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Equal educational opportunities shall be available for all students without regard to race, color, national origin, ancestry, age, gender, height, weight, ethnicity, language barrier, religious beliefs, disability, economic and social conditions, or marital and parental/guardian status.¹

No student will be excluded from participating in, denied the benefits of, or subjected to discrimination under any educational program or activity conducted by the District. The District shall treat its students without discrimination as this pertains to course offerings, athletics, counseling, employment assistance, and extracurricular activities.

Section 504

The District shall identify, evaluate and provide a free appropriate public education to students who are disabled² within the meaning of Section 504 of the Rehabilitation Act of 1973; and the Americans with Disabilities Act of 1990; and the District will designate a Section 504 compliance officer to coordinate the District's efforts to comply with Section 504 and to investigate and attempt to resolve grievances regarding alleged violations of Section 504 and this policy.³ A copy of Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990 and Section 504 implementing regulations may be obtained from the Section 504 compliance officer.

¹ Equal education opportunities are guaranteed by many civil rights laws (*See Legal References*).

² "Disabled," as used in this policy, excludes persons:

- currently using illegal drugs;
- having a contagious disease or infection and who, by reason of such disease or infection, would constitute a direct threat to the health or safety of other individuals or who, by reason of the currently contagious disease or infection, are unable to perform the duties of the job;
- whose current alcohol or drug use prevents them from performing the job's duties or constitutes a direct threat to the property or safety of others.

Persons who have successfully completed or are participating in a drug rehabilitation program are considered "disabled"

³ Required by regulations implementing Title IX (34 C.F.R. Part 106).

Administrative Implementation

The Superintendent and building principals shall use reasonable measures to inform staff members and students of this policy.⁴

Approved: July 11, 2001

Revised: November 6, 2002

LEGAL REF: Civil Rights Act of 1964, as amended, 1972, Title VI, Title VII; Executive Order 11246, 1965, as amended by Executive Order 11375; Equal Employment Opportunity Act of 1972; Title IX 45 CFR, Parts 81, 86 (Federal Register, June 4, 1975, August 11, 1975.); Act No. 453 of the Public Acts of 1976 (Michigan Civil Rights Act); MCL 380.1146

⁴ Required by regulations implementing Title IX (34 C.F.R. Part 106).

If any person believes that the Flint Community Schools or any part of the District has inadequately applied the principles and/or regulations of (1) Title VI of the Civil Rights Act of 1964, (2) Title IX of the Education Amendment Act of 1972, (3) Section 504 of the Rehabilitation Act of 1973; (4) and the Americans with Disabilities Act of 1990, or is in some way discriminatory on the basis of gender, height, weight, race, color, religion, national origin or ancestry, age, marital status, or disability, the person may bring forward a complaint by the following procedures.

A complaint is defined as an alleged action prohibited under one of the four acts identified above, and a complainant is a community member, parent/guardian, student, or employee who believes an alleged illegal action has taken place.

Informal Procedure

The person or complainant who believes there is a valid basis for complaint shall set up a meeting with the District designated Title IX, VI, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990 Civil Rights Coordinator to discuss the concern. The District designated Civil Rights Coordinator in turn shall investigate the complaint, and, within ten (10) business days, reply to the complainant in writing to set up a second meeting to discuss the findings and seek an acceptable solution to the complaint.

If no acceptable solution to the complaint is agreed upon at the informal level, the complainant may initiate formal procedures as listed below.

Any complaint submitted under the *Formal Grievance Procedure* shall be submitted at Step I within twenty (20) business days of the second meeting with the Civil Rights Coordinator. If the complaint is not submitted within that time, the complaint will not be considered.

Formal Procedure

STEP 1: The complainant must submit to the Civil Rights Coordinator designated to receive and investigate complaints alleging noncompliance with the specific act, a signed, written, "Statement of Complaint". The "Statement of Complaint" shall name the complainant; shall state the facts giving rise to the complaint; shall identify all the provisions of the rules and regulations alleged to be violated; shall state the contention of the complainant with respect to those provisions; shall indicate the relief requested; and shall be signed by the complainant involved.

The Civil Rights Coordinator shall further investigate the matter(s) of the grievance and reply as to the District's position in this matter in writing by certified mail to the complainant within five business days after receipt of the written complaint.

STEP 2: If the complainant wishes to appeal the decision of the Civil Rights Coordinator, he/she may submit a signed statement of appeal to the Superintendent within five business days after receipt of the Coordinator's response to the grievance. Failure by the complainant to appeal the complaint within the time limit provided shall bar the complaint. The Superintendent shall meet with all parties involved within a reasonable time, not to exceed fourteen business days, in an attempt to resolve the matter(s). After the meeting, the Superintendent shall formulate a conclusion, and respond in writing to the grievance within ten (10) business days by certified mail.

STEP 3: If the complainant remains unsatisfied, he/she may appeal through a signed, written statement of appeal to the Board within five business days of her/his receipt of the Superintendent's response in Step 2. Failure by the complainant to appeal the complaint within the time limit provided shall bar the complaint. In an attempt to

resolve the grievance, the Board shall meet with the concerned parties and their representatives within fifteen business days of the receipt of such an appeal. The Board secretary shall send a copy of the Board's disposition of the appeal to each concerned party within ten business days of this meeting by certified mail.

At any point, the complainant may contact the Office for Civil Rights, U. S. Department of Education, Washington, D.C. 20201. The Complaint should first be directed to the Regional Office and to the attention of:

The Regional Director
Office for Civil Rights, Region V
Department of Education
300 South Wacker Drive
Chicago, Illinois 60606
(313) 353-2521

It is the policy of this District to maintain a learning environment that is free from sexual harassment.⁵ No student of this District shall be subjected to any form of sexual harassment or intimidation.⁶

It shall be a violation of this policy for any Board member, employee,⁷ student, or a non-employee third party⁸ to harass any member of the student body through conduct or communications of a sexual nature as defined in this policy.

Each administrator shall be responsible for promoting understanding and acceptance of, and assuring compliance with, state and federal laws, and District policy and procedures governing sexual harassment within his/her building or office.

It is the responsibility of all certified and non-certified staff of the District to report student complaints of sexual harassment to the responsible building administrator. A violation of this policy shall exist when an employee fails to act on a complaint when the employee knew or should have known of the violation of this sexual harassment policy. Failure to act may also be in violation of this policy.

Definition

Sexual harassment means unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal or physical conduct of a sexual nature when:

⁵ Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex in any educational program or activity receiving federal financial assistance (42 U.S.C. § 2000h).

⁶ All school districts are required under Michigan law to adopt and implement a written sexual harassment policy that prohibits, at a minimum, sexual harassment by school district employees, board members, and pupils directed toward other employees or pupils. MCL 380.1300a

⁷ A district may be liable for money damages for the sexual harassment of a student by an employee of the district. *Franklin v Gwinnett County Public Schools*, 112 S. Ct. 1028 (1992). However, the United States Supreme Court decided further that a school district is not liable for teacher to student sexual harassment under Title IX unless a school district official who at a minimum has authority to institute corrective measures on the district's behalf has actual notice of, and is deliberately indifferent to, the teacher's misconduct. *Gebser v Lago Vista Independent School District*, 524 U.S. 274 (1998).

⁸ A private Title IX damages action may lie against a school board in cases of student-on-student harassment, but only where the funding recipient is deliberately indifferent to sexual harassment, of which the recipient has actual knowledge, and that harassment is so severe, pervasive, and objectively offensive that it can be said to deprive the victims of access to the educational opportunities or benefits provided by the school. *Davis v Monroe County Board of Education*, No. 97-843 (U.S. Sup. Ct. May 24, 1999).

- a. Submission to such conduct is made either explicitly or implicitly a term or condition of a student's participation in school programs or activities; or
- b. Submission to or rejection of such conduct by a Board member, employee, or student is used as the basis for academic decisions affecting the student; or
- c. Such conduct has the purpose or effect of unreasonably interfering with a student's academic performance or creating a hostile learning environment.

Sexual harassment, may include, but is not limited to, the following:

- Verbal harassment or abuse;
- Pressure for sexual activity;
- Repeated remarks with sexual or demeaning implications;
- Unwelcome touching;
- Suggesting or demanding sexual involvement, accompanied by implied or explicit threats concerning a student's grade or safety.
- In addition, any form of retaliation against the complainant or witness is in itself a form of sexual harassment.
- Suggestive, lewd or derogatory drawings, pictures, or other displays or graffiti that demean another person and/or make the school/workplace uncomfortable.

Notification

Notice of this policy will be periodically circulated to all school buildings and departments within the District, and incorporated in teacher, student and parent/guardian handbooks. These policies and procedures may also be posted in such appropriate places in the District, as the District's Title IX coordinator shall determine.

Training sessions on this policy and the prevention of sexual harassment shall be held for all Board members, administrators, teachers, and employees of the District. In addition, students shall have available as part of their curriculum and instructional program, sessions on this policy and the prevention of student-to-student sexual harassment.

Approved: July 11, 2001

Reviewed:

LEGAL REF: MCL 37.2101 *et seq.*; MCL 380.11a; Title IX of the Education Amendments of 1972.

Any student who alleges sexual harassment by a Board member, staff member or student in this District, may use the procedure detailed in the appropriate student handbook, or may complain directly to his/her building principal, school counselor, District Title IX coordinator or grievance officer, or other school employees of the District. Filing a grievance or otherwise reporting sexual harassment will not reflect upon the student's status, nor will it affect future grades and/or work assignments.

A complaint of alleged sexual harassment should be submitted no later than six (6) months after the alleged offense and should contain the name of the offender, the nature of the offense and the date, time and place of the alleged offense and the names of the witnesses.

The right to confidentiality, for both the accuser and the accused, will be respected consistent with the District's legal obligations and with the necessity to investigate allegations of misconduct and to take corrective action when this conduct has occurred.

Grievance Procedure

Any student in the District who believes that he/she has been subjected to discriminatory and/or sexual harassment shall report the incident(s) to the building principal, guidance counselor, Title IX coordinator or grievance officer, or other school employees of the District.

The teacher or administrator or other employee to whom the offense is reported shall promptly relay the information to the principal of the school attended by the student, and if the offense occurs in a school building other than that attended by the student, to the administrator responsible for the operation of the building at which the events allegedly occurred.

Should a building or central office administrator be the subject of the immediate complaint or have an apparent conflict of interest in relation to it, he or she

will not participate in any way in the investigation of or the decision regarding the complaint.

Upon the filing of a complaint, the administrator/grievance officer shall conduct a prompt and equitable investigation. The administrator/officer shall attempt to resolve the problem through the following steps:

1. Interview the complainant and document the interview.
 - a. Request that the complaint be put in writing, if possible.
 - b. Obtain the names of witnesses who can be contacted to substantiate the charges being made.
 - c. If a student, unaccompanied by a parent or guardian, reports the alleged incident, the responsible administrator shall notify the student's parent(s) or guardian(s) of the student's complaint. The investigation shall include, but not be limited to, a further interview of the student in the presence of the student's parent(s) or guardian(s). The responsible administrator shall also promptly notify the Director of Pupil Personnel Services or his/her designee of the complaint.
2. Interview the accused and document the interview.
 - a. Re-emphasize the District's policy regarding insult, intimidation and harassment without making judgments at this stage.
 - b. Keep the identity of the complainant confidential, if possible.
3. Interview all witnesses identified by the parties and document the interview.
4. Review the personnel files or student records/files of the complainant and the accused for any history of problems.
5. Make a determination on the merits of the complaint.

6. The responsible administrator shall file a written report within three (3) working days after receiving notice of the alleged offense in the office of the Director of Pupil Personnel Services.

■ **If the investigation shows that the complaint is without merit, the following action will be taken:**

1. The investigation will be closed.
2. The administrator/grievance officer's findings and reasons for them will be discussed with the complainant.
3. Consideration will be given to disseminating the results of the investigation to employees or students who have knowledge of it.
4. All references to the complaint will be removed from the accused party's personnel file.
5. The District's policy regarding discriminatory and/or harassment and the mechanism for complaint resolution will be reiterated to all employees or students involved in the investigation.
6. All documentation regarding the complaint and the investigation will be maintained in a separate confidential file in the event that litigation is commenced or a charge is filed with the Equal Employment Opportunity Commission or the Michigan Department of Civil Rights.

■ **If the investigation shows that the complaint has merit, the following action will be taken:**

1. Step I – Informal Resolution: The responsible building administrator will attempt to reach an informal resolution of the complaint and shall give his/her answer to the Director of Pupil Personnel Services, the student and the student's parent(s) or guardian(s), by the end of the fifth school day following the submission of the complaint. The giving of such answer will terminate Step I.

2. Step II – Formal Resolution: If the complaint is not resolved in Step I, the responsible building administrator will so inform the Director of Pupil Personnel Services and the Director of Pupil Personnel Services shall contact the student and his/her parent(s) or guardian(s) to inform them of the student's rights and to provide a copy of the procedure for filing alleged charges of sexual harassment. The complaint will be put in writing (using the attached form in Appendix A) by the student with a complete statement of the facts. The form must be filled out completely, signed, dated, and submitted to the Director of Pupil Personnel Services within five (5) working days after being notified of the termination of Step I.

An investigation will be completed by the Director of Pupil Personnel Services, the Executive Director of Labor Relations/Human Resources and the Chief Operations Officer (the committee) by the end of the fifteenth (15th) day from the receipt of the complaint. During the first five (5) working days of such period, the aforementioned administrators will inform the Superintendent and the President of the Board of Education of receipt of the complaint of sexual harassment. Further, the student and his/her parent(s) or guardian(s) will also be notified during the five (5) day period that the investigation has begun.

Upon completing the investigation, the District will attempt to resolve the complaint and will take such action as it deems necessary to correct the effects of sexual harassment and to insure that no unlawful sexual harassment will occur in the District.

3. Step III: If the complaint is not settled in Step II, the student may appeal in writing, within five (5) working days to the Superintendent. A meeting between the Superintendent or his/her designee and other appropriate administrator(s) designated by the Superintendent, his/her designee and the student, his/her parent(s) or guardian(s) shall be held within ten (10) working days of the receipt of the student's

written appeal/ The Superintendent or his/her designee will render a decision by the end of the fifth working day and notice thereof shall be given to the student and his/her parent(s) or guardian(s).

4. Step IV: If no resolution has been reached at the conclusion of Step III, the student, his/her parent(s) or guardian(s) may appeal in writing to the Board of Education within five (5) working days after receipt of the decision in Step III. The Board will render a final decision within ten (10) working days following the Board meeting at which the complaint was received. The final decision of the Board will be submitted in writing to the student, his/her parent(s) or guardian(s) within two (2) working days.
5. The investigation will be closed.
6. The Director of Pupil Personnel Services will confer with the Superintendent to determine what action is necessary to resolve the complaint and prevent recurrence.
 - a. The complainant should be made whole: lost educational opportunities and student records updated.
 - b. The potential for continuing problems should be alleviated by reassignment where possible.
7. The parties will be advised of the results of the investigation and actions to be taken.
8. Appropriate discipline will be imposed, as required by the strength of the evidence, the severity of the incident, and the position and prior record of the offender.
9. All actions will be documented and a record placed in the offender's permanent personnel file or student discipline records.
10. The District's policy regarding discriminatory and/or sexual harassment and the mechanism for complaint resolution will be reiterated to all Board members, employees, or students involved in the investigation.
11. All documentation regarding the complaint and the investigation will be filed and maintained by the Executive Director of Labor Relations/Human Resources in a

separate confidential file in the event that litigation is commenced or a charge is filed with the Equal Employment Opportunity Commission or the Michigan Department of Civil Rights.

All complaints, interviews, and investigations will be treated with the strictest confidentiality and utmost discretion. Only those Board members, employees, or students whose participation in the investigation of a complaint was essential to its resolution will be informed of it.

The Superintendent an/or his/her designee reserves the right to contact outside investigators for sensitive and/or extensive complaints of harassment.

Sanctions⁹

- a. A substantiated charge against a staff member in the District shall subject that staff member to disciplinary action, up to and including discharge.
- b. A substantiated charge against a student in the District shall subject that student to disciplinary action, which may include suspension or expulsion, consistent with the *Code for Student Conduct*.
- c. A substantiated charge against a non-employee third party shall subject that person, agent, firm or corporation to such actions as the Board deems appropriate to the circumstances.
- d. All cases of suspected abuse of students and criminal sexual conduct shall be reported to the appropriate authorities, e.g., the Flint Police Department and the Family Independence Agency.

⁹ MCL 380.1300a requires districts to specify penalties for violating the district's sexual harassment policy.

It is the policy of the School District of the City of Flint to expect and encourage all students to attend school every day.¹⁰ Students who repeatedly miss school will not be allowed to earn credit toward promotion and/or graduation. Standards for each of elementary, middle school and high school levels are contained in the District's attendance procedure.

If students are unable to attend school for any part of the school day, it is the responsibility of the parent/guardian to notify the school of this absence. Parents or legal guardians are ultimately responsible for their children attending school on a regular basis.¹¹ Every effort should be made to limit absenteeism and to discourage truancy. Where appropriate, the District will proceed with community and/or court intervention when there is a flagrant disregard for the District's attendance policy and procedures.

