statements to the Board. The Administration and/or the Board may ask questions of these individuals. The Board may allow additional questioning at its discretion.

When the presentation of evidence is concluded, the Board will deliberate. It may exclude both the Administration and the student and representatives, or allow both sides to remain. If the Board desires clarification of any testimony during its deliberation, it shall assure that both the Administration and the student are present to hear the information.

The Board shall not take any action in the closed session. To act on the discipline the Board must return to open session. This requires a majority vote.

During the open session the name of the student shall not be used in voting on the discipline, to protect student privacy under the Federal Family Educational Rights and Privacy Act. The student may be referred to by a Code Number or Pseudonym (i.e. Student A). Only the reference code shall be indicated in the Board minutes, NOT the student's actual name. The reference code shall be listed in the student's discipline file.

If, at any time during the hearing, the student, parent or authorized representative withdraws the request for a closed hearing, the matter shall proceed under the open hearing provisions.

0169.2      **Open Hearing**

If the student, parent or authorized representative does not request a closed hearing, the Board must still assure that the Family Educational Rights and Privacy Act is not violated.

The parents (or student if eighteen (18) or older) should sign an authorization to release student record information to allow discussion of the student's information in the public forum (Form 8330 F4). If the parents refuse to sign the authorization or information relating to other students must be presented at the hearing, it should be done anonymously by referring to students by Code Numbers or Pseudonyms. If this is not possible, then the Board may go into closed session to receive student identifiable information pursuant to a two-thirds (2/3's) roll call vote for the announced purpose of "Considering material exempt from discussion or disclosure by State or Federal law."

In all other respects the hearing shall proceed as outlined under the Closed Hearing.

The Board must deliberate and act on the discipline in open session. The student, parents, administration and public will be allowed to be present. Students/parents who have not authorized disclosure to the public will not be mentioned by name during deliberations, but only by anonymous reference code. Any action must be by a vote of the Board in open session. If the student/parents have signed an authorization for public disclosure, then the student's name may be used in the motion and recorded in the Board minutes.



**NEW POLICY - VOL. 33, NO. 2 - FEBRUARY 2019**

**DRUG-FREE WORKPLACE**

The Board of Education believes that quality education is not possible in an environment affected by drugs. It will seek, therefore, to establish and maintain an educational setting which

**[ ] [OPTION #1 (needed only if Federal funds come directly from Washington)]**

- ( )** meets the requirements in the Drug-Free Workplace Act and the Drug-Free Schools and Communities Act.

In compliance with the Act, the Board prohibits the manufacture, possession, use, distribution, or dispensing of any controlled substance, including alcohol, by any member of the District's administration at any time while on District property or while involved in any District-related activity or event. Any administrator who violates this policy shall be subject to disciplinary action in accordance with District guidelines.

The Superintendent shall establish whatever programs and procedures are necessary to meet the Federal certification requirements.

**[ ] [OPTION #2 (applies to most schools)]**

- ( )** is not tainted by the use or evidence of use of any controlled substance.

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 administration at any time while on District property or while involved in any District-related activity or event. Any administrator who violates this policy shall be subject to disciplinary action in accordance with District guidelines.

The Superintendent shall establish guidelines that ensure compliance with this policy and that each administrator is given a copy of the standards regarding unlawful possession, use, or distribution of illicit drugs and alcohol and informed that compliance with this requirement is mandatory. Such guidelines shall provide for appropriate disciplinary actions, if and when needed.

P.L. 101-126  
Drug-Free Workplace Act of 1988, 41 U.S.C. 701, et seq.  
20 U.S.C. 3224A

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**NEW POLICY - VOL. 33, NO. 2 - FEBRUARY 2019**

**LEAVES OF ABSENCE**

All administrative staff members not otherwise covered by the terms of a negotiated, collectively-bargained agreement of this District shall be entitled to the leave benefits which are not less than those provided in the master agreement with \_\_\_\_\_.

All requests for unpaid leaves of absence by administrative staff members shall be presented to the Board of Education for approval.

Any administrative staff member granted a leave of absence by the Board shall be considered to have terminated all work with the School District until the completion of the leave. Exceptions may be made by the Superintendent in cases where the best interest of the District might be served.

**[DRAFTING NOTE: THIS POLICY LANGUAGE SHOULD ONLY BE USED IF THE DISTRICT DOES NOT ALREADY HAVE A POLICY OR COLLECTIVE BARGAINING PROVISIONS RELATING TO PAID TIME OFF; IF THE DISTRICT DOES HAVE SUCH POLICY(IES) OR CBA LANGUAGE, THE DISTRICT SHOULD HAVE ITS LOCAL COUNSEL REVIEW AND REVISE ITS CURRENT PTO POLICY AND/OR COLLECTIVE BARGAINING AGREEMENT LANGUAGE AS NECESSARY TO COMPLY WITH THE PMLA IN LIEU OF CHOOSING THIS OPTIONAL LANGUAGE]**

**[ ] Paid Medical Leave (PML)**

This policy provision applies to all District employees who are eligible to accrue paid medical leave under the Paid Medical Leave Act (PMLA). "Paid Leave" includes, but is not limited to, paid vacation days, paid personal days, and paid time off (i.e. PTO).

The District adopts [**CHOOSE ONE (1) OF THE TWO (2) FOLLOWING OPTIONS**]

[**OPTION #1**]

**The Accrual Method**

Each eligible employee will accrue one (1) hour of Paid Medical Leave for every thirty-five (35) hours worked, but not more than one hour of paid medical leave in a calendar week ( ) limited to a maximum of forty (40) hours per benefit year. Eligible employees may carry over ( ) forty (40) hours ( ) \_\_\_ [**some number higher than forty (40)**] \_\_\_ of accrued but unused paid medical leave time to the next benefit year. Paid medical leave will begin accruing on ( ) March 29, 2019, or upon a new hire's start date ( ) however, new employees must wait ninety (90) days after the commencement of employment to use accrued time. ( ) The District will prorate paid leave for eligible employees hired during a benefit year.

[**OPTION #2**]

**The Frontload Method**

The District will frontload forty (40) hours of Paid Medical Leave to eligible employees on March 29, 2019, which will be prorated for the first year if the benefit year tracks the calendar year. ( ) No carryover of paid medical leave is permitted. In subsequent benefit years, the District will provide an eligible employee with forty (40) hours of paid medical leave on ( ) March 29 ( ) \_\_\_\_\_ [**INSERT THE START DATE OF THE NEW BENEFIT YEAR**]. An employee cannot carry over unused paid medical leave to the next benefit year.

A benefit year is the consecutive twelve (12) month period indicated above used by the District to calculate an eligible employee's benefits.

**[END OF OPTIONS]**

An employee may use Paid Medical Leave under the PMLA for:

- A. An employee or employee's family member's mental or physical illness, injury, health condition and medical diagnosis, care, or treatment, preventative medical care.
- B. If the employee or the eligible employee's family member is a victim of domestic violence or sexual assault:
  - 1. for medical, psychological or other counseling for physical or psychological injury or disability;
  - 2. to obtain services from a victim services organization;
  - 3. to relocate due to domestic violence or sexual assault;
  - 4. to obtain legal services; and/or
  - 5. to participate in any civil or criminal proceedings related to or resulting from the domestic violence or sexual assault.
- C. Closure of the employee's primary workplace due to a public health emergency or to provide care for a child whose school or place of care has been closed due to a public health emergency.
- D. If health authorities or a health care provider have determined that the employee or employee's family member would jeopardize the health of others because of their exposure to a communicable disease regardless of whether employee or family member has actually contracted the communicable disease.

**Definitions**

A "family member" includes:

- A. a biological, adopted or foster child, stepchild or legal ward, or a child to whom the employee stands in loco parentis;
- B. a biological parent, foster parent, stepparent, or adoptive parent or a legal guardian of an employee or the employee's spouse, or an individual who stood in loco parentis when the employee was a minor child;
- C. an individual to whom the employee is "legally married under the laws of any state";
- D. a grandparent or grandchild; and
- E. a biological, foster, or adopted sibling.

**[DRAFTING NOTE: IF THE DISTRICT HAS A DIFFERENT WRITTEN POLICY OR COLLECTIVE BARGAINING PROVISION THAT ADDRESSES INCREMENTAL LEAVE, IT SHOULD NOT SELECT THE ONE (1) HOUR INCREMENT OPTION, BUT SHOULD INSTEAD REFER TO THE APPROPRIATE WRITTEN POLICY OR CBA.]**

[  ] PMLA leave must be used in (  ) one (1) hour increments (  ) \_\_\_\_\_  
**DRAFTING NOTE: MAY INSERT A LONGER INCREMENT. [END OF OPTIONS]**

An eligible employee who is using Paid Medical Leave because of domestic violence or sexual assault may be required to provide documentation that the Paid Medical Leave has been used for that purpose.

Employees must follow the District's usual practice or procedure for requesting, although the District will give employees three (3) days to acquire the proper documentation if the time off is used for paid medical leave, for the reasons set forth above.

Employees will be paid at a rate equal to the greater of either the normal hourly or base wage rate for that employee or the minimum wage rate, at the time of absence. PMLA pay will not include overtime pay, holiday pay, bonuses, commissions, supplemental pay, piece-rate pay, or gratuities.

