

# **Bloomfield Hills School District Board Policies**

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## **School Sponsored Publications**

Publications, except for informational brochures, intended for the general public, shall include the names of the members of the Board of Education, the name of the Superintendent and Assistant Superintendents, the school district logo, the school or district office address, telephone number, website, the date of publication, and (if applicable) the seal of national recognition appropriate for the school or District.

Each school and department will ensure quality and accuracy of material for printing and distribution.

Revised: 9/14/93

Revised & Adopted: 5/20/97

Revised & Approved: 1/18/05

Revised & Approved: 2/5/09

## **Guidelines for Printing District Publications**

The following guidelines are to be used when the school district requires printing of its publications:

§ The Oakland Intermediate School District Print Production & Graphics Department will generally be the initial contact for printing district publications.

§ If the job or project exceeds \$10,000, then three or more quotes from reliable vendors are required, consistent with the District's purchasing policy.

§ If the job or project is \$10,000 or less, quotes from other vendors are recommended if a significant price benefit can be gained.

§ The Community Relations Department shall keep a reference list of suggested outside vendors.

Reference: Policy 3430(1): Purchasing

Approved: 12/11/08

## **News Media Relations**

Bloomfield Hills Schools encourages the promotion of our schools. The following procedures should be followed:

1. Inquiries related to the Board of Education should be referred to the Board President.
2. Inquiries related to district operation and emergency situations should be referred to the Superintendent or designee.
3. Inquiries related to litigation should be referred to the Superintendent or designee.
4. News items for newspapers, magazines, journals, websites, radio and television, and news conferences and interviews shall be released through the office of the Superintendent, Community Relations or other designee. All news conferences and interviews will be scheduled in such a manner that they do not disrupt the regular learning activities of the schools.

Approved: 6/2/92

Revised & Adopted: 5/20/97

Revised & Approved: 1/18/05

Revised & Approved: 2/5/09

## **Dissemination of Information Through Students**

Information associated with or concerning programs sponsored by the District, or concerning local or community cultural events may be sent home with students. Information concerning programs which are not associated with or concerning programs sponsored by the District, or concerning local or community cultural events shall not be sent home with students.

Adopted: 5/20/97

Reviewed: 1/18/05

Revised: 2/25/09

## **Naming Facilities**

The Board of Education shall name or rename district facilities and properties.

Persons wishing to have a district property or facility named/renamed in a particular manner, or named/renamed to honor or memorialize an individual significant to the District shall submit a written request to the Board. The Board shall wait a minimum of three (3) months before action is taken on the request.

### Criteria for Naming Facilities After an Individual

1. The individual was (or is) a resident or staff member of the Bloomfield Hills School District, or
2. The individual made a significant contribution to the well being of the District, students, community and/or society in general.

Approved: 6/2/92

Revised & Adopted: 5/20/97

Revised & Approved: 1/18/05



## **Parent-Teacher Organizations**

The Board of Education and the administration regard the parent-teacher organizations as partners of the schools and supporters of public education.

The Board believes that the Parent-Teacher Organization Council makes a significant contribution by providing a communication network for the individual PTO's and by coordinating district-wide PTO activities. The Board of Education is committed to maintaining dialogue with the PTO Council.

Approved: 6/2/92

Reviewed: 1/18/05

## **Ad Hoc Committees & Standing Citizens' Advisory Committees**

The Board of Education may appoint ad hoc committees and standing citizens' advisory committees when appropriate. In general, committees shall be broadly representative of the school community and created for specific tasks. Technically competent persons from outside the District may be chosen as resources for special areas.

Appointments to these committees shall be made by the Board President and/or the Superintendent.

Attempts will be made to recruit a broad representation of the school community for the committees.

Specific topics for study or well-defined areas of activity shall be assigned, in writing, to each committee immediately following its appointment. The Board shall keep the public informed of the findings of its committees, which are in the public interest.

### **Ad Hoc Committees**

Ad hoc committees may exist for a period of up to one year, and may be reappointed by the Board. Upon completing its assignment and reporting its conclusions to the Board, the committee shall be promptly dissolved.

### **Standing Citizens' Advisory Committees**

All appointments shall be for a term not to exceed four years. Minutes of all committee meetings shall be submitted to the Superintendent, who will keep the Board informed of committee status. Each standing committee shall be asked to report to the Board on an annual basis.

Reference: Bylaw 8130: Board Committees

Approved: 6/2/92

Revised & Adopted: 5/20/97

Revised: 3/1/05

## **Visitors to Schools and Facilities**

The Board of Education encourages citizens of the District to visit schools and facilities to become more aware of the programs offered. The building principal or facility administrator is responsible for all visitor approval. Therefore, to ensure the safety of students and staff and continuity of programs, all visitors must report to the main office of the school or facility for identification.