It is essential that the school District provide a safe and orderly environment as well as a school climate that is nurturing and caring for all students. School personnel recognize that these qualities are essential to providing the educational experience that is so important to prepare students for the future.

¹⁰ MCL 380. 1586 (2) ("If a child is repeatedly absent from school without valid excuse, or is failing in schoolwork or gives evidence of behavior problems, and attempt to confer with the parent or other person in parental relationship to the child fail, the superintendent of schools, or the intermediate superintendent in a district which does not employ a superintendent, may request the attendance officer to notify the parent or other person in parental relationship by registered mail to come to the school or to a place designated at a time specified to discuss the child's irregularity in attendance, failing work, or behavior problems with the proper school authorities.")

¹¹ MCL 380. 1587 ("If a parent or other person in parental relation fails to send a child under his or her control to the public school or other school listed under section 1561, the attendance officer, upon receiving notice from proper authority of that fact, shall give written notice in person or by registered mail to the parent or other person in parental relation requiring the child to appear at the public school or other school on the next regular day following the receipt of notice, and to continue in regular and consecutive attendance in school.") MCL 380. 1588 ("The attendance officer, after giving the formal notice prescribed in section 1587, shall determine whether the parent or other person in parental relation had complied with the notice. The attendance officer shall make a complaint against the parent or other person in parental relation having the legal charge and control of the child who fails to comply to the court having jurisdiction in the county of residence for refusal or neglect to send the child to school.")

Compulsory Attendance - Religious Exemption¹²

A student shall be released from school for a day or a portion of a day for the purpose of religious instruction. A letter, requesting the student's absence and written by the student's parent(s)/guardian(s), must be given to the building principal at least 5 days before the day the student is to be absent.¹³

Approved: July 11, 2001

Reviewed:

LEGAL REF: MCL 380.1231; 380.1571; 380.1577; 380.1586-1589; R 340.71; AG
Opinion #6467, #5414

¹² A child is not required to attend school when he/she is regularly enrolled in a public school while in attendance at religious instruction classes for not more than 2 class hours per week, off public school property during public school hours, upon written request of the parent, guardian, or person in loco parentis under rules promulgated by the state board (MCL 380.1561(3)(d)).

¹³ According to the United States Supreme Court, a release time policy does not violate the Establishment Clause; it only accommodates a program of outside religious instruction. *Zorach v Clauson*, 72 S. Ct. 679 (1952).

Shared-time instruction of sectarian, nonpublic school students in and of itself is not violative of the Establishment Clause even where benefits to religion appear substantial; it is only where it is clear that the program was motivated wholly by religious considerations that a conflict with the clause would exist. *Snyder v Charlotte Schools*, 421 Mich 571 (1984).

Senior High School Attendance

The importance of excellent attendance is recognized by the Flint Community Schools and therefore each school is charged with developing an attendance incentive program that will recognize and promote a standard of excellent student attendance.

Any student that exceeds nine absences in any class during the semester will be expected to make up the time before the end of the semester or no credit will be given for that class. Time will be made up with one hour after school for each hour absent from a class exceeding nine hours.

An hour of make-up time will be regularly scheduled after school. Longer sessions may be scheduled on Saturdays.

The student exercises the make-up option. It is the responsibility of the student to make-up the time and provide his/her teacher with proof that the make-up time was completed.

Parents/guardians are to be contacted on the third absence by the teacher. This contact could either be by phone or U.S. mail. After the fifth absence, the student's classes shall be closed and a conference will be scheduled between the appropriate building administrator and the student's parent/guardian. After the ninth absence, the student's parent/guardian will be notified by mail that the student has reached the final absence and any additional absences will need to be made up or he/she will fail the class.

Students under the age of 16, who have exceeded the nine absences and are not making any effort to make up those absences will be referred to the appropriate community agency.

Any student reaching 20 absences in any class shall be removed from that class. Educational opportunity shall be denied for that class and the student's schedule will be reduced. Should a student be removed from three classes, he/she shall be suspended for the balance of the semester and be readmitted at the beginning of the following semester.

Absences from class are not termed excused or unexcused. All absences, including illness, vacations, medical appointments and other obligations, count toward the total. The following school initiated exceptions are granted and do not count toward the total:

- School related activities, e.g., field trips;
- Suspensions (both in-school and out of school);
- Administrative or counselor initiated meetings;
- Documented court appointments.

Prolonged absences due to illness or other extenuating circumstances will be addressed on an individual basis. Any appeals concerning absences will be processed through the assistant principal.

The District realizes the seriousness of a student being late for class. Each building will establish procedures to deal with the tardy issue and how it affects the students in their building.

Each building will establish a full day In-School Education Program to accommodate students with reduced schedules. This program can be used for students with attendance problems or for other disciplinary infractions.

Every student who has had attendance related problems in the previous semester shall be required to participate in an orientation session with their parents/guardians.

Middle School Attendance Procedure

Each school will develop an incentive program to recognize and promote good attendance.

The District realizes that students occasionally will have a reason to be absent from school. However, these occurrences should be the exception rather than the rule. In an effort to deal with absences the following procedures shall be followed:

1. After three absences from school, the teacher will notify the parent/guardian by phone or mail of the student's absences.
2. After eight absences, the student's classes shall be closed and a conference will be scheduled between the appropriate building administrator and the student's parent/guardian.
3. After 13 absences, the parents/guardians shall be notified of the Michigan Compulsory Attendance Law and be told the school will initiate a truancy/educational neglect petition if the attendance pattern does not change for the better.
4. Should a student continue to be absent the school will initiate the truancy/educational neglect petition.
5. Failure to attend school on a regular basis may be used as a criteria for the student being retained in their present grade.

Absences from class are not termed excused or unexcused. All absences, including illness, vacations, medical appointments and other obligations, count toward the total. The following school initiated exceptions are granted and do not count toward the total:

- School related activities, e.g., field trips;
- Suspensions (both in-school and out of school);
- Administrative or counselor initiated meetings;
- Documented court appointments.

Prolonged absences due to illness or other extenuating circumstances will be addressed on an individual basis. Any appeals concerning absences would be processed through the assistant principal.

Elementary Attendance Procedure

The District realizes that students occasionally will have a reason to be absent from school. However, these occurrences should be the exception rather than the rule.

The following procedures will be used when dealing with absences:

1. After three absences from school, the teacher will notify the parent/guardian by phone or mail of the student's absences.
2. The teacher will notify the principal in writing when a student has eight absences. The principal will send a written notice of the attendance concerns to the parent/guardian.
3. After 13 absences, a conference will be scheduled between the appropriate school personnel and the student's parent/guardian. The parent/guardian will be informed at that time of the possibility of an educational neglect petition being filed if the attendance problem is not corrected.
4. Should a student continue to be absent the school will initiate the truancy/ educational neglect petition.

Each school will develop an incentive program to recognize and promote good attendance.

The District expects the administrative procedures for the admission of students to be designed in such a fashion that enrollment is handled expeditiously and with the least possible inconvenience to both parents/guardians and students. The enrolling school administrator shall enter on the student's permanent record card the student's legal name and the name, address and telephone number of his/her lawful custodian(s) as required in Policy 8090 (Release of a Student During the School Day). Any unusual custody circumstances shall be explained and updated insofar as possible.

School Entrance Requirements

1. Legal evidence of being five years of age on or before December 1 of year entering kindergarten.
2. Evidence of residence as determined by voter residence, except as otherwise provided for in tuition policy.
3. Proof of immunizations as required by law.

First Time Enrollments

The parents and/or guardians of any student, grades kindergarten through 12, enrolling in the District for the first time, shall furnish, within 30 days, evidence regarding that student's age and identity¹⁴ to the enrolling officer, proof of required immunizations and a hearing test, and social security number to be used as an identifier in data collection and analysis.

Resident Students

The Superintendent shall ascertain that all students who apply for admission to the schools are residents of the District. In the event that there is a doubt about the legal

¹⁴ MCL 380.1135 ("Upon enrollment of a student for the first time in a local or intermediate school district, the district shall notify in writing the person enrolling the student that within 30 days he or she shall provide to the local or intermediate school district either of the following: (a) A certified copy of the student's birth certificate. (b) Other reliable proof, as determined by the school district, of the student's identity and age, and an affidavit explaining the inability to produce a copy of the birth certificate.")

residence of a student, the Superintendent shall refer the question to the school attorney who shall prepare a written report to the Board.¹⁵

Non-Resident Students

Since schools are maintained for the primary benefit of the residents of the District, non-resident students may be admitted only if the District participates in “Schools of Choice”¹⁶ or to the extent that staff, facilities, equipment, and supplies are available, and only upon Board approval.¹⁷ A student will not normally be admitted to the District who is under suspension or expulsion from another district or who has voluntarily withdrawn from school in another district due to poor academic performance or for disciplinary reasons.

Tuition

Tuition may be charged to non-resident students¹⁸ who are not eligible to attend the District under “Schools of Choice” at a rate established by the Board and according to the formula established by state statute.¹⁹

¹⁵ Op. Atty. Gen. 5574 (1979) (“A child placed in a relative’s home pursuant to a power of attorney authorized by the *Revised Probate Code* for the purposes of securing a suitable home and not for an educational purpose is a resident for educational purposes of the school district in which the relative lives. A child placed with a person other than a relative pursuant to a power of attorney under the *Revised Probate Code* does not become a resident of the school district in which such person resides.”)

¹⁶ MCL 388.1705. Section 105 and 105c of the State School Aid Act require action by the board of education of each local school district to determine whether the district is opting in or out of a schools of choice program. A board’s failure to make its decision by June 1 of each year will result in a forfeiture of 10% of the district’s Section 20c transitional state school aid payments.

¹⁷ MCL 380.1401 (1)

¹⁸ Op. Atty. Gen. 5995 (“A school district admitting a nonresident pupil is not required to charge the parents tuition in the amount of full per capita operating costs, irrespective of whether the district is able to count the pupil in membership for state school aid purposes.”)

¹⁹ MCL 380.1401 (2) Tuition for grades K to 6 shall not exceed 25% more than the operation cost per capita for the number of pupils in membership in grades K to 12. (3) Tuition for grades 7 to 12 shall not exceed 12 - 1/2% more than 115% of the operation cost per capita for the number of pupils in membership in grades K to 12. (5) The operation costs and membership figures of the preceding fiscal year shall be used. The per capita cost used shall not include moneys expended for school sites, school building construction, equipment, payment of bonds, or other purposes not properly included in operation costs as determined by the state board. MCL 380.1416 (“If nonresident pupils, their parents, or guardians pay school taxes in a school district and the pupils are admitted to schools in the district, the amount of the total current school taxes shall be credited on the pupils’ tuition and transportation in a sum not to exceed the

The tuition for any student that is to be paid by another district shall be paid on the date provided in the agreement with that district. In any event that tuition for a non-resident student is to be paid by the parent or guardian, such tuition shall be paid in full at the time of enrollment in the amount determined by the Superintendent.

Resident Attendance In Another District

The Board may approve resident students attending another school district that does not participate in "Schools of Choice" when the needs of the student dictate as determined by the school's counselors, teachers, administrators and the student's parents/guardians.²⁰

Assignments To Schools

Any parent/guardian who wishes to enroll his/her child as a student in a school outside of the attendance area in which the student would otherwise attend may make application to the office of pupil personnel services, including in such application a justification for the variance from the assignment. The Director of Pupil Personnel Services is authorized, in any case in which he/she feels that the better interest of the schools or the student involved will be served, to grant an exception from the established attendance areas.

Approved: July 11, 2001

Reviewed:

LEGAL REF: MCL 380.1134-1135; 380.1147-1148; 380.1204a; 380.1282; 380.1324;
380.1401; 380.1416; 388.1517-1518 (repealed); 388.1606; AG Opinion
#5112, #5642, #5925, #5995, #6467; PL 100-77; PL100-628; PL 100-645

amount of the tuition and transportation. The pupils, their parents, or guardians shall be required to pay tuition and transportation only for the difference therein.")

²⁰ A district has no control over another district's decision to operate a schools of choice program and accept non-resident students. As long as the other district complies with all of the provisions of sections 105 and/or 105c, it may accept, enroll, and count nonresident students (from within the same or a bordering intermediate school district) in membership without the consent of the district in which the student resides.

The District is committed to identifying homeless children and youth. The Superintendent shall develop guidelines and procedures for identifying homeless children within the District.

Such children shall be provided with educational services to meet their needs as determined and directed by the Superintendent.

The child may attend the school that is in the best educational, social and emotional interest of the child.

Current District policies and practices, and fees and charges that may act as barriers and prevent homeless children from enrolling in school and/or acquiring an appropriate education shall be waived by the Superintendent.

Approved: July 11, 2001

Reviewed:

LEGAL REF: McKinney Homeless Education Act of 1988 as amended

Students whose enrollment has been terminated, either voluntarily or otherwise, may be re-admitted by following the procedures established by the Board of Education.²¹ If the student who is applying for re-admission was previously expelled for violating MCL 380.1311(2) or 380.1311a, the student shall be reinstated in accordance with procedures established under law.

Approved: July 11, 2001

Reviewed:

LEGAL REF: AG Opinion #6271

²¹ Op. Atty. Gen. 6271 ("The board of education of a school district which, in accordance with due process requirements, suspends for a lengthy period of time, or permanently expels a non-handicapped student who is subject to the compulsory education law, is not required to provide an alternate education program for such student.")

Criteria for Readmission

The following items may be considered before readmission of a student expelled for reasons other than violating MCL 380.1311(2) or 380.1311a:

1. The seriousness of the act for which the student was expelled. At the time the student's petition for readmission is presented to the Board, the Office of Pupil Personnel Services will prepare a packet of information for consideration by the Board members. The packet will contain the following data: A copy of the Board resolution of expulsion that summarizes the conduct resulting in the expulsion; a summary of the student's academic and disciplinary record; and the requirements to be met by the student during the term of the expulsion.
2. The student's attempt to improve himself/herself during the period of expulsion and the student's general behavior during this period. Upon receipt of a petition for readmission, the Office of Pupil Personnel Services will request the student to submit documentation of his/her efforts in accomplishing the requirements to be met in order to be considered for readmission.
3. Endorsement of the student's return to school by a school psychologist and/or a psychiatric/psychological evaluation. The report of the psychiatrist/psychologist will be included in the Board's packet of information.
4. The Principal of the school in which an expelled student is placed should be fully aware of the student's background and should be in full agreement with such a placement.

Procedure for Consideration of Petitions for Readmission

1. The student and/or parent/guardian will submit, in writing, a request for reconsideration to the Superintendent.
2. The Administrative Assistant to the Superintendent will document the arrival of the request and forward the original copy to Pupil Personnel Services.

3. The Office of Pupil Personnel Services will acknowledge receipt of the request, advise the parent/guardian and student to contact Pupil Personnel Services to schedule a personal interview, and inform them of the required documentation they will need to furnish at the interview.
4. The Director and Coordinator of Pupil Personnel Services will meet with the student and his/her parents/guardians to gather background information pertinent to the criteria for readmission.
5. When necessary, the Office of Pupil Personnel Services will obtain signed release forms authorizing the student to have psychological testing and a psychiatric evaluation.
6. The Office of Pupil Personnel Services will draft a final report, including a copy of the psychological evaluation; past discipline record; academic records; the Board's resolution of expulsion; and documentation of the student's efforts in accomplishing the requirements to be met during the terms of expulsion.
7. A central office administrative review team will make a recommendation through the Office of Pupil Personnel Services. The recommendation will state:
 - a. Whether the petition should be granted or denied.
 - b. Whether the student should be admitted with restrictions or on probationary status.
 - c. Whether the student should be readmitted only to an alternative program, i.e., adult high school.
8. The Superintendent and Deputy Superintendent will review the central administrative review team's recommendation and make a decision on the re-admittance request.

9. Decisions concerning the non-approval or approval for re-admission will be forwarded to the Board for informational purposes.
10. The Office of Pupil Personnel Services will notify the parents/guardians and/or student in writing of the Board's decision.

In recognition of the District's obligation to parents/guardians for the health, welfare and safety of students, building principals shall not release a student during the school day except in emergency situations or to a student's lawful custodian as defined by Michigan law. The identification of the student's lawful custodian shall be verified to the satisfaction of the Principal. All written or verbal requests of the lawful custodian shall be verified to the satisfaction of the principal. The name, address, and telephone number of the lawful custodian shall be entered on the permanent record of the student in accordance with Policy 8040 and Regulation 8090-R.

Approved: July 11, 2001

Reviewed:

LEGAL REF: MCL 380.1561(e); R 340.71-75; AG Opinion #6596

At the time of school enrollment and admission, the building principal, enrolling officer, or designee must complete the student's permanent record form that shall identify the student's legal name and the name, address and telephone number of the student's lawful custodian(s).

Before releasing a student during the school day, the building principal or designee shall be responsible for the verification of the identity of any lawful custodian or any representative seeking release of a student.

If a lawful custodian, as indicated on the student's permanent record, is not recognized by sight, the principal shall require identification to his/her satisfaction before such release. If there is doubt, he/she may refuse to grant the release.

In the case of a written or verbal authorization by a lawful custodian of record, the principal shall verify to his/her satisfaction the message as being from the lawful custodian of record by a return phone call or any other means at his/her disposal. If there is doubt, he/she may refuse to grant the release.