Employee ( ) **will not** ( ) **will be** paid for unused, accrued PMLA leave time at the end of the benefit year or upon separation, voluntary or involuntary.

To the extent that any current collective bargaining agreements already provide all of the requirements of the PMLA, those are sufficient to address the District's obligations to that set of employees and will control the employees covered under the collective bargaining agreement instead of this policy.

**REVISED POLICY - VOL. 33, NO. 2 – FEBRUARY 2019**

**CURRICULUM DEVELOPMENT**

The Board of Education recognizes its responsibility for the quality of the educational program of the schools. To this end, the curriculum shall be developed, evaluated, and adopted on a continuing basis and in accordance with a plan for curriculum growth established by the Superintendent.

For purposes of this policy and consistent communication throughout the District, curriculum shall be defined as:

- ( ) the courses of study, subjects, classes, and organized activities provided by the school;
- ( ) all the planned activities of the schools, including formal classroom instruction and out-of-class activity, both individual and group;
- ( ) learning activities approved by the Board for individuals or groups of students and expressed in terms of specific instructional objectives or class periods;
- ( ) the plan for learning necessary to accomplish the educational goals of the District;
- ( ) all the planned activities of the schools, including formal classroom instruction and out-of-class activity, both individual and group, necessary to accomplish the educational goals of the District.

The Board directs that the curriculum of this District:

- A. provide grade-appropriate instruction on career development in each grade level from kindergarten through 12th; [DRAFTING NOTE: THIS LANGUAGE IS NOT OPTIONAL AND MUST BE ADOPTED TO COMPLY WITH CURRENT LAW.]**
- ( ) provides instruction in courses required by statute and State Department of Education regulations;



- ( ) ensures, to the extent feasible, that special learning needs of students are provided for in the context of the regular program or classroom and provides for effective coordination with programs or agencies that are needed to meet those needs that cannot be dealt with in the regular program or classroom;
- ( ) be consistent with the District's philosophy and goals and ensure the possibility of their achievement;
- ( ) incorporate State-recommended performance standards for students as the basis for determining how well each student is achieving the academic outcomes for each area of the District's core curriculum;
- ( ) at the high school level, consider alternatives to the Carnegie Unit as a method for determining student progress toward receiving course credit;
- ( ) allows for the development of individual talents and interests as well as recognizes that learning styles of students may differ;
- ( ) provides a strategy for continuous and cumulative learning through effective articulation at all levels, particularly of those skills identified as essential and life-role skills;
- ( ) utilizes a variety of learning resources to accomplish the educational goals;
- ( ) encourages students to utilize guidance and counseling services in their academic and career planning;
- ( ) provides for multi-cultural education by including, at each level, courses or units which help students understand the culture and contributions of various ethnic groups comprising American society, including, but not limited to Euro-Americans, African-Americans, Asian-Americans, Hispanic-Americans, and Native-Americans.

As educational leader of the District, the Superintendent shall be responsible to the Board for the development and evaluation of curriculum and the preparation of courses of study.

The Superintendent shall make progress reports to the Board

annually  periodically.

The Superintendent may conduct such innovative programs as are deemed to be necessary to the continuing growth of the instructional program and to better ensure accomplishment of the District's educational goals.

The Superintendent shall report each such innovative program to the Board along with its objectives, evaluative criteria, and costs.

before it is initiated.

Unless the Board disapproves, the Superintendent may proceed to conduct the program.

- The Board encourages, where it is feasible and in the best interests of the District, participation in programs of educational research.
- The Board directs the Superintendent to pursue actively State and Federal aid in support of the District's innovative activities.

| M.C.L. 380.1282, **380.1166a**

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**REVISED POLICY - VOL. 33, NO. 2 - FEBRUARY 2019**

**REPRODUCTIVE HEALTH AND FAMILY PLANNING**

The Board of Education directs that instruction be provided on the principal modes by which dangerous communicable diseases, including HIV and AIDS, are spread and the best methods for the restriction and prevention of these diseases. The instruction shall stress that abstinence from sex is the only protection that is 100% effective against unplanned pregnancy and sexually transmitted diseases, including HIV and AIDS, and that abstinence is a positive lifestyle for unmarried young people.

No person shall dispense or otherwise distribute in a District school or on District school property a family planning drug or device. Additionally, any officer, agent, or employee of the Board is prohibited from referring a student for an abortion or assisting a student in obtaining an abortion.

~~The Board accepts as policy the guidelines entitled "Sex Education Guidelines including Reproductive Health and Family Planning" established by the Michigan Department of Education. A copy shall be available for inspection in the Board office.~~

Each person who teaches K to 12 students about human immunodeficiency virus infection and acquired immunodeficiency syndrome shall have training in human immunodeficiency virus infection and acquired immunodeficiency syndrome education for young people. Licensed health care professionals who have received training on human immunodeficiency virus infection and acquired immunodeficiency syndrome are exempt from this requirement.

The District shall notify the parents, in advance of the instruction and about the content of the instruction, give the parents an opportunity, prior to instruction, to review the materials to be used (other than tests), as well as the opportunity to observe the instruction, and advise the parents of their right to have their child excused from the instruction.

Before any revisions to the curriculum on the subjects taught pursuant to M.C.L. 380.1169 are implemented, the Board shall hold at least two (2) public hearings on the proposed revisions. The hearings shall be held at least one (1) week apart and public notice of the hearings shall be given in the manner required for board meetings. A public hearing held pursuant to this section may be held in conjunction with a public hearing held pursuant to M.C.L. 380.1507.

M.C.L. 380.1169, 380.1507, 388.1766  
A.C. Rule 388.273 et seq.

**REVISED POLICY - VOL. 33, NO. 2 - FEBRUARY 2019**

**EMPLOYMENT OF SUBSTITUTES**

The Board of Education recognizes the need to procure the services of substitutes in order to continue the operation of the schools as a result of the absence of regular personnel.

Substitute personnel are subject to a criminal history record check. See Policy 3121.

The Superintendent shall employ substitutes for assignment as services are required to replace temporarily-absent regular staff members and fill new positions. Such assignment of substitutes may be terminated when their services are no longer required. A substitute, however, who is employed directly by the District for 150 days or more during a school year of not less than 180 days, except under circumstances identified in statute, shall be given, during the balance of that year as well as during the succeeding school year, the first opportunity to accept or reject a contract for which the person is certified and qualified, provided that all other District teachers have been reemployed in accordance with the negotiated, collectively-bargained agreement.

Substitutes must possess a valid Michigan professional certificate and a permit, if substitute teaching in a subject for which s/he is not certified, except under the following circumstances:

- A. The Superintendent may employ noncertificated, nonendorsed substitutes to teach, in grades 9-12, a course in computer science, foreign language, mathematics, biology, chemistry, engineering, physics, robotics, or any other course approved by the State Board, providing they meet all of the conditions established by law and by the Superintendent.
- B. The Superintendent may also employ a substitute without a valid teaching certificate if the person has at least sixty (60) semester hours of college credit or an associate degree from a college or university or community college. **The sixty (60) semester hours do not need to be from the same college, university or community college.** ~~and, for substitute teaching in grades 9 to 12, is at least twenty two (22) years of age.~~

- C. The Superintendent may employ noncertificated, substitutes to teach in an industrial technology education program or career and technical education program providing they meet all of the conditions established by law and by the Superintendent.

In order to retain well-qualified substitutes for service in this District, the Board will offer competitive compensation at a rate set annually by the Board.

A substitute, employed directly by the District in one (1) specific teaching position, shall, after sixty (60) consecutive days in that assignment, be paid a salary not less than the minimum salary on the current salary schedule and granted the privileges provided regular staff.

A substitute shall be paid:

- ( ) actual hours worked.
  - ( ) a minimum of \_\_\_\_\_ hours once the substitute is called.
- [ ] The Board may enter into a contract with a person or entity (a partnership, nonprofit or business corporation, labor organization, limited liability company, or any other association, corporation, trust, or other legal entity) to furnish substitute teachers to the District as necessary to carry out the operations of the District. A contract entered into under this section shall include the following provisions:
- A. Assurance that the person or entity will furnish the School District with qualified teachers in accordance with the School Code and any implementing rules and regulations.
  - B. Assurance that the person or entity will not furnish to the School District any teacher who, if employed directly by the School District, would be ineligible for employment by the District as a substitute teacher under the School Code.
  - C. A description of the level of compensation and fringe benefits to be provided for the employees of the person or entity who are to be assigned to the District as substitute teachers.

- D. A description of the type and amounts of insurance coverage to be secured and maintained by the person or entity and the School District.
- E. Assurance that the person or entity, before assigning an individual to serve as a substitute teacher in the District, will comply with and provide to the Board the criminal history record information obtained under section 1230 and with the results of the criminal record check under section 1230a of the School Code.

[ ] A school district that contracts with a person or entity to furnish substitute teachers under this section may purchase liability insurance to indemnify and protect the school district and the person or entity against losses or liabilities incurred by the district and person or entity arising out of any claim for personal injury or property damage caused by the district, its officers, employees, or agents. A district may pay premiums for the insurance out of its operating funds.