No individual will be permitted to visit school buildings or be on district property without prior approval of the principal, facility administrator or designee. Persons who want to visit shall make arrangements at least 24 hours in advance. This prior approval requirement may be waived by the principal or facility administrator.

Approved: 12/21/93

Revised & Adopted: 5/20/97

## Complaints Regarding School Personnel

Individuals having a complaint regarding instructional staff, support staff or administrative staff, or matters related to school programs, should process the complaints as follows:

### **Instructional Personnel**

Complaints regarding instructional personnel or other issues related to the instructional program should start at the classroom level with the teacher. If the matter is not resolved after discussion with the teacher, complaints may be taken to the building principal, then to the appropriate central office administrator, and then to the Superintendent.

### **Support Staff**

Complaints regarding support staff or programs should start with the appropriate supervisor. If the matter is not resolved after discussion with the supervisor, complaints may be taken to the appropriate central office administrator, and then to the Superintendent.

### **Administrators**

Complaints regarding administrators or programs supervised by the administrator should start with the administrator. If the matter is not resolved after discussion with the administrator, complaints may be taken to the appropriate central office administrator, and then to the Superintendent.

### **Central Office Administrators**

Complaints regarding central office administrators, programs or procedures supervised by the administration, should start with the central office administrator. If the matter is not resolved after discussion with the administrator, complaints may be taken to the Superintendent.

### **Bypass Source of Complaint**

Although contact with the source of the complaint is a desirable starting point, the Board recognizes that in some circumstances it is not appropriate to discuss a complaint directly with the individual who is the source of the complaint. In such case, the complaint may be taken directly to the staff member's supervisor.

### **Superintendent May Intervene**

The Superintendent, or designee, may intervene at any level of the complaint process. Such intervention shall be at the sole discretion of the Superintendent.

### **Board of Education**

An individual who is not satisfied after following the complaint procedure of this Policy may take the complaint to the Board of Education by submitting the complaint, in writing, to the President of the Board. The Board President may choose not to hear the complaint, establish a subcommittee of the Board to hear the complaint, have the full Board hear the complaint, or direct the Superintendent or designee to take other action on the complaint.

Approved: 6/2/92

Revised & Adopted: 5/20/97

## **Recreation-Community Services Commission**

The Recreation-Community Services Commission shall function within the framework of Board Policy 1220, which governs standing advisory committees. The Recreation-Community Services Commission shall be a standing advisory committee broadly representative of the school community. A member of the Board will serve as a liaison between the Board and the Recreation/Community Services Commission. The term of commission appointments shall be four (4) years. The Commission shall consist of 11 members, drawn from the following:

- Community member age 50 or more
- Bloomfield Township Treasurer or designee
- City of Bloomfield Hills Manager or designee
- Community organization representative, such as BBFA, BYG, etc.
- Bloomfield Boosters
- Representative of another municipal or school district jurisdiction recreation department
- Building administrator
- PTOC
- At Large
- United Homeowners Association
- Director of Special Education or designee

Approved: 4/2/85

Revised & Adopted: 5/20/97

Reviewed: 6/6/05

Revised & Adopted: 1/14/10

## **Recreation-Community Services Commission**

It shall be the responsibility of the Recreation-Community Services Commission, in conjunction with the Director of Recreation-Community Services, to:

Identify and formulate short and long-range goals

Propose leisure and learning services for people of all ages, backgrounds and needs

Identify community needs and priorities and recommend programs to serve those needs.

Review the Recreation-Community Services programs and services and to recommend changes where appropriate.

Foster partnerships, where possible, between community agencies to address the needs of the community.

Assist in the identification of community resources for use in the Recreation-Community Services program.

Prepare recommendations for an annual capital outlay budget corresponding to the estimated amount of special Recreation millage proceeds each year. As required by Board Policy, such budget recommendations shall be submitted to the Superintendent for review and submission to the Board of Education for consideration and final approval.

Serve as a communication link between neighborhoods in the school district and the school administration in fulfilling the objectives above.

Approved: 4/2/85

Revised & Adopted: 5/20/97

## Use of School District Facilities

Residents, staff members, professional organizations, the District's Recreation-Community Services Division, and community groups are encouraged to use those facilities established and maintained by the Board of Education. All requests shall be considered, providing the proposed activity and use will not detract from educational and/or Recreation-Community Services programs and will not be in violation of public health safety regulations nor with any district policies or regulations. Except for the artificial turf fields at Andover and Lahser, the activities for which rentals are approved shall not replicate, compete or interfere with programs that are offered by Bloomfield Youth Soccer, Bloomfield Baseball League, Bloomfield Hills Lacrosse League and Recreation-Community Services Department unless special permission has been granted by the Director of Physical Plant Services.