If, in the granting of a release of a student, a change in the record of the student's lawful custodian(s) becomes apparent and is verified to the satisfaction of the principal, such change shall immediately be entered on the student's permanent record.

All searches shall be conducted in accordance with the rules developed by the Superintendent.

Lockers

School lockers are the property of the District. At no time does the District relinquish its exclusive control of lockers provided for the convenience of students. Students have no reasonable expectation of privacy in their lockers or in their personal effects left therein. Accordingly, school authorities may periodically inspect and search lockers as well as personal effects left therein by a student for any reason at any time, without notice, without student consent, and without a search warrant.²²

No law enforcement officer may search any locker without a search warrant unless he/she has the consent of the building principal and is accompanied by the principal or designated representative.

Students

In order to protect the health, safety, or welfare of students under school jurisdiction, building principals or designated representatives are authorized to search students.²³ School authorities shall conduct no strip searches. All searches shall be carried out in the presence of an adult witness.

²² The Fourth Amendment protects individuals from searches only when the person has a legitimate expectation of privacy. This paragraph attempts to avoid Fourth Amendment protection for student lockers by telling students not to expect privacy in lockers or in their personal effects left therein.

²³ *New Jersey v. T.L.O.*, 469 U.S. 325, 105 S.Ct. 733 (1985). (In this case, two students were caught smoking in a bathroom. One student admitted that she was smoking, while the other student (T.L.O.) denied that she smoked at all. T.L.O. was sent to the vice-principal who asked to see her purse. After looking inside the purse the vice-principal found a pack of cigarettes and some rolling papers. Upon further searching, he found some marijuana, a roll of single bills, and a list of students who owed T.L.O. money. The U.S. Supreme Court found the search to be reasonable because the school official had a reasonable suspicion that T.L.O. had cigarettes in her purse. Justice Byron White, writing for the court, stated: "Under ordinary circumstances, a search of a student by a teacher or other school official will be 'justified at its inception' when there are reasonable grounds for suspecting that the search will turn up evidence that the student has violated or is violating either the law or the rules of the school. Such a search will be permissible in its scope when the measures adopted are reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction.")

Automobiles

Students are permitted to park on school premises as a matter of privilege, not of right. The school retains authority to conduct routine patrols of the student parking lots and inspections of the exteriors of student automobiles on school property. The interiors of student vehicles may be inspected whenever a school employee has reasonable suspicion to believe that illegal or unauthorized materials are contained inside. Such patrols and inspections may be conducted without notice, without student consent, and without a search warrant.

Use of Canines

The administration is authorized to utilize canines whose reliability and accuracy for sniffing out contraband has been established to aid in the search for contraband in school owned property and automobiles parked on school property. Canines shall not be used to search students unless school officials have established independently that there is reasonable suspicion to believe the student possesses contraband on his or her person. A qualified and authorized trainer who will be responsible for the dog's actions must accompany the canines. An indication by the dog that contraband is present on school property or in an automobile shall be reasonable suspicion for a further search by school officials.

Approved: July 11, 2001

Reviewed:

Lockers

The lockers in the schools of the District shall be under supervision of the building principal or designated representative and assigned to the student for the storage of school materials and clothing necessary to school attendance.²⁴ (Whenever the principal is mentioned in this rule, it shall be construed so as to include “or designated representative.”)

The building principal or designee shall have sole custody of the combination or key to all locker locks in a storage place designed to guard against unauthorized access or use. He/she may search any locker at any time upon reasonable belief that the locker contains firearms, explosives, liquor, flammable material, dangerous weapons, narcotics or other matter prohibited by law or school regulations (Cf. 8190-R) from being on school property. Such search may be made without notice to the student to whom such locker has been assigned. Students are prohibited from placing locks, other than the regularly issued school lock, on their lockers.

Any person other than the building principal or designee who wishes to search a student’s locker shall report to the building principal or designee before proceeding to the locker, and in no event shall such person be permitted to search the student’s locker without the principal’s or designee’s consent unless such person has a valid search warrant authorizing him/her to make such search.

If a law enforcement officer desiring to search a student’s locker has a warrant for such search, the principal shall immediately take such person to the student’s locker and permit him/her to search the locker. Whenever possible, such search shall be made in the presence of the principal.

²⁴ *People v. Overton*, 20 N.Y. 2d 360, 283 N.Y.S.2d 22, 229 N.E.2d 596 (1967). ("Indeed, it is doubtful if a school would be properly discharging its duty of supervision over the students, if it failed to retain control over the lockers. Not only have the school authorities a right to inspect but this right becomes a duty when suspicion arises that something of an illegal nature may be secreted there.")

If a law enforcement officer desires to search the student's locker without a warrant, the building principal shall ask what facts lead the officer to believe that evidence of a crime will be lost, destroyed or moved if the search and seizure did not take place immediately, before a warrant is obtained. If the building principal is not of the same opinion, he/she shall not participate in the search, but he/she shall allow the law enforcement officer to proceed on his/her own responsibility. The principal shall report the incident to the Pupil Personnel Services Office and they may notify the officer's superior of the incident.

Prohibited items recovered from a student's locker shall remain in the custody of the building Principal, unless such items are turned over to law enforcement officials; and if this is done, the principal shall receive a receipt for such items so delivered.

Students

When it has been determined by the building principal that there is a reasonable suspicion to believe that a student is in possession of an object which can jeopardize the health, welfare or safety of other students, that student shall be ordered to report to the building principal's office. This determination may be based on any information received by the building principal or by a member of the faculty or staff. It also may be based on knowledge of the student's disciplinary problems, the student's association with known drug offenders, the student's exhibiting objects associated with drug use or the student's exhibiting such objects as bullets or a knife sheath which could be associated with dangerous weapons.

Once in the principal's office, the student shall be advised of the reason why he/she has been ordered to report to the principal's office. The student shall then be requested to empty items such as, but not limited to, pockets, purses, shoulder bags and briefcases. Items that the building principal believes may be connected with illegal activity may remain in the custody of the building principal, unless such items are turned

over to law enforcement officials, and if this is done, the principal shall receive a receipt for such item so delivered.

If the student refuses to comply with this request, the building principal shall notify the student's parents/guardians and request that they come to the school at once. The building principal shall advise the parents/guardians of the immediate situation. If the parents/guardians of the student are unable to persuade the student to comply, the parents/guardians and the student shall be advised that law enforcement officials will be notified, and the matter turned over to them. If the parents/guardians refuse to come to the school or are unable to be notified and the student continues to refuse to cooperate, the building principal shall notify law enforcement officials and inform them of the facts which give him/her reasonable suspicion to believe that the student has illegal or dangerous objects on his/her person. Any further search of the student shall be at the discretion and under the control of the law enforcement officials with a valid warrant

Once the building principal has relinquished control of the student to the law enforcement officials, the building principal or representative shall remain with the student and be present during any search of the student made by law enforcement officials on school property.

A written report of such search incident shall be made by the building principal and submitted to the Pupil Personnel Services Office. The written report shall contain the name of the student; the time, date and place of the search; the reason or reasons for the search; the fact of whether law enforcement officials were called; the name of the person who conducted the actual search; the names of the persons present while the student was being searched; and the result of the search. The Pupil Personnel Services Office shall keep a copy of the written report on file.

It shall be the policy of the District that a reasonable cooperative effort be maintained between the school administration and law enforcement agencies. Law enforcement officials may be summoned in order to conduct an investigation of alleged criminal conduct on the school premises or during a school-sponsored activity or to maintain the educational environment. They may also be summoned for the purpose of maintaining or restoring order when the presence of such officers is necessary to prevent injury to persons or property. Administrators have the responsibility and the authority to determine when the presence and assistance of law enforcement officers is necessary within their respective jurisdictions. The District's administrators shall at all times act in a manner which protects and guarantees the rights of students and parents/guardians and shall cooperate with law enforcement officials as provided in Regulation 8140-R.

School staff shall be informed annually of the contents of this policy and rules.

Approved: July 11, 2001

Reviewed:

In these rules, the administration is reminded that a student who has attained the age of 18 enjoys the responsibility of speaking for himself/herself without the agreement of parent, guardian, or representative as to whether or not he/she will submit to questioning.

Initiated by School Administrators and Conducted by Administrators

Building principals shall have the authority and duty to conduct investigations and to question students pertaining to infractions of school rules, whether or not the alleged conduct is a violation of criminal law. Such investigations shall be conducted in a manner that does not interfere with school activities.

Initiated by School Administrators and Conducted by Law Enforcement Officers

The building principal shall determine when the necessity exists that law enforcement officers be notified to conduct an investigation of alleged criminal behavior which jeopardizes the safety of other people or school property or which interferes with the operation of the schools.

The building principal may request that law enforcement officers conduct an investigation and question students who are potential witnesses of such alleged criminal behavior during school hours. A reasonable attempt shall be made to contact the student's parents, guardian, or representative before questioning by law enforcement officers. Reasonable requests of the parents, guardian, or representative shall be observed. The administrator involved shall document such notifications or attempted notifications to parents, guardian, or representative. In the absence of a student's parents, guardian or representative during any question of such students, the principal or a designated, certified school staff person shall be present.

If the investigation has centered on any particular student suspected of any alleged criminal activity, the procedure for taking students into custody by the procedure

set forth below shall be followed to the extent that it does not interfere with reasonable law enforcement procedures.

Initiated and Conducted by Law Enforcement Officers

Although cooperation with law enforcement officers will be maintained, it will not normally be necessary for law enforcement officers to initiate and conduct any investigation and interrogation on the school premises during school hours pertaining to criminal activities unrelated to the operation of the school. Only in demonstrated emergency situations, when law enforcement officers find it absolutely necessary, will they be voluntarily permitted to conduct such an investigation during school hours. These circumstances shall be limited to those in which delay might result in danger to any person, flight of a person reasonably suspected of a crime from the jurisdiction or local authorities or destruction of evidence.

If the law enforcement officials are not recognized and/or are lacking a warrant or court order, the building principal shall require proper identification of such officials and the probable cause for the requested interrogation of a student. If the principal is not satisfied with either the identification or the probable cause, he/she shall not grant the request of such persons and shall attempt to so notify the Pupil Personnel Services Office and the officer's superior, documenting such action.

In all cases, the officers shall be requested to obtain prior approval of the principal or other designated person before beginning such an investigation on school premises. The administrator shall document the circumstances of such investigations as soon as practical. Alleged criminal behavior related to the school environment brought to the principal's attention by law enforcement officers shall be dealt with under the provisions of the two previous sections.

Interrogation of Student During Investigation of Violations of School Rules

In instances where school rules have allegedly been violated, the principal may notify the suspected rule violator(s) or potential witness(es) to the infraction. When suspension or expulsion may be a consideration, the suspect student shall be advised orally or in writing of the nature of the alleged offense and of the evidence, if any, against the student.

In questioning a potential student witness to an alleged disciplinary infraction, care should be taken by the administrator to ensure there is a reasonable likelihood that the student was indeed a witness. School officials should not engage in detailed questioning of students at random without reasonable cause in hope of gathering information as to school misconduct. Probable witnesses should be told the nature of the alleged misconduct and the reason to believe that they were witnesses. Such students should be given the opportunity to give their consent before answering questions of school officials.

Circumstances may arise where it would be advisable to have another adult present during questioning of students.

Violations of Criminal Law

During an investigation of violation of school rules, it may come to the attention of an administrator that the investigated activity may also be a violation of criminal law. In proceeding with the investigation, the principal shall attempt to ascertain whether there is sufficient justification to believe that a criminal offense was committed that warrants notifying law enforcement officials.

When a suspected violation of criminal law has occurred on the school grounds involving the operation of the school or a school-sponsored activity, law

enforcement officials may be notified and their presence requested for the questioning of suspected students. If such officials are notified, unless circumstances dictate otherwise, questioning of the student shall not begin or continue until the law enforcement officers arrive.

Reasonable attempts shall be made to contact a student's parents, guardian or representative who, unless an emergency exists, shall be given the opportunity to confer with the student and to be present with the student during such questioning. The administrator shall document the notification or attempted notification to the student's parents, guardian, or representative.

In the absence of parent/guardian and student consent, the law enforcement officers shall advise the student of his/her legal rights. If the student's parent, guardian, or representative is present and if the parent/guardian and the student consent to the questioning, the investigation may continue. If the parent/guardian or student refuses consent to the questioning, the law enforcement officers will determine the course of action to be pursued.

Information of criminal conduct not related to the schools shall be turned over to law enforcement officials, without additional investigation by school officials.

Taking a Student Into Custody

School officials shall not release students to law enforcement authorities voluntarily unless the student has been placed under arrest or unless the parent, guardian or representative and the student agree to the release.

When students are removed from school for any reason by law enforcement authorities, every reasonable effort will be made to notify the student's parents, guardian, or representative immediately. Such effort shall be documented.

Whenever an attempt to remove a student from school occurs without an arrest warrant or court order or without acquiescence of the parent, guardian or representative and the student, the administrator shall refuse to surrender the student and immediately notify a superior to the law enforcement officers involved to make objection to the removal of the student. An exception to this procedure may be made if the law enforcement officers are properly identified and can convince the principal that there is probable cause for this action. The Pupil Personnel Services Office shall be notified immediately of any removal of a student from school by law enforcement officers under any circumstances.

The building principal shall make reasonable efforts to persuade law enforcement officers not to make arrests or to take students into custody on school premises. Whenever the need arises to make arrests or take students into custody on school premises, the principal shall make reasonable efforts to persuade the law enforcement officers to utilize a non-uniformed officer in making the arrest.

When it is necessary to take a student into custody on school premises and time permits, the law enforcement officer shall be requested to notify the building principal and relate the circumstances necessitating such action. When possible, the principal shall have the student summoned to the principal's office where the student may be taken into custody.

When an emergency exists, the principal may summon law enforcement officials to the school to take a student into custody.

When a student has been taken into custody or arrested on school premises without prior notification to the building principal, the school staff present shall encourage the law enforcement officers to notify the principal of the circumstances as quickly as possible. In the event that the officers decline to notify the principal, the school staff members present shall immediately notify the principal or the Pupil Personnel Services Office.

If at all possible, the parents, guardian or representative of the student shall be notified by the Principal or other school administrator before the student is taken into custody by law enforcement officers or as quickly thereafter as possible. The administrator shall document such notification or attempted notification.

Disturbance of School Environment (Cf. 9290)

Law enforcement officers may be requested to assist in controlling disturbances of the school environment which the building principal or other school administrator has found to be unmanageable by school personnel and which disturbances have the potential of causing harm to students, other persons or school property. Such potential of possible disturbance includes members of the general public who have exhibited undesirable or illegal conduct on school premises or at a school event held on school property and who have been requested to leave by an administrator, but have failed or refused to do so.

Coordination of Policies by Enforcement Officials

School administrators shall meet at least annually with local law enforcement officials to discuss the District's policy and rules regarding law enforcement contacts with the District. Law enforcement officials will be asked to instruct their staffs as to the terms of the school's policies and rules.

Student Interrogations, Searches, and Arrests - A Checklist

- I. What factors caused a reasonable suspicion that the search of the student or effects, locker or automobile will produce evidence that the student has violated or is violating the law or the student code of conduct?
- A. Eyewitness account:
1. By whom: _____
 2. Date/time: _____
 3. Place: _____
 4. What was observed? _____

- B. Information from a reliable source:
1. From whom: _____
 2. Time received: _____
 3. How information was received: _____
 4. Who received the information? _____
 5. Describe the information: _____

- C. Suspicious behavior. Explain. _____

- D. Time of search: _____
- E. Location of search: _____
- F. Was the student informed of the purpose of the search? _____
- G. Was consent of the search requested? _____

II. Was the search conducted reasonably in terms of scope and intrusiveness? _____

A. What were you searching for? _____

B. Sex of the student: _____

C. Age of the student: _____

D. Exigency of the situation: _____

E. What type of search was being conducted? _____

F. Who conducted the search? _____

Position: _____

Sex: _____

G. Witnesses: _____

III. Explanation of the search.

A. Describe the time and location of the search: _____

B. Describe exactly what was searched: _____

C. What did the search yield? _____

D. What was seized? _____

E. Were any materials turned over to the police? _____

F. Were parents/guardians notified of the search, including the reason for it and the scope?

The District recognizes that there are certain behaviors that, if tolerated, would quickly destroy the type of learning environment to which the students and staff are entitled within this school system. These behaviors, categorized as violent and aggressive, will not be tolerated and shall result in immediate action by the school system.

All acts of violence and serious aggression, including, but not limited to, terroristic acts and/or threats, shall result in specific consequences, determined by the seriousness of the act, including suspension from school and consideration of expulsion for acts of a serious or chronic nature.

Acts of violence and aggression shall be well documented and communicated to the building principal. The Superintendent shall be notified immediately of all acts pertaining to possession, threat with, or use of weapon, physical assaults; stalking; and terroristic threats or acts. The Board shall be informed and involved where deemed necessary by the Superintendent. The immediate involvement of the parent(s) or guardian(s) is viewed essential.

Serious consideration shall be given to the involvement of appropriate law enforcement agencies and other agencies in such cases.

Approved: July 11, 2001

Reviewed:

The District recognizes the danger that terroristic threats or acts present to the safety and welfare of District students, staff, and community. The District acknowledges the need for an immediate and effective response to a situation involving such a threat or act.