M.C.L. 380.1230, 380.1230a, 380.1230g, 380.1233, 380.1233b, 380.1531

M.C.L. 380.1236, 380.1236a

A.C. Rule 390.1105(1), 390.1141(2), 390.1146

**REVISED POLICY - VOL. 33, NO. 2 - FEBRUARY 2019**

**EMPLOYMENT OF PROFESSIONAL STAFF**

The Board of Education recognizes that it is vital to the successful operation of the District that positions created by the Board be filled with highly-qualified and competent personnel. Further, pursuant to the Administrative Rules Governing the Certification of Michigan Teachers, the Board requires that anyone employed as a professional staff member with instructional responsibilities in an elementary or secondary school in this District hold a certificate, permit, or vocational authorization valid for the positions to which s/he is assigned, and that the individual meets the established criteria to be highly qualified in his/her assignment.

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

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

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

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



- [ ] When any recommended candidate has been rejected by the Board, the Superintendent shall make a substitute recommendation.
- [ ] All applications for employment shall be referred to the \_\_\_\_\_.

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

- [ ] Relatives of staff members may be employed by the Board, provided the staff member being employed is not placed in a position in which s/he would be supervised directly by the relative staff member.
- [ ] The Board will not employ (but may reemploy) the
  - ( ) children, siblings, spouse, parents, in-laws, or bona fide dependents (IRS criteria) of a Board member.
  - ( ) children, siblings, spouse, parents, in-laws, or bona fide dependents (IRS criteria) of a regular full-time professional staff member.
- [ ] Applications for employment will not be accepted from any current District Board member. If a Board member wishes to apply for a position, his/her resignation must be accepted by the Board prior to submitting an application.
- [ ] Any professional staff member's intentional misstatement of fact or omission material to his/her qualifications for employment or the determination of salary shall be considered by this Board to constitute grounds for dismissal.
- [ ] The temporary employment of professional staff members prior to approval by the Board is authorized when their employment is required to maintain continuity in the educational program. Employment shall be recommended to the Board at the next regular meeting.

- [ ] No candidate for employment to the professional staff as a nonadministrator shall receive recommendation for such employment without having proffered visual evidence of proper certification or that application for such certification is in process, except under the following circumstances:
- A. The Superintendent may employ noncertificated, nonendorsed teachers to teach, in grades 9-12, a course in computer science, foreign language, mathematics, biology, chemistry, engineering, physics, robotics, or any other course approved by the State Board, providing they meet all of the conditions established by law and by the Superintendent.
  - B. The Superintendent may also employ a teacher without a valid teaching certificate as a substitute teacher, on a day-to-day basis, if the person has at least sixty (60) semester hours of college credit or an associate degree from a college, university or community college and, for substitute teaching in grades 9 to 12, ~~is at least twenty-two (22) years of age,~~ or for a full school year if the person has met all other conditions established by law and by the Superintendent.
  - C. The Superintendent may hire an individual who does not hold a valid teaching certificate to serve in a counseling, social worker or speech pathologist role provided s/he meets all the requirements established by law. Policy 3120 and Policy 3121 shall apply with respect to that individual in the same manner required for employing a person with a teaching certificate.
  - D. The Superintendent may employ noncertificated, ~~substitutes~~ **teachers** to teach in an industrial technology education program or career and technical education program providing they meet all of the conditions established by law and by the Superintendent.

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

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

### **REQUIREMENTS FOR HIGHLY QUALIFIED STATUS**

Pursuant to State law, "Highly Qualified" means:

- A. full State certification as a teacher or passed State teacher licensing exam and holds current license to teach; certification or license requirements may not be waived on emergency, temporary, or provisional basis;
- B. for elementary teachers new to the profession, this also requires:
  1. at least a bachelor's degree;
  2. passing a rigorous State test on subject knowledge and teaching skills in reading, writing, math, and other areas of elementary curriculum (State certification test may suffice);
- C. for secondary or middle school teachers new to the profession this also requires:
  1. at least a bachelor's degree, and
  2. passing a rigorous State test in each of the subject areas s/he will teach (State certification test may suffice), or
  3. for each academic subject taught, having an academic major, course work equivalent to an undergraduate major, a graduate degree, or advanced certification or credentialing;

- D. for elementary, middle, or secondary school teachers with prior experience, this also requires:
1. at least a bachelor's degree, and
  2. meets standards for new teachers (above), or
  3. demonstrates competence in all academic subjects s/he teaches based on a uniform State standard of evaluation (standard for academic subject matter and teaching skills set by the State).

**REQUIREMENTS FOR TEACHERS IN DISTRICT RECEIVING TITLE I FUNDING**

All teachers hired for a Title I supported program or a core subject area must be "highly qualified."

As a condition of employment, all newly-hired teachers in a Title I supported program or in core subject areas shall be required to submit documentation that they are "highly qualified" as described above.

As designated by Federal law, core subject areas shall include the following: English, reading or language arts, science (which includes physics, chemistry, biology, earth science, and physical science), mathematics, arts (which includes instrumental music, vocal music, visual arts, dance, and drama/theater), foreign languages, government and civics, history, economics and geography.

The Superintendent shall prepare a plan that will result in all teachers who are employed in professional staff positions with instructional responsibilities in Title I supported programs and/or core subject areas to be highly qualified by a date specific, and the Superintendent shall show annual progress towards meeting these teacher qualification requirements.

M.C.L. 380.1229 – 1231, 380.1233, 380.1233b, 380.1237, 380.1531d, 380.623  
20 U.S.C. 6319 & 7801  
R 390.1105

**REVISED POLICY - VOL. 33, NO. 2 – FEBRUARY 2019**

**LEAVES OF ABSENCE**

All professional staff members not otherwise covered by the terms of a negotiated, collectively-bargained agreement of this District shall be entitled to the leave benefits which are not less than those provided in the master agreement with \_\_\_\_\_.

All requests for unpaid leaves of absence by professional staff members shall be presented to the Board of Education for approval.

Any professional staff member granted a leave of absence by the Board shall be considered to have terminated all work with the School District until the completion of the leave. Exceptions may be made by the Superintendent in cases where the best interest of the District might be served.

**[DRAFTING NOTE: THIS POLICY LANGUAGE SHOULD ONLY BE USED IF THE DISTRICT DOES NOT ALREADY HAVE A POLICY OR COLLECTIVE BARGAINING PROVISIONS RELATING TO PAID TIME OFF; IF THE DISTRICT DOES HAVE SUCH POLICY(IES) OR CBA LANGUAGE, THE DISTRICT SHOULD HAVE ITS LOCAL COUNSEL REVIEW AND REVISE ITS CURRENT PTO POLICY AND/OR COLLECTIVE BARGAINING AGREEMENT LANGUAGE AS NECESSARY TO COMPLY WITH THE PMLA IN LIEU OF CHOOSING THIS OPTIONAL LANGUAGE]**

**[ ] Paid Medical Leave (PML)**

**This policy provision applies to all District employees who are eligible to accrue paid medical leave under the Paid Medical Leave Act (PMLA). "Paid Leave" includes, but is not limited to, paid vacation days, paid personal days, and paid time off (i.e. PTO).**

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The District adopts [CHOOSE ONE (1) OF THE TWO (2) FOLLOWING OPTIONS]

[OPTION #1]

The Accrual Method

Each eligible employee will accrue one (1) hour of Paid Medical Leave for every thirty-five (35) hours worked, but not more than one hour of paid medical leave in a calendar week  limited to a maximum of forty (40) hours per benefit year. Eligible employees may carry over  forty (40) hours  [some number higher than forty (40)] of accrued but unused paid medical leave time to the next benefit year. Paid medical leave will begin accruing on  March 29, 2019, or upon a new hire's start date  however, new employees must wait ninety (90) days after the commencement of employment to use accrued time.  The District will prorate paid leave for eligible employees hired during a benefit year.

[OPTION #2]

The Frontload Method

The District will frontload forty (40) hours of Paid Medical Leave to eligible employees on March 29, 2019, which will be prorated for the first year if the benefit year tracks the calendar year. ( ) No carryover of paid medical leave is permitted. In subsequent benefit years, the District will provide an eligible employee with forty (40) hours of paid medical leave on ( ) March 29 ( ) [INSERT THE START DATE OF THE NEW BENEFIT YEAR]. An employee cannot carry over unused paid medical leave to the next benefit year.

A benefit year is the consecutive twelve (12) month period indicated above used by the District to calculate an eligible employee's benefits.