A terroristic threat shall mean a threat to commit violence communicated with the intent to terrorize another, to cause evacuation of a building, or to cause serious public inconvenience, in reckless disregard of the risk causing such terror or inconvenience.

A terroristic act shall mean an offense against property or involving danger to another person.

The District prohibits any District student from communicating terroristic threats or committing terroristic acts directed at any student, employee, Board member, community member, school building, or property.

The Superintendent must react promptly and appropriately to information and knowledge concerning a possible or actual terroristic threat or act.

Staff members and students shall be responsible for informing the building principal regarding information or knowledge relevant to a possible or actual threat or act. The building principal shall immediately inform the Superintendent after receiving a report of such a threat or act.

If a student is expelled for making terroristic threats or committing terroristic acts, the District may require, before readmission, that the student provide competent and credible evidence that the student does not pose a risk of harm to others.

Approved: July 11, 2001
Reviewed:

The principal of each school is authorized and directed to develop such rules and regulations consistent with policies, rules and regulations of the District that may be necessary to govern the conduct of students on District property, in school-related vehicles, or at a school sponsored activity or event. Such rules are subject to Board consideration. All rules and regulations shall be published in the appropriate student handbook.

Approved: July 11, 2001

Reviewed:

LEGAL REF: MCL 380.1311; 750.71 - 750.80; 750.520b; 750.520c; 750.520d;
750.520e; 750.520g; 750.237a; 380.1211; 380.1596; PL 103-227, 20 USC
3351; Gun-Free School Zones Act of 1994; PL 103-382

²⁵ MCL 380.11312(8) requires local and intermediate school districts to develop and implement a code of student conduct.

The School District of the City of Flint has adopted and will implement safety and drug prevention programs for students that include the following elements required by the "Safe and Drug-Free Schools and Communities Act," Amendments of 1998. These elements per the U.S. Department of Education must follow the Principles of Effectiveness. These principles will govern recipients' use of fiscal year 1998 and future years' funds received under Title IV, state and local programs of the Elementary and Secondary Education Act —the Safe and Drug-Free Schools and Communities Act (SDFSCA) State Grants Program. The Principles of Effectiveness took effect on July 1, 1998.

- **Principle 1:** Conducting Needs Assessment — The District shall base its program(s) on a thorough assessment of objective data about the drug and violence problems in the schools and communities served.
- **Principle 2:** Setting Measurable Goals and Objectives —The District shall, with the assistance of the Safe and Drug Free Schools Advisory Board, which includes community representatives, establish a set of measurable goals and objectives, and design its activities to meet those goals and objectives.
- **Principle 3:** Effective Research-Based Programs —The District shall design and implement its activities based on research or evaluation that provides evidence that the strategies used prevent or reduce drug use, violence, or disruptive behavior.

- **Principle 4:** Program Evaluation — The District shall evaluate its program periodically to assess its progress toward achieving its goals and objectives and use its evaluation results to refine, improve, and strengthen its program and to refine its goals and objectives as appropriate.

The elements required by the "Safe and Drug-Free Schools and Communities Act" amendments of 1998 are:

(1) Age-appropriate, developmentally based safety, drug and alcohol education and prevention programs that address the legal, social, and health consequences of violence, drug and alcohol use and that provide information about effective techniques for violence prevention and resisting peer pressure to use illicit drugs for all students in all grades of the schools operated by the School District of the City of Flint from early childhood through grade 12. Annually, the board shall allocate funds to support the Safe and Drug-Free Schools/Students/Community Programs.

(2) A statement to students that the use of illicit drugs and the unlawful possession and use of alcohol is wrong and harmful. Standards of conduct that are applicable to students in all of the District's schools and that clearly prohibit the unlawful possession, use, delivery, transfer or sale of illicit drugs and alcohol as well as weapon possession by students on school premises or at any school-sponsored activities or events.

(3) A statement to students that any threat of, or acts of violence (physical, verbal or otherwise) as well as possession of weapons is wrong, harmful and possibly illegal.

(4) A clear statement that disciplinary sanctions, consistent with local, state and federal law, up to and including expulsion and referral for prosecution, will be imposed upon students who violate the standards required by paragraph 2 and 3 of this policy and a description of those sanctions. For the purposes of this section, a disciplinary sanction may include the recommendation for an assessment.

(5) Information about any drug and alcohol counseling and rehabilitation and re-entry programs that are available to students.

(6) A requirement that all parents and students be given a copy of the standards of conduct required by paragraph 2 and 3 above and the statement of disciplinary sanctions described in paragraph 4 of this policy.

(7) Notice to parents and students that compliance with the standards of conduct required by paragraph 2 and 3 of this section is mandatory.

(8) An annual review by the District of its drug and violence prevention programs for students to:

- (a) Determine their effectiveness and implement changes to the programs if they are needed; and
- (b) Insure that the disciplinary sanctions described in paragraph 4 of this section of the policy are consistently enforced.

Approved: July 11, 2001

Reviewed:

LEGAL REF: U.S. House Resolution 5210; Anti-Substance Abuse Act, 1988;
Title IV of ESEA; Gun Free-School Zone Act of 1994;
MCL 380.1310; 380.1311; 380.1311a; 380.1596; 722.621

The Board and the staff of Flint Community Schools support a safe and healthy learning environment for students free of the detrimental effects of violence, drugs and alcohol. Accomplishing this goal requires a cooperative effort among school staff, students, parents/guardians, law enforcement, and organizations concerned with violence and the use of drugs and alcohol by school-aged youth.

In order to promote the safety, health, well being of students, the District endorses a three-pronged approach to address the issues of violence and drug and alcohol use: prevention/ education; intervention and discipline.

Prohibited Conduct

Violence, weapons possession, the use of controlled substances, illicit drugs and unlawful possession and use of alcohol is wrong and harmful and possibly illegal. The manufacture, possession, use, delivery, dispensation, transfer, or sale of alcohol, illicit drugs and controlled substances, including anabolic steroids by students, in the District's schools or at school-sponsored events, are expressly prohibited. Also prohibited are any threat of or acts of violence (physical, verbal or otherwise) as well as the possession of weapons.

Disciplinary Action

Disciplinary sanctions consistent with local, state and federal law and the District's *Code for Student Conduct*, up to and including expulsion and referral for prosecution, will be imposed on students who violate the standards established in the "Prohibited Conduct" section of this policy. A disciplinary sanction imposed by the District may include the recommendation for assessment. In instances where the assessment agency is convinced that the student's need for treatment is such that without treatment the student is a danger to self or others, treatment may be required. The parents or guardians of students who have engaged in prohibited conduct as defined in this policy will be contacted upon verification of the violation.

Policy Communication

The District shall distribute this policy and appropriate related information to staff, students, and parents/guardians on an annual basis through handbooks and/or other means selected by the Office of Pupil Personnel Services and building administrators.

Approved: July 11, 2001

Reviewed:

LEGAL REF: Title IV of the Elementary & Secondary Education Act; Gun-Free School Zone Act of 1994; MCL 380.1310, 380.1311, 380.1311a, 380.1596

Students' dress and grooming must not disrupt the educational process, interfere with the maintenance of a positive teaching/learning climate, or compromise reasonable standards of health, safety, and decency. Procedures for handling students who dress or groom inappropriately will be developed by the Superintendent and included in the *Code for Student Conduct Handbook*.¹

Approved: July 11, 2001

Reviewed:

¹ First Amendment protection will be given to a student's dress that is intended to be communicative. *Tinker v Des Moines Independent School District*, 89 S. Ct. 7 (1969).

The District desires to keep its schools and students free from threats or harmful influence of any groups or gangs that advocate drug use, violence, or disruptive behavior. The Superintendent shall maintain continual, visible supervision of District premises so as to deter gang intimidation of students and confrontations between members of different gangs.

The Superintendent shall:

Establish open lines of communication with local law enforcement authorities so as to share information and provide mutual support in this effort;

Provide in-service training to help staff identify gangs and gang symbols, recognize early manifestations of disruptive activities, and respond appropriately to gang behavior; and

Keep the staff informed about conflict management techniques and alerted to intervention measures and community resources that help students.

The District prohibits the presence of any apparel, jewelry, accessory, notebook or manner of grooming which, by virtue of its color, arrangement, trademark or any other attribute, denotes membership in gangs which advocate drug use, violence, or disruptive behavior.²

Approved: July 11, 2001

Reviewed:

² The Southern U.S. District Court of Texas struck down a school district policy that defined “gang-related apparel” as any attire that is “gang related” as being too vague to be enforced. Accordingly, districts with anti-gang dress codes should require building principals to keep comprehensive lists of banned apparel. *Chalifoux v New Caney Independent School District* (97-1763).

At the building principal's discretion, staff may use the following techniques to discourage the influence of gangs:

1. Any student wearing or carrying overt gang paraphernalia or making gestures that symbolize gang membership shall be referred to the principal. The student's parent/guardian shall be contacted and the student sent home to change clothes if necessary.
2. Any gang graffiti on District premises shall be removed, washed down, or painted over as soon as discovered.
 - a. Checks for graffiti shall be made throughout the campus, including restroom walls and doors.
 - b. Graffiti shall be photographed before it is removed. The photographs will be shared with local law enforcement authorities and used in future disciplinary or criminal action against offenders.
3. Classroom and after-school programs at each school shall be designed to enhance individual self-esteem, provide positive reinforcement for acceptable behavior, and foster interest in a variety of wholesome activities.
4. Staff shall actively promote membership in authorized student organizations that can provide students companionship, safety and a sense of purpose and belonging.

Gang Prevention Education

Gang prevention instruction offered in the schools shall:

1. Explain the dangers of gang membership.
2. Include lessons or role-playing workshops in non-violent conflict resolution and gang avoidance skills.
3. Promote constructive activities available in the community.
4. Involve students in structured, goal-oriented community service projects.
5. Encourage positive school behavior.

Teachers and law enforcement staff may teach gang prevention lessons jointly.

Community Outreach

Gang prevention classes or counseling offered for parents/guardians shall address the following topics:

1. The dangers of gang membership.
2. The nature of local gang apparel and graffiti.
3. Ways to deal effectively with one's children.
4. Warning signs that may indicate that children are at risk of becoming involved with gangs.

Community programs offered for staff, parents/guardians, churches, city officials, business leaders and the media shall address:

1. The scope and nature of local gang problems.
2. Ways that each segment of the community can help to alleviate these problems.

Intervention Measures

Staff shall make every effort to assimilate gang-oriented students into the academic, extracurricular and social mainstream and into work experience programs. To this end:

1. Staff members shall be provided with the names of known gang members.
2. Insofar as possible, classroom teachers shall assign individual gang-oriented students to cooperative learning groups in which they may work toward common goals with students who are not members of their gang.
3. Students who seek help in rejecting gang associations may be referred to community-based gang suppression and prevention organizations.

A principal or designee has the power and authority to treat each student individually in determining the appropriate disciplinary action in the most effective manner. A principal or designee has the responsibility to protect the health and welfare of all students, and must take into consideration all factors present at a particular situation. A Principal or designee has the authority and discretion to:

1. Order in-house suspension, temporary suspension, after school detention, disciplinary probation, or other appropriate consequences as outlined in the *Code for Student Conduct Handbook*.
2. Recommend expulsion to the Board.
3. Refer a student to the proper law enforcement authority if illegal activity may be involved.

Approved: July 11, 2001

Reviewed:

LEGAL REF: MCL 380.1312; 380.1311; PL 103.227

The District prohibits student possession of laser pointers and attachments, cellular telephones and telephone paging devices, also referred to as beepers, and any or other personal communication devices by students on school grounds, on buses and other vehicles provided by the District, and at sponsored activities.

Any student found to be in violation of this policy shall be subject to discipline, including the confiscation of the electronic devices.

1. First offense –Parents will be contacted and the electronic communication devices will be confiscated by the administration and returned to the student at the end of the school day.
2. Second offense- Electronic communication devices will be confiscated by the administration and the student's classes will be closed pending a parent conference. The communication device will be returned only to the parent/guardian.
3. Third offense- Electronic communication devices will be confiscated by the administration and the student will receive a three-day suspension. The communication device will be returned only to the parent/guardian at the end of the school year.

All appeals under this policy shall be brought before the Director of Pupil Personnel Services or his/her designee.

Approved: July 11, 2001

Revised: November 20, 2002

LEGAL REF: MCL 380.1303

The District is concerned with and interested in protecting the health, safety, and welfare of students, employees, and visitors. The District recognizes that school buildings, facilities, vehicles, grounds and other school property are best utilized in the educational process in the absence of threats to physical well-being and safety, by individuals possessing weapons and/or dangerous weapons or who commit arson or criminal sexual assault or other serious violent crimes.

Accordingly, students in possession of a dangerous weapon/firearm and/or who commit arson or criminal sexual conduct on/in District property or at District or school-sponsored events shall be permanently expelled from school and referred to the criminal justice or juvenile delinquency system and the Family Independence Agency or community mental health agency.⁴ The parent, legal guardian, and/or student shall also be notified of the referral.

³ Gun-Free Schools Act of 1994 20 U.S.C. 8921(b)(1) ("Except as provided in paragraph (3), each state receiving federal funds under this chapter shall have in effect a state law requiring local educational agencies to expel from school for a period of not less than one year a student who is determined to have brought a weapon to a school under the jurisdiction of local educational agencies in that state, except that such state law shall allow the chief administering officer of such local educational agency to modify such expulsion requirement for a student on a case-by-case basis.")

⁴ MCL 380. 1311 (2) ("If a pupil possesses in a weapon free school zone a weapon that constitutes a dangerous weapon, commits arson in a school building or on school grounds, or commits criminal sexual conduct in a school building or on school grounds, the school board, or the designee of the school board as described in subsection (1) on behalf of the school board, shall expel the pupil from the school district permanently, subject to possible reinstatement under subsection (5). However, a school board is not required to expel a pupil for possessing a weapon if the pupil establishes in a clear and convincing manner at least 1 of the following: (a) The object or instrument possessed by the pupil was not possessed by the pupil for use as a weapon, or for direct or indirect delivery to another person for use as a weapon. (b) The weapon was not knowingly possessed by the pupil. (c) The pupil did not know or have reason to know that the object or instrument possessed by the pupil constituted a dangerous weapon. (d) The weapon was possessed by the pupil at the suggestion, request, or direction of, or with the express permission of, school or police authorities.")

The Board reserves the ultimate authority to expel students. The Board authorizes the administration to determine student disciplinary matters. The Board will conduct disciplinary hearings only for students who are being recommended by the expulsion hearing panel for expulsion.

Each student subject to expulsion shall have their situation reviewed by the expulsion hearing panel on a case-by-case basis. This policy statement is the District's assurance that the District is in compliance with both PL 103-382 and MCL 380.1311.

Approved: July 11, 2001

Reviewed:

LEGAL REF: MCL 380.1312; 380.1311; PL 103.227

The District shall permanently expel a student from attending school in the District if the student possesses a weapon in a weapon free school zone. Such expulsion is mandatory, unless the student establishes, in a clear and convincing manner, at least one of the following:

1. That the object or instrument possessed by the student was not possessed for use as a weapon, or for direct or indirect delivery to another person for use as a weapon;
2. The weapon was not knowingly possessed by the student;
3. The student did not know or have reason to know that the object or the instrument possessed by the student constituted a weapon or dangerous weapon; or
4. That the weapon was possessed by the student at the suggestion, request, or direction of, or with the express permission of, school or police authorities.

Expulsions mandated under this policy shall be imposed in accordance with the procedures for student discipline as established by the District and as set forth in the *Code for Student Conduct* or other appropriate documents.

Recordation and Referral

All expulsions pursuant to District policy shall be entered and preserved on the student's individual permanent record. This information shall be disseminated, as part of a student's permanent record, to any other public or private (primary or secondary) school where the expelled student seeks to enroll and where this District is requested, or otherwise required, to forward or release records to that institution. The District shall immediately report any incident involving the possession of a weapon or dangerous weapon on school property, in writing, to the student's parent or legal guardian (if the student is unemancipated) and to the local law enforcement agency.

The District shall, within three days of expulsion, refer the expelled student to the appropriate Family Independence Agency or county community mental health agency.

The District shall also notify the individual's parent or legal guardian or (if the individual is at least 18 years old or otherwise legally emancipated) notify the expelled student of the referral. The District shall also refer for prosecution conduct by any individual that is believed to violate state or federal laws establishing weapon-free or gun-free school zones.

Petitions for Reinstatement

Students expelled pursuant to Policy 8310 (or their parent or legal guardian if the student is unemancipated) may petition the Board for reinstatement to school. An individual who was in grade five or below when expelled may petition for reinstatement at any time after the expiration of 60 school days subsequent to the date of expulsion. Individuals who were in grade six or above at the time of expulsion may petition for reinstatement at any time after the expiration of 150 school days subsequent to the date of expulsion. The District will make available the proper forms to those who wish to petition for reinstatement. The petitioner shall provide an authorization and release for the Board and its designated committee to request, receive, and review all student records and student record information maintained by any public or private school which the petitioning student has attended. If such records are already in the possession of this District, the parent/guardian or student (if emancipated) shall furnish written authorization for review of it by the committee and Board members.

Upon receipt of a petition for reinstatement, the District shall do the following:

1. Not later than ten school days after receiving a petition for reinstatement, the Board shall appoint a committee to review the petition and any supporting information submitted by the parent or legal guardian (if the expelled student is unemancipated) or from the expelled student;
2. The committee shall consist of two Board members, one administrator, one teacher, and one parent/guardian of a student attending the District;
3. The Superintendent may prepare and submit for consideration by the committee information concerning the circumstances of the expulsion and any factors mitigating for or against reinstatement;
4. Not later than ten school days after all members are appointed and notified of the petition, the committee shall review the petition and any supporting information, including any information provided by the District, and shall submit a recommendation to the Board on the issue of reinstatement;
5. The recommendation of the committee shall be for unconditional reinstatement, for conditional reinstatement, or against reinstatement, and shall be accompanied by an explanation of the reasons for the recommendation and of any recommended conditions for reinstatement;
and
6. The Superintendent shall be allowed to attend meetings of the committee appointed by the Board when considering petitions for reinstatement.

Criteria for Reinstatement

The designated committee and the Board shall consider at least the following factors when a petition for reinstatement is submitted:

1. Whether the reinstatement would create a risk of harm to other students or school personnel;
2. Whether reinstatement would create a risk of District or individual liability for the Board;
3. The age and maturity of the individual;
4. The individual's school record before the incident that caused the expulsion;
5. The individual's attitude concerning the incident that caused the expulsion;
6. The individual's behavior since expulsion and the prospects for remediation of the individual;
7. The degree of cooperation and support from the individual's parent or guardian (if the petition was filed by a parent or guardian) as well as any support that may be expected from a parent or guardian, if the expelled student is reinstated.

Petitions for reinstatement from students expelled by the Board of another District shall not be processed if that student has not first submitted a petition for reinstatement to the expelling Board. This District will only consider reinstatement, to the extent required by law, upon receiving written verification of the denial of the student's petition for reinstatement by the expelling Board.

Conditions of Reinstatement

The Board may require an expelled student (and if the petition was filed by a parent or legal guardian, the parent or legal guardian) to agree in writing to specific conditions before reinstating the student. These conditions may include, but are not limited to:

1. Signing a behavior contract;
2. Participation in or completion of an Anger Management Program or other appropriate counseling (at the expelled student's expense);
3. Periodic progress reviews; and
4. Specific immediate consequences for failure to abide by any conditions of reinstatement.

Reinstatement

If the District decides to reinstate an expelled student, those who were in grade five and below at the time of the expulsion shall not be reinstated before the expiration of 90 school days subsequent to the date of expulsion, unless a longer period of expulsion is required pursuant to the federal Gun-Free Schools Act. For students in grade five and below who have violated the federal Gun-Free Schools Act and who are accordingly subject to mandatory one-year expulsion, the Superintendent may submit his/her own recommendation to the Board, in conjunction with the designated committee's recommendation, to modify the one-year expulsion requirement (on a case-by-case basis) to a period of time not less than 90 school days. Individuals in grade six or above at the time of expulsion shall not be reinstated before the expiration of 180 school days (one legal school year) after the date of expulsion.

Application to Handicapped Students

This policy shall be applied in a manner consistent with the rights secured under federal law to students who are determined to be eligible for special education programs and services.

Definitions

“Weapons” or “dangerous weapon” includes, but is not limited to: a firearm; gun; revolver; pistol; dagger; dirk; stiletto; knife with a blade over 3-inches in length; pocket knife opened by a mechanical device; iron bar; or brass knuckles.

“Weapon Free School Zone” means school property and/or a vehicle used by the school to transport students to or from school property.

“School property” means a building, playing field, or property used for school purposes to impart instruction to students or used for functions and events sponsored by a school, and includes the area up to 1000 feet surrounding school property.

“Firearm” means (a) a weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by an explosive, or by gas or air; (b) the frame or receiver of any such weapon; (c) any firearm muffler or firearm silencer; or (d) any destructive device, including explosives, incendiaries, poison gas, or any weapon which will (or may readily be converted to) expel a projectile by the action of an explosive or other propellant. For purposes of application and enforcement of this policy, a BB gun is considered to be a “firearm.”

Assaults Committed Against School Personnel**Physical Assaults:**

The Board may permanently expel a student in grade 6 or above, for up to 180 days, if the student commits a physical assault, as defined by MCL 380.1311a(12)(b)⁵, against a District employee or against a person engaged as a volunteer or contractor for the District on school property, on a school bus or other school related vehicle, or at a school-sponsored activity or event.

Verbal Assaults:

Any student in grade 6 or above who commits a verbal assault on school property, on a school bus or other school related vehicle, or at a school-sponsored activity or event against a District employee or against a person engaged as a volunteer or contractor for the District shall be expelled by the Board for up to 180 days. The Board may modify the expulsion period on a case-by-case basis.

For the purpose of this policy, “verbal assault” shall be defined as any willful verbal threat that is intended to place another in fear of immediate physical contact that will be painful and injurious, coupled with the apparent ability to execute the act.

Assaults Committed Against Other Students

A student in grade 6 or above shall be suspended or expelled, depending upon the circumstances, for up to 180 days if the student commits a physical assault, as defined by MCL 380.1310(3)(b),⁶ against another student on school property, on a school bus or other school related vehicle, or at a school-sponsored activity or event. The Board may modify the expulsion period on a case-by-case basis.

⁵ MCL 380.1311a(12)(B) and MCL 380.1310(3)(B) define “Physical Assault” as “intentionally causing or attempting to cause physical harm to another through force or violence.

⁶ See Note 5.

Reinstatement (Cf. 8310-R)

The parent or legal guardian of a permanently expelled student, or an emancipated permanently expelled student may petition the Board for reinstatement. The Board will provide all due process rights to reinstatement as outlined in state law.

Application to Students with Disabilities

This policy shall be applied in a manner consistent with the rights secured under federal and state law to students who are determined to be eligible for special education programs and services.

Implementation

The Superintendent shall develop specific procedures for dealing with expulsions authorized by this policy. Regulations ensuring due process to all students before an expulsion is imposed shall be developed with the advice of the District's attorney.

The Superintendent's regulations shall include procedures for reporting violations of this policy to the Board, procedures for referring permanently expelled students to appropriate Family Independence Agencies or County Community Health Agencies and specifics for the reinstatement of students.

Approved: July 11, 2001

Reviewed:

LEGAL REF: MCL 380.1308; 380.1311a

The District does not condone the use of force, fear, hitting, paddling, spanking, slapping, or other forms of corporal punishment as an appropriate procedure in student discipline.

No employee, volunteer or contractor of the District shall inflict physical pain by hitting, paddling or spanking, or cause to be inflicted, corporal punishment upon a student.⁷ Reasonable physical force may be used to maintain order and control in a school or a school related setting for the purposes of providing an environment conducive to safety and learning.

Physical force upon a student may be necessary to restrain or remove a student whose behavior is interfering with the orderly exercise and performance of District functions within a school or school related activity if that student has refused to comply with a request to refrain from further disruptive acts; for self defense or the defense of another; to prevent a student from inflicting harm on himself/herself; to quell a disturbance that threatens physical injury to any person; to obtain possession of a weapon or other dangerous objects; and to protect property.⁸

Employees should not find it necessary to resort to physical force, violence, or threats to compel obedience.

Approved: July 11, 2001
Reviewed:
LEGAL REF: MCL 380.1312

⁷ MCL 380.1312.

⁸ In determining whether an employee of the District has acted in accordance with this paragraph, deference shall be given to reasonable good-faith judgments made by that person (MCL 380.1312(7)).

Alternatives To Corporal Punishment⁹

Accepted alternatives to corporal punishment are:

- Involve students in the development of positively stated classroom rules, which relate to clear educational purposes. Submit these rules to the building Principal for approval.
- Involve students in the development of consequences for misconduct.
- Post a list of rules in a conspicuous area of the classroom in order to make students aware of appropriate behavior and the teacher's expectations.
- Send a letter containing classroom rules to parents/guardians. Request that they sign the letter and return it to school for confirmation.
- When students act in accordance with classroom rules, provide positive recognition, and implement consequences when a student's behavior is disruptive.
- Since consequences lose effectiveness when they are too punitive, implement consequences with patience and avoid punishing every infraction.
- Enforce rules in a pleasant, firm manner, with neither sternness nor anger.
- Use rewards frequently, but intermittently, so that students will be positively reinforced without expecting a reward each time they behave well.
- Teach appropriate language for students to express their feelings.
- Implement modalities on behavior management such as assertive discipline, behavior modification, etc.

⁹ MCL 380.1312(9) ("A local or intermediate school board or public school academy shall approve and cause to be distributed to each employee, volunteer, and contractor a list of alternatives to the use of corporal punishment.").

- Help students see cause and effect relationships between inappropriate behavior and the need to respect rights of others as per the Michigan Health Model.
- Implement rights and responsibilities fairly and consistently.
- Establish classroom privileges.
- When students misbehave, classroom privileges may be denied.
- Avoid disrupting the class when implementing consequences for student misconduct and select private moments to advise a student about his/her punishment.
- Follow the building's procedures for dealing with disruptive students relative to referring these students to the office for due process or to another appropriate place.
- Establish before, during, and after school detention when feasible.
- Use a time-out area or space in the classroom for young students.
- Confer with parents/guardians (e.g., by telephone, written communication, conferences, etc.) relative to a student's general pattern of inappropriate behavior.
- Hold conferences with the parent/guardian and student when the student's misconduct is disruptive.
- Remember to incorporate discipline rather than simply to impose penalties for misconduct. Teach appropriate student conduct.

The official statement of the policy and philosophy of the Flint Board of Education with regard to student conduct, along with procedures to implement this policy, is contained in a separately published brochure, *Flint Community Schools, Code for Student Conduct*, latest revision, approved by the Board. Copies of the *Code for Student Conduct* are distributed to all students and should be consulted for complete and up-to-date information.

The complete text of the *Code for Student Conduct* appears in the attached addendum #1 at the end of this manual.

Each teacher and administrator in the Flint Community Schools should read and be familiar with the *Code for Student Conduct*.

Approved: July 11, 2001

LEGAL REF: MCL 380.1311

A teacher is authorized to immediately remove and suspend a student from a class, subject, or activity when a student commits a violation of law or engages in disruptive behavior, which includes, but is not limited to the following conduct:

- (1) Throwing objects that can cause bodily injury or property damage;
- (2) Fighting;
- (3) Directing profanity, vulgar language, or obscene gestures toward the teacher or other students;
- (4) Violating safety rules as communicated in the *Code for Student Conduct* handbook or classroom rules;
- (5) Failing to comply with directives given by the teacher
- (6) Expressing racial or ethnic slurs toward the teacher or another student;
- (7) Engaging in any misbehavior that gives the teacher a reasonable belief that such conduct will incite violence;
- (8) Destroying/defacing school property;
- (9) Harassing/threatening or intimidating acts;
- (10) Repeated violations of classroom rules and/or code violations.

Any student suspended pursuant to this policy shall not be allowed to return to the class, subject, or activity from which he or she was suspended from until the passage of one full school day from the time of the student's infraction unless otherwise permitted by the teacher who ordered the suspension.

Students attending separate class periods throughout the school day shall be permitted during the term of the suspension to attend other classes taught by other teachers only when the student's conduct does not rise to the level of requiring a multiple day suspension or expulsion in accordance with District policy and the *Code for Student Conduct*.

Application to Students with Disabilities

This policy shall be applied in a manner consistent with the rights secured under federal and state law to students who are determined to be eligible for special education programs and services.

Implementation

The Superintendent shall develop detailed written regulations to implement this policy in compliance with state law requirements. He/she shall ensure uniform and consistent application of the policy and shall report to the Board as required on its effectiveness.

The regulations shall include safeguards for the dismissal of students suspended for more than ten accumulative days, procedures for reporting violations of this policy to appropriate members of the District's administration, and procedures for calling an immediate conference with parents/guardians following the student's suspension.

Approved: July 11, 2001

Reviewed:

LEGAL REF: MCL 380.1309

The District will endeavor to maintain a healthful environment for each student in school attendance and in school-sponsored activities.

Prior to entrance in school, kindergarten students shall be requested to present evidence that they have had a physical examination or a statement signed by the parent/guardian that meeting this request is contrary to their religious beliefs. Because of certain apparent or suspected physical problems, a student may be requested by a school nurse, principal or designee to be examined by a health care provider.

Immunization of Students and Vision Testing

All kindergarten students and other students entering school for the first time shall submit evidence that they have complied with the state's immunization requirements:

1. Submitting a statement by an authorized health care provider that the child has been tested for, immunized or protected against, diseases specified by the director of public health;¹⁰
2. Submitting a statement signed by the parents or guardian to the effect that the child has not been immunized because of religious convictions or other objections to immunization;¹¹ and/or
3. Submitting a statement signed by an authorized health care provider that certifies that the child is in the process of complying with all immunization requirements; and/or
4. Submitting a signed request that the local health department give the needed protective injections.

The parent or guardian of each enrolling child shall submit a statement signed by a district, county, or city health department director stating that the child has passed the Michigan Department of Public Health preschool vision screening test, or signed by a licensed medical or osteopathic physician, or a licensed optometrist stating that the

¹⁰ MCL 380.1177 (1) (a)

¹¹ MCL 380.1177 (1) (b)

child's eyes have been examined during the preschool years after age 3 and before initial entrance.¹² A vision test is not required if there is a statement signed by a parent or guardian to the effect that the child cannot be subjected to the test because of religious convictions.¹³

Students not in compliance with this policy shall be excluded from school and parents/guardians shall be notified.

The District shall place a very high priority on the eradication of preventable diseases among students through an adequate program of immunization, and authorizes the use of District facilities and staff time for this purpose. To accomplish this task the District shall use the model plan developed by the Michigan Department of Education and the Michigan Department of Public Health for assessing local immunization needs and implementing an immunization program appropriate to those needs.

Approved: July 11, 2001

Reviewed:

LEGAL REF: MCL 333.26301-333.26306; 380.1177; R 325.1491; R 325.1481

¹² MCL 380.1177 (2)

¹³ MCL 380.1177 (2)

In order to minimize the spread of contagious diseases among students and staff, the Flint Community Schools will cooperate with the Genesee County Health Department to enforce adherence to the *Michigan Health Code* for the prevention, control, and containment of communicable diseases.

A decision to close schools due to communicable disease outbreaks shall be made by the Superintendent, or designee, in consultation with the Genesee County Health Department medical staff and/or for review to the review team.

A student with or carrying a communicable and/or chronic infectious disease has all rights, privileges, and services provided by law and the District's policies.¹⁴

Approved: July 11, 2001

Reviewed:

LEGAL REF: MCL 333.5111; 333.5131; Family Educational Rights and Privacy Act of 1974

¹⁴ A student with a contagious disease is probably a "handicapped individual" under Section 504 of the Rehabilitation Act (29 U.S.C. § 794(a)). See *Thomas v Atascadero Unified School District*, 662 F. Supp.376 (C.D. Cal 1986) (a child with Aids was a "handicapped person" under Section 504).

Students with contagious diseases may also qualify for special education under the Individuals With Disabilities Education Act (20 U.S.C. § 1400 *et seq.*)

Decisions to place a student in a class outside regular classes due to infectious disease must be based on medical evaluations indicating a need to protect the health and safety of others. *Community High School District 155 v Denz*, 463 N.E.2nd 998 (2nd Dist. 1984).

Cases involving contagious diseases are highly fact-specific. Generally, the appropriate treatment of a student depends on the severity of the disease and the risk of infecting others, but in all cases, legal counsel should be consulted.

- A. The principal or designee will not permit a student to attend school who is out of compliance with the required immunization schedule. School personnel in completing and coordinating all immunization dates, waivers, and exclusions, including the necessary Immunization Assessment Program forms, to provide for preventable communicable disease control.
- B. All reportable communicable diseases will be referred to the Genesee County Health Department in accordance with Michigan statutory and administrative guidelines.
- C. The decision to close schools due to communicable disease outbreaks is at the discretion of the District's administration. Consultation on such decisions is available from the Genesee County Health Department.
- D. Mandatory screening for any of the following listed communicable diseases (see paragraph F) of all students/employees as a condition of attending work/school or as a condition for employment shall not be required.
- E. Communicable diseases considered a serious concern to the community and/or the afflicted individual will be addressed by a Communicable Disease Review Panel (C.D.R.P). This C.D.R.P. will serve as resource to the District to provide specific procedures for the situation.
- F. The Board will be informed by the Superintendent when the C.D.R.P. is formed to review a situation involving a person with a communicable disease in the schools, The Board shall be notified initially that the C.D.R.P. is meeting and the decision of the C.D.R.P. when a decision is made concerning the person with a communicable disease.

Communicable diseases that are serious in nature include:

1. AIDS - Acquired Immune Deficiency Syndrome.
2. ARC - AIDS Related Complex.

3. Persons infected with HTLV-III/LAV-Human T-Cell Lymphotropic Virus/Lymphadenopathy Associated Virus.
4. Hepatitis B.
5. Other like diseases that may be included by the health department which may present potentially serious health problems for those who come in contact with the disease and/or the disease carrier.