[END OF OPTIONS]

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- A. An employee or employee's family member's mental or physical illness, injury, health condition and medical diagnosis, care, or treatment, preventative medical care.**
- B. If the employee or the eligible employee's family member is a victim of domestic violence or sexual assault:
  - 1. for medical, psychological or other counseling for physical or psychological injury or disability;**
  - 2. to obtain services from a victim services organization;**
  - 3. to relocate due to domestic violence or sexual assault;**
  - 4. to obtain legal services; and/or**
  - 5. to participate in any civil or criminal proceedings related to or resulting from the domestic violence or sexual assault.****
- C. Closure of the employee's primary workplace due to a public health emergency or to provide care for a child whose school or place of care has been closed due to a public health emergency.**
- D. If health authorities or a health care provider have determined that the employee or employee's family member would jeopardize the health of others because of their exposure to a communicable disease regardless of whether employee or family member has actually contracted the communicable disease.**

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**Definitions**

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**A "family member" includes:**

- A. a biological, adopted or foster child, stepchild or legal ward, or a child to whom the employee stands in loco parentis;**
- B. a biological parent, foster parent, stepparent, or adoptive parent or a legal guardian of an employee or the employee's spouse, or an individual who stood in loco parentis when the employee was a minor child;**
- C. an individual to whom the employee is "legally married under the laws of any state; "**
- D. a grandparent or grandchild; and**
- E. a biological, foster, or adopted sibling.**

**[DRAFTING NOTE: IF THE DISTRICT HAS A DIFFERENT WRITTEN POLICY OR COLLECTIVE BARGAINING PROVISION THAT ADDRESSES INCREMENTAL LEAVE, IT SHOULD NOT SELECT THE ONE (1) HOUR INCREMENT OPTION, BUT SHOULD INSTEAD REFER TO THE APPROPRIATE WRITTEN POLICY OR CBA.]**

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**Employees must follow the District's usual practice or procedure for requesting, although the District will give employees three (3) days to acquire the proper documentation if the time off is used for paid medical leave, for the reasons set forth above.**



Employees will be paid at a rate equal to the greater of either the normal hourly or base wage rate for that employee or the minimum wage rate, at the time of absence. PMLA pay will not include overtime pay, holiday pay, bonuses, commissions, supplemental pay, piece-rate pay, or gratuities.

Employee ( ) will not ( ) will be paid for unused, accrued PMLA leave time at the end of the benefit year or upon separation, voluntary or involuntary.

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**REVISED POLICY - VOL. 33, NO. 2 – FEBRUARY 2019**

**LEAVES OF ABSENCE**

All support staff members not otherwise covered by the terms of a negotiated, collectively-bargained agreement of this District shall be entitled to the leave benefits which are not less than those provided in the master agreement with \_\_\_\_\_.

**All requests for unpaid leaves of absence by support staff members shall be presented to the Board of Education for approval.**

Any support staff member granted a leave of absence by the Board shall be considered to have terminated all work with the School District until the completion of the leave. Exceptions may be made by the Superintendent in cases where the best interest of the District might be served.

**[DRAFTING NOTE: THIS POLICY LANGUAGE SHOULD ONLY BE USED IF THE DISTRICT DOES NOT ALREADY HAVE A POLICY OR COLLECTIVE BARGAINING PROVISIONS RELATING TO PAID TIME OFF; IF THE DISTRICT DOES HAVE SUCH POLICY(IES) OR CBA LANGUAGE, THE DISTRICT SHOULD HAVE ITS LOCAL COUNSEL REVIEW AND REVISE ITS CURRENT PTO POLICY AND/OR COLLECTIVE BARGAINING AGREEMENT LANGUAGE AS NECESSARY TO COMPLY WITH THE PMLA IN LIEU OF CHOOSING THIS OPTIONAL LANGUAGE]**

**[ ] Paid Medical Leave (PML)**

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The District adopts [CHOOSE ONE (1) OF THE TWO (2) FOLLOWING OPTIONS]

[OPTION #1]

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[OPTION #2]

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A benefit year is the consecutive twelve (12) month period indicated above used by the District to calculate an eligible employee's benefits.

[END OF OPTIONS]

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**An employee may use Paid Medical Leave under the PMLA for:**

- A. An employee or employee's family member's mental or physical illness, injury, health condition and medical diagnosis, care, or treatment, preventative medical care.**
- B. If the employee or the eligible employee's family member is a victim of domestic violence or sexual assault:
  - 1. for medical, psychological or other counseling for physical or psychological injury or disability;**
  - 2. to obtain services from a victim services organization;**
  - 3. to relocate due to domestic violence or sexual assault;**
  - 4. to obtain legal services; and/or**
  - 5. to participate in any civil or criminal proceedings related to or resulting from the domestic violence or sexual assault.****
- C. Closure of the employee's primary workplace due to a public health emergency or to provide care for a child whose school or place of care has been closed due to a public health emergency.**
- D. If health authorities or a health care provider have determined that the employee or employee's family member would jeopardize the health of others because of their exposure to a communicable disease regardless of whether employee or family member has actually contracted the communicable disease.**

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**Definitions**

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**A "family member" includes:**

- A. a biological, adopted or foster child, stepchild or legal ward, or a child to whom the employee stands in loco parentis;**
- B. a biological parent, foster parent, stepparent, or adoptive parent or a legal guardian of an employee or the employee's spouse, or an individual who stood in loco parentis when the employee was a minor child;**
- C. an individual to whom the employee is "legally married under the laws of any state";**
- D. a grandparent or grandchild; and**
- E. a biological, foster, or adopted sibling.**

**[DRAFTING NOTE: IF THE DISTRICT HAS A DIFFERENT WRITTEN POLICY OR COLLECTIVE BARGAINING PROVISION THAT ADDRESSES INCREMENTAL LEAVE, IT SHOULD NOT SELECT THE ONE (1) HOUR INCREMENT OPTION, BUT SHOULD INSTEAD REFER TO THE APPROPRIATE WRITTEN POLICY OR CBA.]**

**[ ] PMLA leave must be used in ( ) one (1) hour increments ( ) \_\_\_\_\_  
DRAFTING NOTE: MAY INSERT A LONGER INCREMENT. [END OF OPTIONS]**

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**An eligible employee who is using Paid Medical Leave because of domestic violence or sexual assault may be required to provide documentation that the Paid Medical Leave has been used for that purpose.**

**Employees must follow the District's usual practice or procedure for requesting, although the District will give employees three (3) days to acquire the proper documentation if the time off is used for paid medical leave, for the reasons set forth above.**

**Employees will be paid at a rate equal to the greater of either the normal hourly or base wage rate for that employee or the minimum wage rate, at the time of absence. PMLA pay will not include overtime pay, holiday pay, bonuses, commissions, supplemental pay, piece-rate pay, or gratuities.**

**Employee ( ) will not ( ) will be paid for unused, accrued PMLA leave time at the end of the benefit year or upon separation, voluntary or involuntary.**

**To the extent that any current collective bargaining agreements already provide all of the requirements of the PMLA, those are sufficient to address the District's obligations to that set of employees and will control the employees covered under the collective bargaining agreement instead of this policy.**

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**REVISED POLICY - VOL. 33, NO. 2 - FEBRUARY 2019**

**SCHOOLS OF CHOICE**  
(Intra-District)

The Board of Education supports the concept of providing parents with the choice of which ( ) elementary ( ) middle ( ) high school their child may attend in the District.

The Superintendent shall, in cooperation with the appropriate committee, submit a plan to the Board each year for its review and approval. The plan is to specify the conditions under which a student may enroll in a school other than the one in his/her attendance area as well as the arrangements for transportation.

See also, Policy 5113.02 - School Choice Options Provided by **Federal Law**~~the No~~  
~~Child Left Behind Act~~

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**REVISED POLICY - VOL. 33, NO. 2 - FEBRUARY 2019**

**SCHOOL CHOICE OPTIONS PROVIDED BY FEDERAL LAW**  
**THE NO CHILD LEFT BEHIND ACT**

The Board of Education acknowledges that the Federal ~~*No Child Left Behind Act of 2001 ("NCLBA")*~~ **Elementary and Secondary Education Act (ESEA), as amended**, provides that the parents/guardians of students enrolled in a Title I school that has been listed for "School Improvement" for two (2) or more years, have the right to transfer their children to another school in the District, provided there is a school that provides instruction at the students' grade level(s) and such school has not been identified as being in the process of school improvement, corrective action, or restructuring. If there is not a qualifying school in the District, the Superintendent shall contact neighboring districts and request that they permit students to transfer to a school in one of those districts if the parent/guardian requests a transfer. The Superintendent shall also offer Supplemental Educational Services (SES) if a transfer within the District is not possible.

Students attending a "persistently dangerous" school, as defined by State law have the right to transfer to another "safe" school in the District. If there is not another "safe" school in the District providing instruction at the students' grade level(s), the Superintendent shall contact neighboring districts and request that they permit students to transfer to a school in one of those districts if the parent/guardian requests a transfer.

Furthermore, a student who is a victim of a "violent crime" on school property also has the right to transfer to another school. If there is not another school in the District providing instruction at the student's grade level, the Superintendent shall contact neighboring districts and request that they permit that student to transfer to a school in one of those districts providing instruction at the student's grade level if the parent/guardian requests a transfer.

The Board of Education authorizes such transfers in accordance with AG 5113.02.



Children who transfer within the District in accordance with this policy will be permitted to remain at the school of transfer until completing the highest grade at the school.

Title I, Section 1116(b)(1)(E) of the ~~No Child Left Behind Act of 2001~~ **Elementary and Secondary Education Act, as amended**

Title I, Section 1116(e) of the **Elementary and Secondary Education Act, as amended** ~~No Child Left Behind Act of 2001~~

Title IX, Section 9532 of the **Elementary and Secondary Education Act, as amended** ~~No Child Left Behind Act of 2001~~

**REVISED POLICY - VOL. 33, NO. 2 - FEBRUARY 2019**

ATTENDANCE

The Board of Education as an agency of the State is required to enforce the regular attendance of students. The Board recognizes that the presence in the classroom enables the student to participate in instruction, class discussions, and other related activities. As such, regular attendance and classroom participation are integral to instilling incentives for the student to excel.

Attendance shall be required of all District students, except those exempted under Policy 5223 or by other provisions of State law, during the days and hours that the school is in session.

- ( ) or during the attendance sessions to which s/he has been assigned.

The Superintendent shall require, from the parent of each student or from an adult student who has been absent for any reason, a ( ) written statement ( ) and/or confirmation of the cause for such absence. The Board reserves the right to verify such statements and to investigate the cause of each:

- ( ) single absence;
- ( ) prolonged absence;
- ( ) absence of more than \_\_\_\_\_ days duration;
- ( ) repeated unexplained absence and tardiness.
- ( ) \_\_\_\_\_

The Board may report to the Intermediate School District infractions of the law regarding the attendance of students below the age of ~~sixteen (16)~~ **eighteen (18)**. Repeated infractions of Board policy requiring the attendance of enrolled students may result in the suspension or expulsion of the student from the District program.

- [ ] The Board considers the following factors to be reasonable excuses for time missed at school:
- ( ) illness
  - ( ) recovery from accident
  - ( ) required court attendance
  - ( ) professional appointments
  - ( ) death in the immediate family
  - ( ) observation or celebration of a bona fide religious holiday
  - ( ) such other good cause as may be acceptable to the Superintendent
- [ ] Attendance need not always be within the school facilities, but a student will be considered to be in attendance if present at any place where school is in session by authority of the Board.
- [ ] The Board shall consider each student assigned to a program of other guided learning experiences, authorized under Policy 2370, to be in regular attendance for the program provided that s/he reports
- ( ) daily
  - ( ) weekly
- to such staff member s/he is assigned for guidance at the place in which s/he is conducting study, and regularly demonstrates progress toward the objectives of the course of study.
- [ ] The Board authorizes, but does not encourage the Superintendent, to suspend a student from a particular class or from school if sincere efforts by the staff and parents cannot rectify the pattern of absence. In keeping with its philosophy, the Board supports efforts to provide for out-of-school alternative educational opportunities for truant students rather than to heighten the effects of absence through suspension.

The Superintendent shall develop procedures for the attendance of students which:

- ( ) ensure a school session which is in conformity with the requirements of the law;
- ( ) ensure that students absent for any excusable reason have an opportunity to make up work they missed;
- ( ) ensure the student is not given a failing grade or his/her credit is not unconditionally revoked where lack of attendance is the sole or primary determining factor, but which allow reduction in grade or denial of credit, if the student does not make appropriate use of make-up sessions provided by the instructor or administrator;
- ( ) govern the keeping of attendance records in accordance with the rules of the State Board and the Michigan Department of Education Pupil Accounting Manual, including a written electronic attendance procedure, if applicable;
- ( ) identify the habitual truant, investigate the cause(s) of his/her behavior, and consider modification of his/her educational program to meet particular needs and interests;
- ( ) ensure that any student who, due to a specifically identifiable physical or mental impairment, exceeds or may exceed the District's limit on excused absence is referred for evaluation for eligibility either under the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act of 1973.

Such guidelines should provide that a student's grade in any course is based on his/her performance in the instructional setting and is not reduced for reasons of conduct. If a student violates the attendance or other rules of the school, s/he should be disciplined appropriately for the misconduct, but his/her grades should be based upon what the student can demonstrate s/he has learned.

M.C.L. 380.1561, 380.1561(3a-3c), 380.1586(3)

**REVISED POLICY - VOL. 33, NO. 2 – FEBRUARY 2019**

**NEW SCHOOL CONSTRUCTION, RENOVATION**

**Before commencing construction of any new school building or the major renovation of an existing school building, the Board shall consult on the plans for construction or major renovation regarding school safety issues with the law enforcement agency that is the first responder for the school building at issue. For purposes of this paragraph, school building means any building intended to be used to provide instruction to students and any recreational or athletic structure or field intended to be used by students.**

Before beginning construction of a new school building, or an addition, repair or renovation of an existing school building, except emergency repairs, the Board of Education, shall obtain competitive bids on all the material and labor required for the complete construction of a proposed new building or addition to or repair or renovation of an existing school building which exceeds the State statutory limit (\$20,959 for 2009).

This policy does not apply to buildings, renovations, or repairs costing less than the statutory limit or to repair work normally performed by District employees.

The Board shall advertise for the bids required under subsection:

- A. By placing an advertisement for bids at least once in a newspaper of general circulation in the area where the building or addition is to be constructed or where the repair or renovation of an existing building is to take place and by posting an advertisement for bids for at least two (2) weeks on the Department of Management and Budget website on a page on the website maintained for this purpose or on a website maintained by a school organization and designated by the Department of Management and Budget for this purpose.
- B. By submitting the request for bids for placement on the Michigan Department of Management and Budget's website for school organizations, including a link to the District's website.

- C. The advertisement for bids shall do all of the following:
1. specify the date and time by which all bids must be received by the Board at a designated location;
  2. state that the Board will not consider or accept a bid received after the date and time specified for bid submission;
  3. identify the time, date, and place of a public meeting at which the Board or its designee will open and read aloud each bid received by the Board by the date and time specified in advertisement;
  4. state that the bid shall be accompanied by a sworn and notarized statement disclosing any familial relationship that exists between the owner or any employee of the bidder and any member of the Board or the Superintendent of the District. A Board shall not accept a bid that does not include this sworn and notarized disclosure statement.
- D. The Board shall require each bidder for a contract under this policy, to file with the Board security in an amount not less than 1/20 of the amount of the bid conditioned to secure the District from loss or damage by reason of the withdrawal of the bid or by the failure of the bidder to enter a contract for performance, if the bid is accepted by the Board.
- E. The Board shall not open, consider, or accept a bid that the Board receives after the date and time specified for bid submission in the advertisement for bids as described in subsection C of this policy.

F. At a public meeting identified in the advertisement for bids described in subsection C of this policy, the Board or its designee shall open and read aloud each bid that the Board received at or before the time and date for bid submission specified in the advertisement for bids. The Board may reject any or all bids, and if all bids are rejected, shall readvertise in the manner required by this policy.

- [ ] The Board may consider and provide a preference to bidders:
- ( ) which use a Michigan-based business as the primary contractor.
  - ( ) which use one (1) or more Michigan-based business(es) as subcontractors.

For purposes of this preference a Michigan-based business means a business that would qualify for a Michigan preference for procurement contracts under M.C.L. 18.1268, which requires that the businesses certify that since inception or during the last twelve (12) months it has done one of the following:

1. have filed a Michigan business tax return showing an allocation of income tax base to Michigan
2. have filed a Michigan income tax return showing income generated in or attributed to Michigan
3. withheld Michigan income tax from compensation paid to the bidder's owners and remitted the tax to the Michigan Department of Treasury

This preference shall not apply to any procurement or project using Federal funds, nor shall it be used if it would violate any Federal law or requirements.

- G. The competitive bid threshold amount specified in this policy (\$20,959 for 2009) is adjusted each year by multiplying the amount for the immediately preceding year by the percentage by which the average consumer price index for all items for the twelve (12) months ending August 31<sup>st</sup> of the year in which the adjustment is made differs from that index's average for the twelve (12) months ending on August 31<sup>st</sup> of the immediately preceding year and adding that product to the maximum amount that applied in the immediately preceding year, rounding to the nearest whole dollar. The current exempt amount must be confirmed with the Michigan Department of Education prior to issuing contracts for construction, renovation, or repair which exceed the amount listed in this policy.

M.C.L. 380.1267

| **M.C.L. 380.1264**

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**REVISED POLICY - VOL. 33, NO. 2 - FEBRUARY 2019**

**PROCUREMENT – FEDERAL GRANTS/FUNDS**

Procurement of all supplies, materials, equipment, and services paid for from Federal funds or District matching funds shall be made in accordance with all applicable Federal, State, and local statutes and/or regulations, the terms and conditions of the Federal grant, Board of Education policies, and administrative procedures.

The Superintendent shall maintain a procurement and contract administration system in accordance with the USDOE requirements (2 C.F.R. 200.317-.326), **including affirmative steps for small and minority businesses and women's business enterprises**, for the administration and management of Federal grants and Federally-funded programs. The District shall maintain a contract administration system that requires contractors to perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders. Except as otherwise noted, procurement transactions shall conform to the provisions of the District's documented general purchasing Policy 6320 and AG 6320A.

All District employees, officers, and agents who have purchasing authority shall abide by the standards of conduct covering conflicts of interest and governing the actions of its employees, officers, and agents engaged in the selection, award, and administration of contracts as established in Policy 1130, Policy 3110 and Policy 4110 – Conflict of Interest.

The District will avoid acquisition of unnecessary or duplicative items. Additionally, consideration shall be given to consolidating or breaking out procurements to obtain a more economical purchase. And, where appropriate, an analysis shall be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach. These considerations are given as part of the process to determine the allowability of each purchase made with Federal funds.

To foster greater economy and efficiency, the District may enter into State and local intergovernmental agreements where appropriate for procurement or use of common or shared goods and services.

### **Competition**

All procurement transactions paid for from Federal funds or District matching funds shall be conducted in a manner that encourages full and open competition and that is in accordance with good administrative practice and sound business judgement. In order to promote objective contractor performance and eliminate unfair competitive advantage, the District shall exclude any contractor that has developed or drafted specifications, requirements, statements of work, or invitations for bids or requests for proposals from competition for such procurements.