Communicable Disease Review Panel

A. Purpose

The C.D.R.P. shall serve as a resource to the District for specific communicable disease instruction, protocol, procedures, and to make recommendation concerning:

1. Specific serious communicable disease cases
2. Epidemic control regarding any communicable disease occurrence

B. C.D.R.P. Membership

The C.D.R.P. shall have a membership that will be limited to the following representatives:

1. The Superintendent who will serve as chairperson
2. Physician with expertise in the related disease
3. Physician treating the individual
4. A physician from the Genesee County Health Department
5. Parent/guardian (if individual student case) or the staff person affected (or his/her representative) or the affected student of 18 years of age or older (or his/her representative). It would be permissible for both parents/guardians to attend or for a person to bring a representative as long as it is with the understanding that they only have one vote.
6. The school nurse.

Operation Guidelines for the C.D.R.P.

- A. Upon notification of the existence or suspicion of an affected staff person/student, the Superintendent may, after consultation with a physician from the Genesee County Health Department within 24 hours, inform in writing the affected staff person, parent/guardian of an affected student or an affected student 18 years of age or older, that the affected person may not attend work/school or any school sponsored activity until the C.D.R.P.'s or Superintendent's written recommendations have been received. Possible alternative delivery of school programs shall be made available to the affected student.
- B. The C.D.R.P. shall have access to any relevant material or testimony concerning the affected individual and his/her behavior as it relates to the communicability of the disease. The C.D.R.P. shall consider existing federal, state, and local guidelines and have the authority to consult any experts, as they deem necessary.
- C. The C.D.R.P. shall make a written recommendation as to whether the affected person should continue to be involved in the school setting.
- D. As recommended in the state guidelines, the C.D.R.P.'s decision for students should be based on the behavior, neurological developments and physical conditions of the child, setting, and the risks and benefits to both the affected student and others in the educational setting.
- For an affected employee, the C.D.R.P. should consider in its determination:
1. The physical/mental condition of the school employee;
 2. The expected type of interaction with others in the school setting; and
 3. The impact on both the affected school employee and others in that setting.
- E. If the recommendation is to allow the person to continue in the school setting, then the C.D.R.P shall make a written recommendation regarding whether precautions should be taken within the school environment.

- F. If the recommendation is to exclude the person from the school setting, the C.D.R.P. shall make a written statement as to the conditions under which they would reconsider the denial.
- G. The C.D.R.P. shall make a recommendation as to the need to review the case on a periodic basis and the timelines for such a review.

Case Review Process

- A. The Superintendent shall obtain the name of the physician treating the affected person and shall request that the physician be a part of the C.D.R.P. The parent/guardian or affected person shall provide the school District with a release of information so that the C.D.R.P. may review the needed information.
- B. Upon notification of the existence or suspicion of an affected staff person/student, the C.D.R.P. chairperson shall, within five business days, call a meeting of the C.D.R.P., at which time the case shall be reviewed. The affected staff person, parent/guardian of an affected student, or an affected student 18 years of age or older will have an opportunity to present written reports and verbal testimony to the C.D.R.P.
- C. If the C.D.R.P.'s decision is unanimous, the chairperson shall, within three business days of the decision, inform in writing that decision to the affected staff person, parents/guardian of an affected student, or an affected student 18 years of age or older will have an opportunity to present written reports and verbal testimony to the C.D.R.P.
- D. If the C.D.R.P.'s decision is not unanimous, the Superintendent shall receive, within two business days of the conclusion of the hearing, a summary of each C.D.R.P. member's position. The Superintendent shall then make the final determination within three business days of the receipt of the C.D.R.P.'s summaries. Copies of this decision will be sent to the affected person,

parent/guardian of an affected student, or an affected student 18 years of age or older, the Board and the C.D.R.P.

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- E. If the affected person/student's parent or guardian does not accept the decision of the C.D.R.P./Superintendent, such persons may file, within five business days, a written request to the Board asking it to hear their appeal. The Board shall establish a date for such a hearing within two business days upon receipt of said appeal. Upon the conclusion of the hearing, the Board shall render its decision within five business days and send copies of their decision to the affected staff member, the parents/guardian of the affected student or to an affected student 18 years of age or older.
- F. If the decision of the C.D.R.P is not unanimous and if a majority of the members of the C.D.R.P. do not agree with the decision of the Superintendent, they may appeal that decision on their own behalf to the Board. All timelines for such an appeal will be the same as outlined in the appeal process in paragraph E.
- G. If the student is a special education student, a copy of the C.D.R.P.'s decision shall be sent to the Director of Special Education. The director shall then convene an Individual Educational Planning Conference (IEPC) within three business days of the receipt of the report. The IEPC shall consider the recommendation of the C.D.R.P. in determining the program and services. If the parent or guardian requests a hearing as a result of the IEPC recommendation, a placement of the student in the interim will be based upon the recommendation of the C.D.R.P.
- H. All persons involved in these procedures will be required to treat all proceedings, deliberations and documents in compliance with the provisions of the Family Educational Rights and Privacy Act (FERPA), the Freedom of Information Act, and the Employees Right to Know Act. Any employee found to have violated the

confidentiality of any proceedings connected with Policy 8510, or these rules, shall be subject to disciplinary action up to and including discharge.

8530 Student Assistance Program (Cf. 7110, 7145, 8015, 8180, 8190, 8200, 8220, 8310, 8315, 8350, 8530, 8580) 8530

A K-12 Student Assistance Program based within the school provides a means for schools to continue quality education in the classroom while providing a mechanism for addressing high-risk behaviors in youth that interfere with their academic and/or social development. The objective of such a program is to assist, identify, refer, and follow-up with students experiencing or at high-risk for problems, including but not limited to: substance abuse, depression, suicide, incest, personal and family violence, family problems, or mental health-related issues. The program links the District with local networks of community agencies and resources in providing appropriate assistance to students.

The District recognizes that education and disciplinary actions, although necessary components of safe and drug free programs, may not deter students from violence, weapons possessions, alcohol or illicit substance use. Students directly or indirectly may need assistance. It is the policy of the District to provide students assistance with their problems or to refer to licensed agencies those students whose problems cannot be effectively dealt with by the District. To implement this policy the District establishes a Student Assistance Program following guidelines set forth below. To insure that the adoption of this Student Assistance Program policy and participation in Student Assistance Programs developed pursuant to this policy are not construed to relieve students from responsibility for their actions, it is emphasized that the policies set forth in the Prohibited Conduct and Disciplinary Action sections of Policy 8220, and

mandated by the Safe and Drug-Free Schools and Communities Act Amendments of 1998, will be enforced.

Approved: July 11, 2001

Reviewed:

LEGAL REF: Title IV of the Elementary & Secondary Education Act of 1965;
Gun-Free School Zone Act of 1994; MCL380.1310; 380.1311; 380.1311a;
380.1596; 722.621

The Student Assistance Program is a "broad brush" approach intended to offer assistance to students who must deal not only with violence and substance abuse issues, but also to those students who must deal with other significant problems such as suicide, grief and loss, incest, sexual/physical abuse, family violence, depression, mental health-related issues, including teenage pregnancies, and other family problems. In no case should a diagnosis or suggestion that a student has substance-related or mental health problems be made.

It is the purpose of this program to establish the means by which students facing significant problems such as those described in the preceding paragraph may be referred (in addition to punitive measures when appropriate) for screening and assessment and/or to agencies or individuals licensed to deal with students' problems. The process by which a student may receive services will include the following:

Core Team

The Core Team is the foundation of the Student Assistance Program. This team is comprised of professionals whose primary purpose is to assess the needs of students via behavioral referral forms to determine whether the student is in need of help by referring to resources within the school building or to outside professionals. The team will use a comprehensive group process approach and a confidential information system that will include program evaluation data.

Educational Support Groups

Educational Support Groups will be established as needed to assist students in dealing with significant problems that they are likely to face. The staff for the educational support groups will have received inservice training and will be abreast of prevention and intervention strategies appropriate to their level of training.

Parent Involvement

An essential feature of all Student Assistance Programs is the significant involvement of parents at every level of program development and the support likely to be given in the implementation of a program. Even more so is the growing need to develop support and training programs for parents of students who are exhibiting "barriers to learning." Through a cooperative effort of schools, parents, and the community-at-large, an effective program can be developed to address the myriad of problems students are likely to face.

School Staff Responsibilities

All school staff are expected to refer to the building principal and/or designee or a member of the Core Team:

1. Any student whom they witness engaging in behaviors listed under Prohibited Conduct in Policy 8220;
2. Any student exhibiting signs, symptoms, or indications of an alcohol, tobacco or drug-related behavior problem or, any student whose self-disclosed alcohol, tobacco or drug-related behavior places them or others at risk or in eminent danger;

3. Students who make threats of, or engage in, acts of violence (physical, verbal or otherwise) as well as instance where the Gun-Free School Zone Act must be imposed will be excluded;
4. Any student who exhibits a definite and repeated pattern of unacceptable school performance not responding to usual and customary attempts to correct it; and
5. Students who have other significant problems.

Students may also seek the assistance of the Core Team in other ways such as self-referral or referral by peers, parents or community representatives.

Responsibilities Upon Referral

Except in emergencies, all students needing assistance with significant problems shall be referred to the building "Core Team" for preliminary review. The appropriate administrator or member of the "Core Team" shall consult with the referred student, his or her parents, and/or staff members and attempt to assess the nature and scope of the student's problems. The "Core Team" will determine whether additional assessment or referral is appropriate, and if so, the "Core Team" will refer the student to qualified District personnel or, if the student's problem cannot be dealt within the District, the appropriate referral will be made.

Confidentiality

The identity of any student referred for alcohol, tobacco and other drug treatment or mental-health related issues will be kept confidential in accordance with federal and state laws, except as otherwise required in the Prohibited Conduct and Disciplinary Actions section of Policy 8220. No records of the student's participation in

the Student Assistance Program will become a part of the student's permanent/cumulative file. Diagnostic labels such as "drug abuser," "chemically dependent" or "mentally ill" in addition to pejorative labels, are never to be used in documents referring to a student or in conversation about the student to third parties by any staff member.

The records of a student who participates in the Student Assistance Program will be kept with the "Core Team" for a period of three (3) years after the student's involvement with the program.

Such records shall become privileged information, and as such, shall not be accessible to other staff or employees except on a "need to know" basis. The confidential relationship established hereby may be broken when, in the best judgment of the Core Team or the principal of a school, non-disclosure endangers the health and welfare of the student or others.

Any employee of the District who has reasonable cause to know or suspect that a child has been subjected to abuse or neglect or who has observed the child being subjected to circumstances or conditions which would reasonably result in abuse or neglect will immediately report or cause a report to be made to the local Family Independence Agency.

School employees will not contact the child's family or any other persons to determine the cause of the suspected abuse or neglect. It is not the responsibility of school employees to determine or prove that the child has been abused or neglected.

Access to Students on School Premises (Cf. 8140)

The building principal is authorized to act in loco parentis to protect the interests of the student when allowing a student to be interviewed by FIA representatives on school premises.

Cooperation Between School and Agencies

The District's elementary and secondary schools, the FIA and law enforcement agencies shall cooperate with each other in the investigation of reports of suspected child abuse or neglect.

Approved: July 11, 2001

Reviewed:

LEGAL REF: MCL 722.621-636

To comply with the child protection law, any teacher or other school employee who suspects that a child's physical or mental health or welfare is being adversely affected by abuse or neglect shall immediately report such suspicions in the following manner:

Emergency Situations

An emergency situation includes, but is not limited to, life-threatening situations, reports of sexual abuse, obvious physical impairment, marks of abuse or overt behavior changes.

The building principal shall notify the Superintendent of the disposition of the initial report to the Family Independence Agency.

Non-Emergency Situations

It is recommended that the person suspecting abuse or neglect shall report his/her suspicions to the building principal. The principal shall confer with the school's social worker, guidance counselor or psychologist, if any, and notify the local FIA office. At no time shall the principal or any other staff members prevent or interfere with the intent to prevent the making of a report of suspected child abuse.

As much of the following information shall be given by the initial reporter: name, address and age of the student; name and address of the parents or guardians; nature and extent of injuries or description of neglect or sexual abuse; and any other information that might help establish the cause of the child's condition.

Any personal interview or physical inspection of the child by any school employee shall be conducted in an appropriate manner with an adult witness present.

An oral report to the principal must be made as soon as possible and will be followed by a written report.

In Michigan, anyone making a report in accordance with state law or participating in a resulting judicial proceeding is presumed to be acting without malice and in good faith and, in so doing, is immune from any civil or criminal liability that might otherwise be imposed.

Accident and illness may occur in the classroom and on school grounds. All school personnel shall be prepared to follow the necessary first aid procedures and other rules described in this section.

Any school employee who discovers an accident involving a student on school property shall, in a timely manner, report the accident to the building principal. Each building principal shall establish procedures for handling student accidents at athletic events and other school related activities.

Approved: July 11, 2001

Reviewed:

Generally, school employees are not trained to administer medical treatment to students.

In the event of a student accident which appears to require medical treatment other than emergency first aid, all school employees will follow the plans and procedures which have been developed by the Superintendent and building principals to cover such emergencies.

The Superintendent will develop procedures to be followed in case of a student accident or injury. Such procedures will be explained to all employees at the beginning of each school year.

Only qualified school employees may diagnose or in any way treat a student suspected of injury other than attempting to make the student as comfortable as possible while waiting for competent medical treatment. Qualified employees, for the purpose of this policy, are those employees who have successfully completed an approved Red Cross first aid program or who have otherwise been approved by the Superintendent to administer treatment.

Primary first aid procedures to be followed include visually determining, if possible, the extent of the injury and having the school's secretary or a certified staff member call the parents/guardians. (Cf. 8660 First Aid)

If the parents are notified, the injury should be described and appropriate action determined with consent of the parents/guardians.

If the parents/guardians cannot be reached, the family physician or alternate physician if permitted by parents/guardian of the student should be notified.

Under no circumstances will any of the school's employees attempt to administer medical treatment to any injured student.

Records

An information card for each student containing the following information shall be on file in the building principal's office:

- Names and addresses of parents/guardians, their home and business phone numbers;
- Names of some other persons to be called in the event of an accident and their phone number(s);
- Names of the family physician and his/her office phone number;
- Permission to call the family physician in the event parents/guardians cannot be reached and permission to act on his/her advice;
- Permission to consult with another physician if the family physician cannot be reached; and
- Any physical condition of the student for which it would be considered appropriate to indicate a medical alert.

The District shall provide appropriate training in first aid and cardio-pulmonary resuscitation (CPR) for identified personnel. This training may be provided as part of the District's in-service plan or other program established by the District.

First aid and CPR may be administered to students or adults only by those school employees qualified by District-approved training and then only in case of an emergency.¹ School employees shall not attempt to treat any student injury after the initial treatment of emergency first aid. The District will not assume liability under these policies for employees acting outside the scope of their authority.

Approved: July 11, 2001

Reviewed:

LEGAL REF: MCL 691.1504

¹ MCL 691.1504 (1) ("A person who having no duty to do so in good faith voluntarily renders cardio-pulmonary resuscitation to a person, shall not be liable for civil damages resulting from an act or omission in the rendering of that cardio-pulmonary resuscitation, except an act or omission amounting to gross negligence or willful and wanton misconduct.")

Personnel identified by the District as eligible to receive first aid and CPR training may include those who are regularly assigned to the work site such as: the building principal or head teacher, the building secretary, the physical education instructor, school nurse and other personnel as the District may identify.

First aid shall be limited to the applying of simple bandages and to any justifiable emergency aid such as stopping bleeding to prevent further injury, disability, or death.

Neither diagnosis nor treatment, except under emergency conditions, are within the responsibilities of school personnel, since school personnel are not trained to make what are essentially medical decisions.

At least three persons in every school building in the District shall be qualified to administer first aid and CPR.

Whenever possible, parents/guardians at home should administer medications for students. As a service to the family, the Superintendent shall establish procedures for the administration of medication by school personnel in circumstances where such administration is deemed necessary for the student's well being by the student's parent/guardian or authorized health care provider.²

School personnel shall at all times act within the limits of their training or professional medical license, and shall not diagnose, prescribe, or provide medication unless licensed to do so and with the proper written consent of the Superintendent.

Student Self-Medication

With the exception of transdural medication "patches" applied at home, elementary school students may not possess or self-administer any medications on school premises. Under certain conditions, special arrangements may be made by the building administrator at the written request of an authorized health care provider and by the student's parent/guardian.

Subject to the approval of school administration, reliable middle and secondary school students may possess and self-administer prescription medications provided that prior written permission is provided to the school by the student's parent/guardian and by the student's authorized health care provider.

Subject to the approval of school administration, reliable secondary school students may possess and self-administer non-prescription medications provided that prior written permission is provided to the school by the student's parent/guardian consistent with an authorized health care provider's medical advice.

² MCL 380. 1178 ("A school administrator, teacher, or other school employee designated by the school administrator, who in good faith administers medication to a pupil in the presence of another adult or in an emergency that threatens the life of the pupil, pursuant to written permission of the pupil's parents or guardian, and in compliance with the instructions of a physician is not liable in a criminal action or for civil damages as a result of the administration except for an act or omission amounting to gross negligence or willful and wanton misconduct.")

Teachers and other school personnel may assist any student showing signs of distress in the self-administration of their medication. Under such circumstances, school administration shall be notified immediately.

At no time shall a student provide his/her prescription or non-prescription medication to another student. Students who violate this policy may be subject to discipline, and may be denied permission to possess medication on school premises.