Some of the situations considered to be restrictive of competition include, but are not limited to, the following:

- A. unreasonable requirements on firms in order for them to qualify to do business;
- B. unnecessary experience and excessive bonding requirements;
- C. noncompetitive contracts to consultants that are on retainer contracts;
- D. organizational conflicts of interest;
- E. specification of only a “brand name” product instead of allowing for an “or equal” product to be offered and describing the performance or other relevant requirements of the procurement; and
- F. any arbitrary action in the procurement process.

Further, the District does not use statutorily or administratively imposed State, local, or tribal geographical preferences in the evaluation of bids or proposals, unless 1) an applicable Federal statute expressly mandates or encourages a geographic preference; or 2) the District is contracting for architectural and engineering services, in which case geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

To the extent that the District uses a pre-qualified list of persons, firms or products to acquire goods and services that are subject to this policy, the pre-qualified list includes enough qualified sources as to ensure maximum open and free competition. The District allows vendors to apply for consideration to be placed on the list \_\_\_\_\_ **[insert frequency. see Drafting Note].**

**[Drafting Note: The District shall allow vendors not on the pre-qualified list to apply for placement on the list periodically. The District may determine how frequently the pre-qualified list becomes open for new vendors or whether it is open continuously.]**

#### **Solicitation Language**

The District shall require that all solicitations made pursuant to this policy incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description shall not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured and, when necessary, shall set forth those minimum essential characteristics and standards to which it shall conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible.

When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a “brand name or equivalent” description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which shall be met by offers shall be clearly stated; and identify all requirements which the offerors shall fulfill and all other factors to be used in evaluating bids or proposals.

The Board will not approve any expenditure for an unauthorized purchase or contract.

**Procurement Methods**

The District shall utilize the following methods of procurement:

( ) Micro-purchases

Procurement by micropurchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed \$ \_\_\_\_\_ **[not to exceed \$10,000]**. To the extent practicable, the District shall distribute micro-purchases equitably among qualified suppliers. Micro-purchases may be made without soliciting competitive quotations if Superintendent considers the price to be reasonable. The District maintains evidence of this reasonableness in the records of all purchases made by this method.

( ) Small Purchases

Small purchase procedures provide for relatively simple and informal procurement methods for securing services, supplies, and other property that does not exceed the competitive bid threshold of \$ \_\_\_\_\_. Small purchase procedures require that price or rate quotations shall be obtained from ( ) \_\_\_\_\_ ( ) an adequate number of qualified sources. **[Drafting Note: The District may define in policy how many quotations are adequate. The number must be greater than one (1).]**

( ) Sealed Bids

Sealed, competitive bids shall be obtained when the purchase of, and contract for, single items of supplies, materials, or equipment which amounts to more than the amount allowed by Michigan statute and when the Board determines to build, repair, enlarge, improve, or demolish a school building/facility the cost of which will exceed the amount allowed by Michigan statute. **[DRAFTING NOTE: The fiscal year 2017-2018 base pertaining to construction, renovation, repair, or remodeling and the base pertaining to procurement of supplies, materials, and equipment is \$23,881.]**

In order for sealed bidding to be feasible, the following conditions shall be present:

1. a complete, adequate, and realistic specification or purchase description is available;
2. two (2) or more responsible bidders are willing and able to compete effectively for the business; and
3. the procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.

When sealed bids are used, the following requirements apply:

1. Bids shall be solicited in accordance with the provisions of State law and Policy 6320. Bids shall be solicited from ( ) \_\_\_\_\_ ( ) an adequate number of qualified suppliers, providing sufficient response time prior to the date set for the opening of bids. The invitation to bid shall be publicly advertised.
2. The invitation for bids will include product/contract specifications and pertinent attachments and shall define the items and/or services required in order for the bidder to properly respond.
3. All bids will be opened at the time and place prescribed in the invitation for bids; bids will be opened publicly.
4. A firm fixed price contract award will be made in writing to the lowest responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs shall be considered in determining which bid is lowest. Payment discounts may only be used to determine the low bid when prior experience indicates that such discounts are usually taken.

5. The Board reserves the right to reject any or all bids for sound documented reason.

( ) Competitive Proposals

Procurement by competitive proposal, normally conducted with more than one source submitting an offer, is generally used when conditions are not appropriate for the use of sealed bids or in the case of a recognized exception to the sealed bid method. **[Drafting Note: Like sealed bids, Federal law does not require a competitive proposal unless the procurement is for over \$250,000. The State/District may set a lower threshold for sealed bids and competitive proposals. Michigan law stipulates a threshold for which sealed bids are required. (See Policy 6320.)]**

If this method is used, the following requirements apply:

1. Requests for proposals shall be publicized and identify all evaluation factors and their relative importance. Any response to the publicized requests for proposals shall be considered to the maximum extent practical.
2. Proposals shall be solicited from an ( ) \_\_\_\_\_ ( ) adequate number of sources.
3. The District shall use its written method for conducting technical evaluations of the proposals received and for selecting recipients.
4. Contracts shall be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered.

The District may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E that firms are a potential source to perform the proposed effort.

**( ) Noncompetitive Proposals**

Procurement by noncompetitive proposals allows for solicitation of a proposal from only one source and may be used only when one or more of the following circumstances apply:

1. the item is available only from a single source
2. the public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation
3. the Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the District
4. after solicitation of a number of sources, competition is determined to be inadequate

**Contract/Price Analysis**

The District shall perform a cost or price analysis in connection with every procurement action in excess of \$250,000, including contract modifications. A cost analysis generally means evaluating the separate cost elements that make up the total price, while a price analysis means evaluating the total price, without looking at the individual cost elements.

The method and degree of analysis is dependent on the facts surrounding the particular procurement situation; however, the District shall come to an independent estimate prior to receiving bids or proposals.

When performing a cost analysis, the District shall negotiate profit as a separate element of the price. To establish a fair and reasonable profit, consideration is given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.

### **Time and Materials Contracts**

The District uses a time and materials type contract only 1) after a determination that no other contract is suitable; and 2) if the contract includes a ceiling price that the contractor exceeds at its own risk. Time and materials type contract means a contract whose cost to the District is the sum of the actual costs of materials, and direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.

Since this formula generates an open-ended contract price, a time-and-materials contract provides no positive profit incentive to the contractor for cost control or labor efficiency. Therefore, the District sets a ceiling price for each contract that the contractor exceeds at its own risk. Further, the District shall assert a high degree of oversight in order to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.

### **Suspension and Debarment**

The District will award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of the proposed procurement. All purchasing decisions shall be made in the best interests of the District and shall seek to obtain the maximum value for each dollar expended. When making a purchasing decision, the District shall consider such factors as 1) contractor integrity; 2) compliance with public policy; 3) record of past performance; and 4) financial and technical resources.

The Superintendent shall have the authority to suspend or debar a person/corporation, for cause, from consideration or award of further contracts. The District is subject to and shall abide by the nonprocurement debarment and suspension regulations implementing Executive Orders 12549 and 12689, 2 C.F.R. Part 180.



Suspension is an action taken by the District that immediately prohibits a person from participating in covered transactions and transactions covered under the Federal Acquisition Regulation (48 C.F.R. Chapter 1) for a temporary period, pending completion of an agency investigation and any judicial or administrative proceedings that may ensue. A person so excluded is suspended. (2 C.F.R. Part 180 Subpart G)

Debarment is an action taken by the Superintendent to exclude a person from participating in covered transactions and transactions covered under the Federal Acquisition Regulation (48 C.F.R. Chapter 1). A person so excluded is debarred. (2 C.F.R. Part 180 Subpart H)

The District shall not subcontract with or award subgrants to any person or company who is debarred or suspended. For contracts over \$25,000, the District shall confirm that the vendor is not debarred or suspended by either checking the Federal government's System for Award Management, which maintains a list of such debarred or suspended vendors at [www.sam.gov](http://www.sam.gov); collecting a certification from the vendor; or adding a clause or condition to the covered transaction with that vendor. (2 C.F.R. Part 180 Subpart C)

### **Bid Protest**

The District maintains the following protest procedures to handle and resolve disputes relating to procurements and, in all instances, discloses information regarding the protest to the awarding agency.

A bidder who wishes to file a bid protest shall file such notice and follow procedures prescribed by the Request For Proposals (RFPs) or the individual bid specifications package, for resolution. Bid protests shall be filed in writing with the Superintendent within seventy-two (72) hours of the opening of the bids in protest.

Within five (5) days of receipt of a protest, the Superintendent shall review the protest as submitted and render a decision regarding the merits of the protest and any impact on the acceptance and rejection of bids submitted. Notice of the filing of a bid protest shall be communicated to the Board and shall be so noted in any subsequent recommendation for the acceptance of bids and awarding of contracts.

Failure to file a notice of intent to protest, or failure to file a formal written protest within the time prescribed, shall constitute a waiver of proceedings.

**Maintenance of Procurement Records**

The District maintains records sufficient to detail the history of all procurements. These records will include, but are not necessarily limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price (including a cost or price analysis).