The Director of Health Services shall establish rules and procedures for implementing this policy.

Lifesaving Medication

The Director of Health Services shall work with the Genesee County Health Department, and county medical control or other authorized health care provider to investigate and establish standing orders, protocol and training for the provision and administration of epinephrine or other lifesaving medication by school personnel, in accord with the recommendations of the American Academy of Pediatrics and other professional medical associations.

Approved: July 11, 2001

Reviewed:

LEGAL REF: MCL 380.1178; AG Opinion #6476, #5679

School Administration of Medications – Prescription

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

- a. The parent/guardian, who shall request and authorize District personnel to give medication in the dosage prescribed by the authorized health care provider and to contact the authorized health care provider directly.
- b. The authorized health care provider, who shall provide instructions to school personnel regarding the administration of medication, and who shall identify any specific conditions or reactions to the medication which may require contacting the authorized health care provider or other professional medical personnel.

Instructions from the authorized health care provider must include the length of time (not to exceed the current school year) that medications are to be administered.

New parent/guardian and authorized health care provider written instructions and permission must accompany any change in medication, dosage, or time of administration.

Prescription medication to be given at school must be delivered in a container with a pharmacist's printed label specifying:

- a. The child's full name,
- b. The name of the medication, the dosage, and the route of administration,
- c. The time of day medication should be administered, and
- d. The name of the authorized health care provider.

Only limited quantities of a prescription medication may be kept at school, and the parent/guardian shall be solely responsible for any and all prescription refills. All prescription medication shall be kept in locked storage or other safe place.

The principal of each building shall designate the school personnel who may administer medication to students. School personnel authorized to administer

prescription medication shall be given appropriate instruction in the administration of medications. Except in the case of an emergency that threatens the life or well being of the student, all administration of medication shall be conducted in the presence of two or more adults.

No school personnel shall be required to administer any medication by any means other than oral, topical, inhaled medication, ointments, eye and ear medication, and the automatic pen (Epi-pen).

After medication is administered, students should be observed for possible reactions to the medication. This observation may occur at the site of administration or in the classroom as part of the normal routine.

School personnel designated to administer medications shall maintain an accurate and confidential system of record keeping, including the following:

- a. The full name of the student
- b. The authorized health care provider's instructions for administration
- c. A log of the time, dosage, administering adult, second adult present for each administration, and the signature of the administering adult for each administration, and
- d. Any noted effects of or reaction to the medication.

School personnel must take care to ensure that each student is provided the proper medication in the proper dosage, and shall log each administration immediately. In the event of a mistake in administration or dosage, the authorized health care provider and parent/guardian shall be contacted. It is recommended that the authorized health care provider be contacted first so that the parent/guardian may be told and reassured that the authorized health care provider indicated no harm was done. The school staff member shall write up the error on a District incident/accident report form.

School personnel, appropriately trained, shall periodically review medication instructions on file and inventory medications being stored by the school. Medications must be claimed by parents/guardians at the end of the school year or be discarded.

The building Principal may refuse to administer or may choose to discontinue the extra service of administering medication under certain conditions as approved by the Director of Pupil Personnel Services or designee, appropriate notice is given to the parent/guardian.

School Administration of Medications – Non-prescription

The procedures for administering non-prescription medications to students by the District shall be identical to those for prescription medications, including written instructions by the authorized health care provider and parent/guardian written consent.

Student Self-Administration of Medications

Upon the written request of a parent/guardian and with the approval of the school administration, students may carry small quantities of medication for self-administration. Approval of the school administration may be withheld whenever the Principal feels that the student is not sufficiently mature and reliable to undertake self-administration without supervision. The school administration will grant elementary, middle, and high school students self-administration privilege on the request of an authorized health care provider and parent/guardian written consent.

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

Assisting a Student in Distress

Any District staff member may assist a student in distress in self-administration of a medication (ex. Epi-pen injection, asthma inhaler, etc.). For the purpose of this policy, distress refers to any obvious and serious discomfort or

threatening condition. The staff member should first confirm that the medication and dosage are proper for the student as conditions allow.

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

Diagnosis and Prescription of Medications

(At present, Michigan only allows licensed physicians to diagnose and prescribe medications, though the legislature is being asked to consider granting limited prescription authority to nurse practitioners. MASB does not recommend allowing medical professionals employed by the school to issue prescriptions or medications without a careful examination of liability issues by the school attorney).

Non-curriculum related student groups may meet on school premises during non-instructional time if approved by the building principal.⁴

If the meeting is student-initiated and not part of a school sponsored activity, it must be conducted according to the following guidelines:

1. Attendance is voluntary;
2. The school will not participate in or sponsor it;
3. School employees can be present at religious meetings of students only in a non-participatory capacity;
4. It cannot materially and substantially interfere with the orderly conduct of educational activities within the school;
5. Non-school persons may not direct, conduct, control, or regularly attend.
6. The school maintains its authority to maintain order and discipline.

The Superintendent shall develop administrative procedures that will implement this policy.

Approved: July 11, 2001

Reviewed:

LEGAL REF: Student Equal Access Act, 20 U.S.C. § 4071,1984

³ This policy should be adopted only by school districts that wish to establish or already have a limited open forum within their secondary schools by allowing non-curriculum related student groups to meet. Note that if a limited open forum was created, it can be stopped by refusing to allow all non-curriculum related groups access to school facilities. The Equal Access Act prohibits the school from denying fair opportunity or “equal access” to any students who wish to conduct a meeting within a limited open forum on the basis of the religious, political, philosophical or other content of speech at such a meeting.

The U.S. Supreme Court has interpreted “non-curriculum related student group” as any student group that does not directly relate to the body of courses offered by the school. *Board of Education of Westside Community School District v Mergens*, 110 S. Ct. 2356 (1990). A student group directly relates to a school curriculum if:

- the group’s matter is actually taught, or will soon be taught, in a regularly offered course;
- the group’s subject matter concerns the body of courses as a whole;
- participation in the group is required for a particular course or results in academic credit.

⁴ Non-instructional time is the time set aside before actual classroom instruction begins or after actual classroom instruction ends.

Application for use of school premises by non-curriculum related, student-initiated groups, must be made at least one week in advance to the building Principal, stating fully:

1. The purpose for which the premises are to be used;
2. The character of the program or activities;
3. The materials to be brought into or near the building;
4. The arrangement of the furniture in the rooms, including decorations;
5. In addition, any other information the building Principal might require.

In scheduling the use of school premises, activities associated with the District educational program have priority over the activities of any other organization; otherwise, school premises will be available on a first-come, first-served basis.

School-sponsored publications are part of the curriculum and are not a public forum for general student use.

Student publications that are not libelous, disruptive, or obscene (obscene as defined by local community standards and lacking sufficient, redeeming social value) may be distributed on school property during school hours in areas designated by the building principal.⁵ Distribution that substantially interferes with the normal flow of traffic within the school corridors and entry ways, that is coercive of any other person's right to accept or reject any publication, or that causes substantial and material interference with "normal school activities" shall not be permitted.

Approved: July 11, 2001

Reviewed:

⁵ School authorities may reasonably regulate student expression in school-sponsored publications for education-related reasons. *Hazelwood School District v Kuhlmeier*, 108 S. Ct. 562 (1988). This policy allows such control by clearly stating that school-sponsored publications are not a "public forum" open for general student use but are, instead, part of the curriculum.

Any student who desires to distribute a student publication shall submit the student publication to the building principal for review and approval before distribution.

At the time of submission, the student has the right and is encouraged to meet personally with the principal so that the student and the principal may freely exchange views on why the distribution of the student publication is or is not appropriate. The student or his/her representative may support the case for distribution with relevant witnesses and materials.

In determining whether a student publication is disruptive, school personnel should consider the context of the distribution as well as the content of the material. In this regard, consideration should be given to past experience with similar material, to past experience in dealing with and supervising students, to current events influencing student attitudes and behavior and to any instances of actual or threatened physical disruption before or contemporaneously with the submission of the student publication in question.

The principal shall render his/her decision to approve or disapprove the distribution of the student publication and notify the student within one school day of its submission. If approval to distribute is not granted, the principal shall state his/her reason to the student in writing.

If the student is dissatisfied with the decision of the principal, the student may appeal this decision. The appeal from the principal's decision may be taken by notifying the Superintendent, either orally or in writing, within two school days of the principal's decision, of the student's desire to appeal and the desire for a hearing before the Superintendent.

A hearing date must be established within three school days after receipt of the notice of appeal has been filed with the Superintendent, and the Superintendent shall render a decision, stating reasons in writing, within three school days of conclusion of the hearing.

If the student is dissatisfied with the decision of the Superintendent, the student may appeal this decision. The appeal from the Superintendent's decision may be taken by notifying the Secretary of the Board, either orally or in writing, within two school days of the student's desire to appeal and the desire for a hearing before the Board.

A hearing date must be established within ten days after receipt of the notice of appeal has been filed with the secretary of the Board, and the Board shall render its decision in writing within three school days of the hearing.

At every level of the appeal process as outlined above, the student or his/her representative shall have the right to appear and present his/her case supported by relevant witnesses and materials as to why distribution of the student publication is appropriate.

In exercising the right of prior review, school personnel shall be guided by the following guarantees and definitions. The First Amendment to the Constitution of the United States protects students in their exercise of freedom of expression.⁶ It is the responsibility of the school and its staff, while establishing the kind of environment that is necessary for an orderly program of classroom learning, to ensure that the right of students to express themselves freely shall not be infringed upon at the same time. Distribution of student publications shall not be prohibited because they contain the expression of unpopular, critical, controversial, tasteless or offensive ideas.

Distribution of the student publication during the period of initial review by the principal, after a negative decision of the principal or during the period of appeal shall be sufficient grounds for suspension of the student by the principal in accordance with the procedures set forth in law.

⁶ U.S. Const. Am. I ("Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.")

In order for a student publication to be considered disruptive, there must exist specific articulable facts upon which it would be reasonable to forecast that a clear and present likelihood of an immediate, substantial and material disruption to normal school activity or school discipline would occur if the material were distributed. Mere undifferentiated fear or apprehension of disturbance is not enough; school personnel must be able to affirmatively show substantial facts which reasonably support a forecast of likely disruption. Such disruption would include, for example, student rioting, unlawful seizures of property, destruction of property, threats or acts of violence, widespread shouting or boisterous conduct, or substantial participation in a school boycott, sit-in, stand-in, walk-out or other related forms of activity. On the other hand, material that stimulates heated discussion or debate does not constitute the type of disruption prohibited herein.

Ads

Ads concerning drug paraphernalia or any controlled substances are prohibited in school-sponsored publications.

Definitions of Terms Used in Discussing Student Publications

“School day” means any day during the regular school year or summer session on which regularly scheduled classroom instruction takes place and excludes Saturdays, Sundays and official school holidays.

“Publication” means any book, magazine, pamphlet, newspaper, yearbook, picture, photograph, drawing or any other written or printed matter or visual representation of a faculty sponsor.

“School publication” means any publication, as defined herein, which is composed, compiled, published, or distributed under the official supervision of a faculty sponsor.

“Student publication” means any publication as defined herein which is composed, compiled, published or distributed by students without school sponsorship.

“Distribution” means circulation or dissemination of the student publication to students at the time and place of normal school activity or immediately prior to subsequent thereto by means of handing out free copies, selling or offering copies for sale, accepting donations for copies of the publication or displaying the material in areas of the school building or property which are generally frequented by students.

“Normal school activity” means organized educational activity of students under the direct supervision of a member of the school staff which includes classroom work, library activities, physical education classes, official assemblies and other similar gatherings, school athletic contests, band concerts, school plays and scheduled-in-school lunch periods.

“Minor” means any person under the age of 18 years.

“Obscene as to minor” means that an average person, applying contemporary community standards would find that the publication, taken as a whole, appeals to the prurient interest and has no redeeming social value; that the publication depicts or describes, in a patently offensive way, sexual conduct specified in applicable law; and that the work taken as a whole lacks serious literary, artistic, educational, political or scientific value.

“Libel” is the false and unprivileged (unprotected by immunity) publication in writing or the printing of pictures, effigies or other fixed representations to the eye exposing a person to public hatred, contempt, ridicule or obloquy causing him/her to be shunned or avoided or which has a tendency to injure him/her in his/her occupation.

When the publication concerns “public officials,” i.e., those who hold government office or “public figures,” i.e. those who, by reason of the notoriety of their achievements or employment or by reason of the vigor and success with which they seek the public’s attention, the defamatory falsehood must be made with actual malice in order to be libelous, i.e., with knowledge that it was false or with reckless disregard of whether or not it was false. “Public figures” also include administrators, teachers, and coaches.

Instructors shall be encouraged to release individual students for such public appearances and performances that may contribute to the student's educational processes and objectives and will not interfere with other scheduled activities or classes.

Scheduled appearances and performances should assist with the activities of the Flint community through both patriotic and civic groups, and also be consistent with the goals of the Flint Community Schools.

The appropriate building administrator shall approve all such appearances and performances.

Contests

The District supports the participation of students in those contests that are currently placed on the approved list that is published annually by the Committee on National Contests and Activities of the National Association of Secondary School Principals.

The District does not endorse the participation of school students in any contests that may endanger the accreditation of the schools of the District by the North Central Association of Schools and Colleges.

The above types of contests and all other contests shall have prior administrative approval for participation.

Approved: July 11, 2001

Reviewed:

Physically challenged students, including those temporarily disabled by illness, operation or accident authenticated by a physician's order, will be eligible for homebound instruction; however, all programs will meet the criterion of the least restrictive environment.

Students who are temporarily challenged or physically restricted are encouraged to attend school if able. If the student is unable to attend school and is ineligible for homebound instruction, it shall be the responsibility of the student or parents/guardians to secure lesson assignments from each of the student's teachers in order to keep abreast of the student's schoolwork.

Approved: July 11, 2001

Reviewed:

Students who are injured and have difficulty walking or climbing stairs on a temporary basis may secure permission from the building Principal to be late to class.

Each such permit will expire Friday at 4 p.m. of each week and must be renewed at the beginning of school each Monday morning.

Students with injuries that would prohibit normal participation in physical education must present a physician's statement prohibiting such activity to the building Principal at the time the student re-enters school after sustaining his/her injury.

Staff members who have contact with students who are permanently physically challenged may consult the student's cumulative records so that they will be able to focus on such student's strengths as well as weaknesses. (Cf. 8940)

The District advocates the right to continued public education for all pregnant students.⁷

A pregnant student has the right to continued schooling in regular school classes.⁸ In the event an individual pregnant student desires to withdraw from school during pregnancy, the District alone or in conjunction with other community institutions will furnish her with such assistance as is possible to enable her to return to school on a full-time basis.

The rights of a pregnant student do not eliminate her responsibility for meeting the rules and standards of behavior established by the Board and do not exempt her from disciplinary measures imposed for breaking such rules.

Approved: July 11, 2001

Reviewed:

LEGAL REF: MCL 380.1301; R 340.1121-1124; 388.1493

⁷ MCL 380. 1301 (1) ("A person who has not completed high school may not be expelled or excluded from a public school because of being pregnant.")

⁸ MCL 380. 1301 (2) ("A pregnant person who is under the compulsory school age may withdraw from a regular school program in accordance with rules promulgated by the state board.")

Each pregnant student's case shall be handled on an individual basis by the school's staff in relation to full participation in school activities.

Pregnant students shall be allowed to participate in all phases of the school program unless their physician advises to the contrary or unless their behavior results in material and substantial disruption of the school program. If a student fails to produce a physician's statement covering participation in school activities, the administration may deny such participation in the best interests of the student.

In the event a pregnant student's child is born during the school year, the student will be re-admitted to regular classes and activities upon written consent of her physician.

The District believes there are benefits to students, schools, and to the community in general when foreign exchange students are allowed to attend the public schools. Therefore, it is the policy of the District that foreign exchange students be permitted, under certain conditions, to enroll in the school system.

Guidelines

1. A foreign exchange student is defined as a student from a foreign country in the United States under the sponsorship of an exchange organization. Approval will be made only for those students who are sponsored by exchange organizations that have Teenager Exchange Visitor Programs designation as listed by the United States Information Agency and/or the Council on Standards for International Educational Travel. The organization must have a local sponsor.
2. The District will follow the regulations for exchange programs as defined by the United States Information Agency and/or the Council on Standards for International Educational Travel.
3. Any exchange student program wishing to place students in the District must submit an application and gain approval before the placement of any student(s).
4. The exchange student will be expected to comply with all rules, procedures, policies, and fees required of regular residents.
5. The District reserves the right to deny admittance to any exchange student or exchange student program.

Only those foreign exchange students who complete all of the District's requirements will be entitled to a high school diploma and be eligible to participate in the graduation ceremony.

Approved: July 11, 2001

Reviewed:

LEGAL REF: AG Opinion #6316

The educational interests of students require the collection, retention, and use of information about individual students and groups of students. At the same time, the student's right of privacy mandates careful custodianship and limitations on access to student records.

Student records shall be available only to students and their parents/guardians, adult students, and designated school officials and personnel, not including Board members, who have a legitimate educational interest in the information. In situations in which a student has both a custodial and non-custodial parent/guardian, both shall have access to the student's educational records unless stipulated otherwise by court order.⁹

"Legitimate educational interest" shall be defined as a "direct or delegated responsibility for helping the student achieve one or more of the educational goals of the District" including, but not limited to those officials with legitimate educational interests as defined in District administrative guidelines.