Applicable laws and regulations:  
2 C.F.R. 200.317 - .326

**REVISED POLICY - VOL. 33, NO. 2 – FEBRUARY 2019**

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” refers to a campaign to collect typically small amounts of money from a large number of individuals to finance a project or fundraise for a specific cause. 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” 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.**

**[DRAFTING NOTE: SELECT OPTION #1 or OPTION #2]**

**[ ] [OPTION #1]**

The Board of Education does not permit or sanction the use of crowdfunding for District or specific school programs or activities, including co-curricular or extracurricular activities.

**[END OF OPTION #1; END OF POLICY]**

**OR**

**[ ] [OPTION #2]**

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

( ) of the Superintendent.

**OR**

( ) of the Board upon the recommendation of the Superintendent.

**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 payment to District personnel is prohibited. All fiscal transactions shall comply with appropriate District policies.**

All crowdfunding activities are subject to AG 6605.

**[END OF OPTION #2; END OF POLICY]**

**REVISED POLICY - VOL. 33, NO. 2 - FEBRUARY 2019**

**SCHOOL SAFETY INFORMATION**

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

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

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

**[NOTE: END OF OPTION]**

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

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

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

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

- ( ) Chief Judge of Circuit and/or District Courts or his/her designee, including a representative of the family division;
- ( ) representative from the Intermediate School District (ISD);
- ( ) representative(s) from the local child protection agency;
- ( ) building administrators;
- ( ) teachers;
- ( ) parents;
- ( ) students **( ) in grades \_\_\_ through \_\_\_**;
- ( ) Fire Marshal or his/her designee;
- ( ) representative(s) from emergency medical services;

- ( ) representative(s) from county emergency management service agency;
- ( ) School Resource Officer;
- ( ) representatives from other school districts within \_\_\_\_\_ **[county/ISD]**;
- ( ) \_\_\_\_\_ **[other]**.

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

**District Contact Person**

Furthermore, in accordance with State law, the Board hereby designates the \_\_\_\_\_ as the District contact person who shall receive information from law enforcement officials, prosecutors and the court officials, ~~including receipt of information provided from the Michigan State Police relating to the student safety act hotline ("OK2Say").~~ **The current contact information for \_\_\_\_\_ shall be provided to the Michigan State Police in the manner and frequency required by law. [DRAFTING NOTE: THIS INFORMATION MUST BE PROVIDED TWICE A YEAR. IF A DISTRICT DESIGNATES MORE THAN ONE PERSON AS CONTACT FOR THE MSP, IT MUST SPECIFY WHEN EACH PERSON IS AVAILABLE BY DAY AND TIME WHEN IT REPORTS TO THE MSP.]**~~The District contact person shall notify the principal of the school of attendance of a student about whom information is received from law enforcement officials, prosecutors, or court officials within twenty-four (24) hours of the receipt of that information. The principal shall, in turn, notify the building staff members who s/he determines have a need to know the information that has been received within twenty four (24) hours of receipt of that information.~~

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

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

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

#### **Required Reporting**

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



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

- A. physical violence;
- B. gang related acts;
- C. illegal possession of a controlled substance, controlled substance analogue or other intoxicant;
- D. trespassing;
- E. property crimes, including but not limited to theft and vandalism, including an estimate of the cost to the District resulting from the property crime.

Each school building shall collect and keep current on a weekly basis the information required from the report of incidents of crime, and must provide that information, within seven (7) days, upon request.

**Additionally, the District shall report all incidents of and attempted commissions of the crimes listed above to the Michigan State Police, in the form and manner prescribed by the Michigan State Police, within twenty-four (24) hours after the incident occurs.**

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**Law Enforcement Information Network (LEIN)**

The Board authorizes the ( ) **Superintendent ( ) principal ( ) assistant principal(s)** to request vehicle registration information for suspicious vehicles within 1,000 feet of school property through the Law Enforcement Information Network (LEIN).

**[ ] Threat Assessment**

The primary purpose of a threat assessment is to minimize the risk of targeted violence at school. This policy is designed to be consistent with the process for identifying, assessing, and managing students who may pose a threat as set forth in the joint U.S. Secret Service and **Department of Homeland Security publication, Enhancing School Safety Using a Threat Assessment Model: An Operational Guide for Preventing Targeted School Violence**~~U.S. Department of Education publication, *Threat Assessment in Schools: A Guide to Managing Threatening Situations and to Creating Safe School Climates*~~. The goal of the threat assessment process is to take appropriate preventive or corrective measures to maintain a safe school environment, protect and support potential victims, and provide assistance, as appropriate, to the student being assessed.

The threat assessment process is centered upon an analysis of the facts and evidence of behavior in a given situation. The appraisal of risk in a threat assessment focuses on actions, communications, and specific circumstances that might suggest that an individual intends to cause physical harm and is engaged in planning or preparing for that event.

The Board of Education authorizes the Superintendent to create building-level, trained threat assessment teams. Each Team shall be headed by the Principal and include a school counselor, school psychologist, instructional personnel, and, where appropriate, the School Resource Officer. At the discretion of the Superintendent, a threat assessment team may serve more than one (1) school when logistics and staff assignments make it feasible.

The Team will meet **( ) on a regular basis and ( )** **[insert level of frequency]** **and [END OF OPTIONS]** when the Principal learns a student has made a threat of violence or engages in concerning communications or behaviors that suggest the likelihood of a threatening situation.

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The Team is empowered to gather information, evaluate facts, and make a determination as to whether a given student poses a threat of violence to a target. If an inquiry indicates that there is a risk of violence in a specific situation, the Team may collaborate with others to develop and implement a written plan to manage or reduce the threat posed by the student in that situation.

The Board authorizes the Superintendent to create guidelines for the purpose of:

- A. identifying team participants by position and role;
- B. requiring team participants to undergo appropriate training;
- C. defining the nature and extent of behavior or communication that would trigger a threat assessment and/or action pursuant to a threat assessment;
- D. defining that types of information that may be gathered during the assessment;
- E. stating when and how parents/guardians of the student making the threat shall be notified and involved;
- F. designating the individuals (by position) who would be responsible for gathering and investigating information;
- G. identifying the steps and procedures to be followed from initiation to conclusion of the threat assessment inquiry or investigation.

Board employees, volunteers, and other school community members, including students and parents, shall immediately report to the Superintendent or Principal any expression of intent to harm another person or other statements or behaviors that suggest a student may intend to commit an act of violence.

Nothing in this policy overrides or replaces an individual's responsibility to contact 911 in an emergency.

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

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

**[END OF OPTION]**

**Persistently Dangerous Schools**

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

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

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

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

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

In addition, the Superintendent shall

- ( ) discuss the school's designation as a persistently dangerous school at the annual meeting for the purpose of reviewing the School Safety Plan so that a plan of corrective action can be developed and implemented in an effort to reduce the number of these incidents in the subsequent year.
  - ( ) convene a meeting of the building administrator, representative(s) of the local law enforcement ( ) **agency** ( ) **agencies**, and any other individuals deemed appropriate for the purpose of developing a plan of corrective action that can be implemented in an effort to reduce the number of these incidents in the subsequent year.
- [ ] If a school in a neighboring district is identified as persistently dangerous and there is not another school in that district, the District will admit students from that school in accordance with Board Policy 5113.02.

**Victims of Violent Crime**

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

Title IX, Section 9532 of the ~~No Child Left Behind Act of 2001~~ **Elementary and Secondary Education Act, as amended**  
M.C.L. **380.1241**, 380.1308, **380.1308a**, ~~and~~ 380.1310a, **752.913**, 771.2a

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**NEW POLICY - VOL. 33, NO. 2 - FEBRUARY 2019**

**EMERGENCY OPERATIONS PLAN**

By no later than January 1, 2020, for each school building the District shall 1) develop an emergency operations plan or 2) adapt its statewide school information policy (referred to as the "Plan" throughout the remainder of this Policy) to comply with the requirements of this Policy. This action shall be taken with input from the public. School building means any building intended to be used to provide instruction to students and any recreational or athletic structure or field intended to be used by students.

Beginning in the 2019-2020 school year, and at least biennially thereafter, the District shall conduct a review of its Plan, including a review of the vulnerability assessment, with at least one law enforcement agency that has jurisdiction over the District.

The Plan must include guidelines and procedures that address all of the following:

- A. school violence and attacks
- B. threats of school violence and attacks
- C. bomb threats
- D. fire
- E. weather-related emergencies
- F. intruders
- G. parent and pupil reunification
- H. threats to a school-sponsored activity or event whether or not it is held on school premises
- I. a plan to train teachers on mental health and pupil and teacher safety

- J. a plan to improve school building security
- K. an active violence protocol
- L. continuity of operations after an incident
- M. a vulnerability assessment

The District shall notify the Michigan Department of Education not later than thirty (30) days after it adopts its Plan and after each biennial review in the form and manner prescribed by the Department.

M.C.L.380.1308b



**REVISED POLICY - VOL. 33, NO. 2 - FEBRUARY 2019**

**FOOD SERVICES**

The Board of Education shall provide cafeteria facilities in all school facilities where space and facilities permit, and will provide food service for the purchase and consumption of lunch for all students.

- [ ] The Board shall also provide a breakfast program in accordance with procedures established by the Department of Education.
- [ ] The Board shall provide a public hearing annually for all parents prior to determining whether or not it will provide a breakfast program for all students. If it chooses not to provide such a program, the Board shall make available the reasons for its decision.

The Board does not discriminate on the basis of race, color, national origin, sex (including sexual orientation or transgender identity), disability, age (except as authorized by law), religion, military status, ancestry, or genetic information (collectively, "Protected Classes") in its educational programs or activities. 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 Board may address the conduct. See Policy 2260 – Nondiscrimination and Access to Equal Educational Opportunity.

The food-service program shall comply with Federal and State regulations pertaining to the selection, preparation, delivery, consumption, and disposal of food and beverages, including but not limited to the current USDA's school meal pattern requirements for Americans and the USDA Smart Snacks in School nutrition standards, as well as to the fiscal management of the program. In addition, as required by law, a food safety program based on the principles of the Hazard Analysis and Critical Control Point (HACCP) system shall be implemented with the intent of preventing food-borne illnesses. For added safety and security, access to the facility and the food stored and prepared therein shall be limited to food service staff and other authorized persons.

**Substitutions**

**If determined appropriate by a student's Section 504 team,** substitutions to the standard meal requirements shall be made, at no additional charge, for students for whom a healthcare provider who has prescriptive authority in the State of Michigan has provided medical certification that the student has a disability which restricts his/her diet, in accordance with the criteria set forth in 7 C.F.R. 15(b). To qualify for such substitutions the medical certification must identify:

- A. the student's disability and the major life activity affected by the disability;
- B. an explanation of why the disability affects the student's diet; and
- C. the food(s) to be omitted from the student's diet, and the food or choice of foods that must be substituted (e.g., caloric modifications or use of liquid nutritive formula).

**[ ]** ~~On a case-by-case basis~~ **If determined appropriate by a team of qualified individuals including, but not limited to, the Principal, school nurse, parent, Director of Food Services, ( ) \_\_\_\_\_,** substitutions to the standard meal requirements may be made, at no additional charge, for ~~students who are not "disabled persons", but have a student who is~~ **not a "disabled person" but has** a signed statement from a qualified medical authority that the student cannot consume certain food items due to medical or other special dietary needs. To qualify for such consideration and substitutions the medical statement must identify:

- A. the medical or dietary need that restricts the student's diet; and
- B. the food(s) to be omitted from the student's diet and the food(s) or choice of foods that may be substituted.

For non-disabled students who need a nutritional equivalent milk substitute, only a signed request by a parent or guardian is required.

Lunches sold by the school may be purchased by students and staff members and community residents in accordance with the administrative guidelines established by the Superintendent.

The operation and supervision of the food-service program shall be the responsibility of the \_\_\_\_\_ and the \_\_\_\_\_. Food services shall be operated on a self-supporting basis with revenue from students, staff, Federal reimbursement, and surplus food. The Board shall assist the program by furnishing available space, initial major equipment, and utensils. Maintenance and replacement of equipment is the responsibility of the program.

A periodic review of the food-service accounts shall be made by the \_\_\_\_\_. Any surplus funds from the National School Lunch Program shall be used to reduce the cost of the service to students or to purchase cafeteria equipment. Surplus funds from a-la-carte foods purchased using funds from the nonprofit food service account must accrue to the nonprofit food service account.

Bad debt incurred through the inability to collect lunch payment from students is not an allowable cost chargeable to any Federal program. Any related collection cost, including legal cost, arising from such bad debt after they have been determined to be uncollectable are also unallowable.

- [ ] Bad debt is uncollectable/delinquent debt that has been determined to be uncollectable by the end of the school year in which the debt was incurred. If the uncollectable/delinquent debt cannot be recovered by the School Meals Program in the year when the debt was incurred, then this is classified as bad debt. Once classified as bad debt, non-Federal funding sources must reimburse the NSFSA for the total amount of the bad debt. The funds may come from the District general fund, State or local funding, school or community organizations such as the PTA, or any other non-Federal source. Once the uncollectable/delinquent debt charges are converted to bad debt, records relating to those charges must be maintained in accordance with the record retention requirements in 7 C.F.R. 210.9(b) (17) and 7 C.F.R. 210.15(b).

The Superintendent is authorized to develop and implement an administrative guideline regarding meal charge procedures. This guideline will provide consistent directions for students who are eligible for reduced price or paid meals but do not have funds in their account or in hand to cover the cost of their meal at the time of service.

This guideline shall be provided in writing to all households at the start of each school year and to households transferring to the school or School District during the school year.

With regard to the operation of the school food service program, the Superintendent shall require:

- A. the maintenance of sanitary, neat premises free from fire and health hazards;
- B. the preparation of food that complies with Federal food safety regulations;
- C. the planning and execution of menus in compliance with USDA requirements;
- D. the purchase of foods and supplies in accordance with State and Federal law, USDA regulations, and Board policy (See Policy 1130, Policy 3110, and Policy 4110);
- E. complying with food holds and recalls in accordance with USDA regulations;
- F. the accounting and disposition of food-service funds pursuant to Federal and State law and USDA regulations;

- G. the safekeeping and storage of food and food equipment pursuant to State and Federal law and USDA regulations;
- H. the regular maintenance and replacement of equipment;
- I. all District employees whose salaries are paid for with USDA funds or non-federal funds used to meet a match or cost share requirement must comply with the District's time and effort record-keeping policy (See Policy 6116).

The District shall serve only nutritious food as determined by the Food Service Department in compliance with the current USDA Nutrition Standards for the National School Lunch and School Breakfast Programs and the USDA Smart Snacks in School nutrition guidelines. Foods and beverages unassociated with the food-service program must comply with the current USDA Nutrition Standards for the National School Lunch and School Breakfast Programs and the USDA Smart Snacks in School nutrition guidelines, and may be vended in accordance with Board Policy 8540.

The Superintendent will require that the food service program serve foods in District schools that are wholesome and nutritious and reinforce the concepts taught in the classroom.

Healthy, Hunger-Free Kids Act of 2010 and Richard B. Russell National School Lunch Act, 42 U.S.C. 1751 et seq.  
Child Nutrition Act of 1966, 42 U.S.C. 1771 et seq.  
M.C.L. 380.1272, 1272a, 1272d et seq.  
7 C.F.R. Parts 15b, 127, 210, 215, 220, 225, 226, 240, 245, 3015  
42 U.S.C. 1758, 1760  
OMB Circular No. A-87 USDA Smart Snacks in School Food Guidelines (effective July 1, 2014)  
SP 32-2015 Statements Supporting Accommodations for Children with Disabilities in the Child Nutrition Programs

**REVISED POLICY - VOL. 33, NO. 2 - FEBRUARY 2019**

**TRANSPORTATION FOR FIELD AND OTHER**  
**DISTRICT-SPONSORED TRIPS**

It shall be the policy of the Board of Education to use regular or special-purpose school vehicles for transportation on field and other District-sponsored trips.

The transportation for all field and other District-sponsored trips is to be by vehicles owned or approved by the District and driven by approved drivers. Exceptions must have the approval of the Superintendent.

- [ ] The District shall assume transportation costs for
- ( ) all field trips.
  - ( ) a certain number of approved field trips as specified in the Superintendent's administrative guidelines.

~~It will also assume the transportation costs for~~ For all other trips including co-curricular, athletic, and other extra-curricular trips, **the District:-**

**( ) will assume the transportation costs.**

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**( ) will assume the vehicle cost but the cost of the driver shall be paid**

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**( ) by the sponsoring organization.**

**( ) from the designated fund.**

**( ) will provide the vehicles for all other trips but a mileage charge will be assessed to cover the cost of the driver and fuel.**

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**This charge is to be paid**

**( ) by the sponsoring organization.**

**( ) from the designated fund.**

~~It will assume the vehicle cost for all other trips including co-curricular, athletic, and other extra-curricular trips, but the cost of the driver shall be paid~~

~~(-) by the sponsoring organization.~~

~~(-) from the designated fund.~~

~~It will provide for the vehicles for all other trips including co-curricular, athletic, and other extra-curricular trips, but a mileage charge will be assessed to cover the cost of the driver and fuel. This charge is to be paid~~

~~(-) by the sponsoring organization.~~

~~(-) from a designated fund.~~

- [ ] Transportation may be limited by the availability of vehicles, drivers, and scheduling and will not be available when needed for general school purposes.
- [ ] All field trips shall be supervised by members of the staff. All other District-sponsored trips shall be supervised by either staff members or adults from the sponsoring organization. Any time students are on the vehicle, at least one (1) sponsor, chaperone, or staff member is expected to ride in the vehicle as well as to supervise students upon return to the District and while they are waiting for rides home.
- [ ] All students are expected to ride the approved vehicle to and from each activity. A special request must be made to the staff member or sponsor by the parent, in writing or in person, to allow an exception.
- [ ] District students not affiliated with the trip activity, nondistrict students, and/or children of preschool age shall not be permitted to ride on the trip vehicle.
  - ( ) without the approval of the principal.

[ ] No student is allowed to drive on any trip. An exception may be made by the principal on an individual basis provided the student has written parental permission.

( ) and does not transport any other student.

The Superintendent shall prepare administrative guidelines to ensure that all transportation is in compliance with Board policy on use of District vehicles and/or use of private vehicles.