Directory Information

The information contained in school student records shall be kept current, accurate, clear, and relevant. All student records, including those maintained in District electronic database(s), shall be safeguarded during collection, maintenance, and dissemination so as to protect against unauthorized access or accidental release. The District may release directory information in accord with law, provided parent(s) or guardian(s) are given the opportunity to object to the release of this information.

⁹ Family Educational Rights and Privacy Act (FERPA) 20 U.S.C. 1232g (b) (1) ("No funds shall be made available under any applicable program to any educational agency or institution which has a policy or practice of permitting the release of education records (or personally identifiable information contained therein other than directory information, as defined in paragraph (5) of subsection (a) of this section) of students without the written consent of their parents to any individual, agency, or organization, other than to the following--(A) other school officials, including teachers within the educational institution or local educational agency, who have been determined by such agency or institution to have legitimate educational interests, including the educational interests of the child for whom consent would otherwise be required;") Other authorities cited in the statute include persons designated in a federal grand jury subpoena, state and local officials, and appropriate person in an emergency if the student's health or safety is in jeopardy.

The District shall inform students and their parent(s) or guardian(s) annually and upon initial enrollment of their rights under law and District policy with respect to student records, and of the procedures for exercising those rights.¹⁰

The Superintendent shall develop rules and procedures for implementing this policy and state and federal law with respect to student records. The Superintendent shall designate one or more records custodian(s) for each site and/or media in which student records are kept, and shall provide them with appropriate training. The District may charge an appropriate fee to cover the expense of providing copies of records requested by a parent or guardian.

The District shall protect the rights of privacy of students and their families in connection with any surveys or data-gathering activities conducted, assisted, or authorized by the Board or administration.¹¹ Regulations established under this policy shall include provisions controlling the use, dissemination, and protection of such data.

For the purposes of these rules, whenever a student has attained 18 years of age, or is attending an institution of post-secondary education, the consent required of and the rights accorded to the parents or guardians of the student shall only be required of and accorded to the student.

Approved: July 11, 2001

Reviewed:

LEGAL REF: MCL 15.231 *et seq.*; 600.2165; Family Educational Rights and Privacy Act (20 USC Sec. 1232g); 34 CFR Part 99; MCL 380.1134-1135

¹⁰ Family Educational Rights and Privacy Act (FERPA) 20 U.S.C. 1232g (a)(1)(A) ("No funds shall be made available under any applicable program to any educational agency or institution which has a policy of denying, or which effectively prevents, the parents of students who are or have been in attendance at a school of such agency or at such institution, as the case may be, the right to inspect and review the education records of their children.")

¹¹ 20 U.S.C. 1232g (c) ("No survey or data-gathering activities shall be conducted by the secretary, or an administrative head of an education agency under an applicable program, unless such activities are authorized by law.")

Custodians

Each building principal shall designate one or more full-time staff members as student records custodian(s) for the school. The system or database administrator at each site is designated custodian for all student records maintained in an electronic database or other computer media. The Superintendent shall designate one or more full-time staff members as custodian for any student record information maintained at the District's central office.

Each custodian shall be trained in their duties by their immediate supervisor, and shall become familiar with law, District policy, and these rules with respect to student records. The custodian(s) should work closely with other staff members to ensure that all data maintained in student records is current, accurate, clear, and relevant.

Record Types

Student record files shall include, but shall not be limited to, the following: permanent, supplemental, and tentative record files.

Permanent records. This classification includes official administrative records that constitute data necessary for operating the educational system that is of long-term value or importance. It includes basic identifying information, academic transcripts, attendance records, accident and health reports, withdrawal and re-entry records, honors and activities, date of graduation, follow-up records, information pertaining to release of records, and other information deemed to be of permanent value by the District.

Supplementary records. This classification includes verified information that is important in operating the educational system but is of a more sensitive nature and of less historical importance. It includes: test scores on standardized achievement, aptitude

and intelligence tests; observational data gathered from teachers; counselor evaluation and observations of social and personal assets; psychological reports; disciplinary information; special education files; health data; family background information; educational and vocational plans; and other information determined by the administration to be appropriate for this category.

Tentative records. This classification includes useful information that has not been verified or is not clearly needed beyond the immediate present. It includes unevaluated reports of teachers or counselors that may be needed in ongoing counseling or disciplinary actions and student electronic mail.

Storage

The custodian is responsible for ensuring that the records under his/her care are stored in such a fashion as to protect them from harm and unauthorized alteration or access. Physical records should generally be kept in a storage area that is well supervised and lockable; electronic records should be protected by regular back up and password or encryption security of good integrity.

Directory Information

The custodian of records may make certain directory information available without parental/guardian or eligible student's consent if public notice of the categories of information designated as directory information has been given. After such public notice has been given, the parents/guardians have the right to object to the release of the information within a specified reasonable time period. Directory information includes the following information about the student: the student's name, address, telephone number, picture, parent or guardian name(s), addresses, and phone numbers, date and place of birth; major field of study; participation in recognized activities and sports and related information; dates of attendance or grade placement; honors and awards received; the most recent educational agency or school attended by the student; and other information

that would not generally be considered harmful or an invasion of privacy if disclosed and that is specified in the public notice.

Data Gathering

Only the school principal with respect to an individual school, and the Superintendent or Board with respect to the District, may authorize the collection of survey or other data pertaining to students or their families. The administrator shall confirm that the data collection will be in accord with law and Board policy prior to authorizing it. At the time of authorization, the administrator is to see to it that safeguards are in place to ensure the confidentiality and security of the information gathered, including appropriate training of the persons who will be collecting or handling the data.

Missing Student

When law enforcement officials have notified the District that a student has been reported missing, the building Principal shall tag this in an obvious way on that student's records.¹² The tag shall remain until notified by law enforcement that the tag should be canceled, or until the student's eighteenth birthday.¹³ If a request had been received for a tagged student's records, the custodian shall not comply with the request but shall immediately notify the law enforcement agency.

Inspection and Copying of Records

Each school shall establish appropriate procedures for the granting of a request by a parent/guardian for access to their child's records within a reasonable period of time, but in no case more than 45 school days after the request has been made. Where such records or data include information on more than one student, the parent/guardian of any student shall be entitled to receive, or to be informed of, that part of such record as pertains to their child.

¹² MCL 380. 1134

¹³ MCL 380. 1134 (4)

A school official competent in interpreting student records shall be present to explain the meaning and implications of the records that are examined.

In situations where the parents/guardians of a student are divorced or separated, each parent/guardian, custodial and/or non-custodial, has equal rights to their student's records unless a court order specifies otherwise. The District's personnel shall not recognize private agreements between the student's parents/guardians.

Copies of student record(s) will be made for a parent/guardian upon request. Copying fees shall be charged only when multiple copies are requested in a limited time period, and shall be assessed according to the procedures established for FOIA requests.

Requesting Amendments

Parents/guardians may ask the District to amend a record that they believe is inaccurate, misleading, or in violation of a student's right to privacy by writing the school principal or records custodian, identifying the part of the record they want changed, and specifying the reason(s) for the request. The competent school or District administrator shall make a determination on the request in a timely fashion and shall reply in writing to the parents/guardians detailing the actions taken. If the decision is to deny the request, the parents/guardians shall be provided with the information and procedures to request a hearing regarding their request for amendment.

When a hearing has been requested by parents/guardians for the purpose of challenging the content of the student's education record, the procedure to be followed in the hearing shall include the following:

- The hearing shall be conducted and the decision rendered by a person who does not have a direct interest in the hearing outcome;
- The parent/guardian of the student shall be given notice of the date, place and time of the hearing within a reasonable time in advance of the hearing;
- The parent/guardian may be assisted or represented by individuals of his/her choice at his/her own expense, including an attorney;

- The parent/guardian shall be afforded a full and fair opportunity to present relevant evidence;
- The decision shall be rendered in writing within a reasonable time after the hearing concludes; and
- The decision of the school shall be based solely upon the evidence presented at the hearing and include a summary of the evidence and the reasons for the decision.

If the decision of the school following the hearing is to deny the request, the parent/guardian shall be afforded an opportunity to place a statement in the record commenting on the contested information or disagreement with the school. This statement shall be attached to the record in question and copied or disclosed along with the record for as long as the record is maintained.

Disclosure Without Consent

The custodian of records may disclose information contained in those records without the consent of the student's parent/guardian to the following persons, on the condition that they agree not to disclose the information to any other party without the written consent of the parent/guardian:

- Other school officials, including teachers within the District who have legitimate educational interests;
- Officials of other schools or school systems in which the student intends to enroll; [Note: this requires parental/guardian notification in each instance unless stated as a practice in the annual notification to parents/guardians of their rights]
- The Comptroller General of the United States, the Secretary of Education, or state and local educational authorities;
- Authorized persons to whom a student has applied for or from whom a student has received financial aid;
- Organizations conducting studies for or on behalf of educational agencies or institutions;

- Accrediting organizations;
- In compliance with a judicial order or subpoena, provided the custodian makes a reasonable effort to notify the parent(s)/guardian(s) before complying so that they may seek protective action. Notification will not be made to the parent(s)/guardian(s), however, if the court or agency issuing the subpoena orders that the subpoena not be disclosed; and
- Appropriate persons if knowledge of the information is necessary to protect the health or safety of the student or other persons in an emergency. The custodian of the records shall take the following factors into consideration in deciding whether the information should be released: the seriousness of the emergency; whether the information is needed to meet the emergency; whether the persons to whom the information will be released are in a position to deal with the emergency; and whether time is of the essence in dealing with the emergency.

Except for local school officials, all persons, agencies, or organizations requesting or accessing the records of a student shall be recorded on a form (including electronic forms) kept permanently along with the student's records if the request or access involved any information that personally identified the student, except for subpoenas that prohibit disclosure. The form must identify the requesting party, the legitimate interest the party had in making the request, the information released or made accessible, the date the request and/or release was made, and the name of the custodian who handled the request.

Statistical data from student records may be disclosed without consent of the parent(s)/guardian(s) for research, statistical summary, or planning purposes provided that the information released cannot be used to identify an individual student. The custodian shall exercise care in this regard, as statistically small populations within the District may be identifiable through seemingly innocuous data (Ex. Race and gender of a

student may be sufficient to identify an individual in a District with a low minority population).

Disclosure With Written Consent

The custodian may disclose information in a student's records or provide access to the records following written instructions signed and dated by the parent/guardian of the student specifying the records, the reasons, and the person(s) to whom the release is to be made. A copy of the parent/guardian's instructions shall be kept along with the record.

Whenever the District requests the consent to release certain records, the custodian shall inform the parent(s)/guardian(s) of the right to limit such consent to specific portions of information in the records.

Disposition of Records

The school shall maintain permanent records for an indefinite period of time. When the student graduates, supplementary records shall be destroyed or shall be transferred to the permanent record if they have permanent usefulness. Tentative records shall be destroyed when the use for which they were collected is ended. However, tentative records may be placed in the supplementary classification if the continuing usefulness of the information is demonstrated and its validity verified.

To eliminate unnecessary or outdated information, the official custodian shall review a student's records when the student moves from elementary to a middle school or junior high, from a middle school or junior high-to-high school and upon high school graduation.

Custodial Discretion in Exceptional Circumstances

If the custodian of student records has special information that would indicate granting or denying access to student records in accordance with these rules would be harmful to the student, he/she may exercise discretion in granting or denying access in a manner other than provided herein.

Notification

Each school within the District shall disseminate to each student and family at least annually the following statement of rights. Parents/guardians who are non-native speakers of English shall be provided a translation or otherwise contacted to inform them of these rights.

Disposition

Annual notice shall be given to parents/guardians and eligible students concerning the student's records. In addition, the custodian of the educational records shall give annual public notice of the class of records the institution has designated as directory information. The appropriate forms for said notices are on file in the office of the custodian of the educational records.

STUDENT AND FAMILY RIGHTS CONCERNING SCHOOL RECORDS

The Family Educational Rights and Privacy Act (FERPA) affords parents/guardians and students over 18 years of age (eligible students") certain rights with respect to the student's education records. They are:

1. The right to inspect and copy the student's education records within 45 school days of the day the District receives a request for access.

Parents/guardians or students should submit to the school custodian of student records a written request that identifies the record(s) they wish to inspect. The custodian will make arrangements for access and notify the parent(s)/guardian(s) or eligible student of the time and place where the records may be inspected.

2. The right to request the amendment of the student's education records that the parent(s)/guardian(s) or eligible student believes are inaccurate, misleading or an invasion of privacy.

Parents/guardians or eligible students may ask the District to amend a record that they believe is inaccurate, misleading, or an invasion of privacy. They should write the school Principal or records custodian, clearly identify the part of the record they want changed, and specify the reason.

The right to challenge school student records does not apply to: (1) academic grades of their child, and (2) references to expulsions or out-of-school suspensions, if the challenge is made at the time the student's school student records are forwarded to another school to which the student is transferring.

If the District decides not to amend the record as requested by the parent(s)/guardian(s) or eligible student, the District will notify the parent(s)/guardian(s) or eligible student of the decision and advise him/her of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent(s)/guardian(s) or eligible student when notified of the right to a hearing.

3. The right to permit disclosure of personally identifiable information contained in the student's education records, except to the extent that FERPA of Michigan law authorizes disclosure without consent.

Disclosure is permitted without consent to school officials with legitimate educational or administrative interests.¹⁴ A school official is a person employed by the District as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the Board; a person or company with whom the District has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent(s)/guardian(s) or student serving on an official committee, such as disciplinary or grievance committee, or assisting another school official in performing his/her tasks.

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

Upon request, the District discloses education records without consent to officials of another school District in which a student has enrolled or intends to enroll as well as to person(s) specifically required or allowed by State or federal law.

Disclosure is also permitted without consent to: any person for research, statistical reporting or planning, provided that no student or parent(s)/guardian(s) can be identified; any person named in a court order;¹⁵ and appropriate persons if the knowledge of such information is necessary to protect the health or safety of the student or other persons.¹⁶

4. The right to prohibit the release of directory information concerning the parent's/guardian's child.

¹⁴ 20 U.S.C. 1232g (b) (1) (A)

¹⁵ 20 U.S.C. 1232g (b) (1) (J)

¹⁶ 20 U.S.C. 1232g (b) (1) (I)

Throughout the school year, the District may release directory information regarding students, limited to:

- Name
- Address, telephone number, picture
- Gender
- Grade level
- Birth date and place
- Parents'/guardians' names and addresses
- Academic awards, degrees and honors
- Information in relation to school sponsored activities, organizations and athletics
- Major field of study
- Period of attendance in school

Any parent(s)/guardian(s) or eligible student may prohibit the release of any or all of the above information by delivering a written objection to the building Principal within 30 days of the date of this notice. No directory information will be released within this time period, unless the parent(s)/guardian(s) or eligible student are specifically informed otherwise.

5. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the District to comply with the requirements of FERPA.

The name and address of the office that administers FERPA is:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington DC 30303-4605

Fees and Charges

Building principals or designated representatives shall be authorized to collect fees authorized by the Board.

Fines

No fines shall be imposed upon any student provided, however, that school property lost, damaged or destroyed by a student shall be paid for by such student in accordance with rules and regulations prescribed by the Superintendent.

Approved: July 11, 2001

Reviewed:

Fees and Charges

At the time of enrollment of classes at the beginning of each school year, the Superintendent will distribute a fee schedule approved by the Board to all building principals and other school personnel designated by him/her as being authorized to charge and collect certain fees. Such fee schedule shall include:

- A detailed list of all items for which a charge is to be collected;
- The amount of such charges;
- The date due;
- Classifications of students exempt from the fee or charge;
- A system for accounting for and disposing of such fees; and
- An appeal procedure to be used by students or parents/guardians to claim exemption from paying the fees or charges.

Fines

Building principals shall attempt to collect the justifiable value of school property lost, damaged, or destroyed by a student. If, after the attempt to collect, such amount remains unpaid, the Principal shall report the matter to the Superintendent who shall consult with the Board's attorney, and they shall jointly recommend a course of action to the Board.

Other Guidelines

1. The District may not make charges for any required or elective courses, such as:
 - a. General registration fees
 - b. Course fees, materials
 - c. Textbook and school supplies
2. District may charge fees for extracurricular activities when students are not graded or evaluated and academic credit is not given or for any activity in which participation is not required for obtaining a diploma. Provision should be made on a reasonable basis so that students without financial means are not excluded.

3. District may charge for damages or loss of school property when such property has been provided to students without charge.
4. District may require students to place a deposit to cover damage to textbooks, non-consumable materials and supplies provided free by the District, for those economically able to pay as determined by school authorities, after consulting with the parent/guardian. These deposits must be reasonable and refundable.
5. Officials may determine the quality and quantity of school supplies such as textbooks, paper, and pencils that are needed for student use. Likewise, students may voluntarily bring their own school supplies for any curricular subject.
6. District may require a person to pay for adult education courses offered by the schools, provided that the adult is not earning credit towards a high school diploma and is not counted in membership for state aid purposes.
7. District may charge for summer school except where such activities are a part of a regularly scheduled year-round program.
8. District may require fees for clothing and food that are offered during the regular school program.