The Superintendent of Schools or designee shall establish and implement a system for processing, coordinating, and authorizing requests for the use of school district facilities. The Regulations contained in the 1302 series will establish the rules governing such use and set forth expectations concerning the conduct of those persons using the facilities of the District.

### **Users Must Provide Supervision, Follow Rules, and Pay Established Fees**

All individuals, groups, staff, professional organizations, or Recreation-Community personnel authorized to use school facilities for activities including those which are school-related, charitable, civic or character building, shall be responsible for providing adequate supervision and for complying with all of the District's rules and regulations and other legal obligations as may exist. Such persons or groups shall be subject to a schedule of rental fees and service charges based upon classification set forth in Regulation 1302.4. The District's schedule of fees and service charges shall be reviewed annually and recommendations made as required to the Board of Education.

While residents, staff members and community groups shall be encouraged to use District facilities, no person may enter or remain in any school building or site except when engaged in an approved or scheduled activity, or when in attendance as a regularly enrolled student or staff member of the District. Further, no individual or group shall willfully or maliciously make or cause any noise, disturbance, or diversion in or near any school building or school property which would disturb the peace, quiet or good order of any school or school activity.

### **Unauthorized Use Prohibited**

Further, the Board of Education has determined that the unauthorized use of school properties, grounds, and parking lots by automobiles, unscheduled groups, motorbikes, motor carts, snowmobiles, minibikes (or any motorized vehicles that are not licensed for use on highways), model airplanes, rockets or hot air balloons is detrimental to the general welfare of the community and is, therefore, prohibited.

The use of roller blades, roller skates, skateboards, bikes, and similar recreational items shall not be permitted on tennis courts, or tracks, ramps, stairways or handrails.

The Board authorizes the Superintendent or designee to close to public use any facility of the District, or part thereof, for any length of time as deemed necessary.

Approved: 1/19/93

Revised & Adopted: 5/20/97

Revised: 9/17/02

Revised & Approved: 5/27/03

Revised & Approved: 2/7/06





## **Coordination and Scheduling of School District Facilities**

### **A. Coordination of Facilities Use**

Physical Plant Services shall be responsible for coordinating the use of school district facilities, recognizing that if scheduled appropriately, regular instructional programs have priority over all other requests except for certain times designated below in subsection C.

Once regular instructional activities have been scheduled, Physical Plant Services shall coordinate the use of facilities. Requests to use school district facilities during the day, when school is in session, shall be referred to the appropriate building principal for approval. All other requests shall be subject to approval by Physical Plant Services. Specific time periods and guidelines for approval are set forth in Regulation 1302.2.

Physical Plant Services shall be responsible for the development of rules and regulations to govern the use of district facilities by staff, residents, and community groups, as well as the development of a recommended schedule of rental fees and service charges, based upon operating costs. Physical Plant Services, in conjunction with the Recreation Department and the Athletic Department, will be responsible to maintain the integrity of the playing fields. At times this may require the resting of various outdoor sites. It is recognized that overuse can have long term detrimental affects on outdoor areas and over playing any area should be avoided.

### **B. Scheduling of Elementary and Secondary School Facilities**

A scheduling program shall be designed and implemented which permits the use of elementary and secondary school facilities for instructional, co-curricular, and community activities in a planned and organized manner. Scheduling procedures shall first consider the needs of the instructional program, but will also take into consideration the interests and needs of the parties who request the use of school district facilities.

#### **1. District Activities Calendar**

The basis for establishing schedules for facilities shall be an annual district-wide calendar, which sets forth the name of the facility, the group or organization scheduled, and time the facility is required. The calendar shall be published and distributed by the first Friday in August of each year, and shall be developed in accordance with the following timetable.

a. Central Office administrators with responsibility for scheduling district-wide events will have first choice until mid-April in reserving space for activities in buildings, the schools will follow until the last Friday in April of each year, subject to the reservation times and facilities stipulated in paragraph 2 which follows. To avoid conflicts, community events should be scheduled as follows:

Elementary - first week of the month

Middle School - second week of the month

Senior High - third week of the month

Beginning April 30 of each year, the Athletic Department Coordinators will be given priority to schedule activities into the unfilled dates of the school calendar with the exception of the field houses. In cases of conflicts between the schools and the Athletic Department Coordinators, the Athletic Department Coordinator and Principal will resolve the issue. The Athletic Department Coordinator or Building Principal will meet with Recreation to determine weekend use between field houses and main gyms for the following year.

Beginning May 15 of each year, Recreation & Community Services will have priority in scheduling activities into the unfilled dates of school calendars and have priority for daytime use of field houses.

At the two high school field houses the evening time slot for Recreation Division will be scheduled on a quarterly basis. Recreation facility requests must be submitted no later than August 1 for the fall quarter, December 1 for the winter quarter, March 1 for the spring quarter and June 1 for the summer quarter. After Recreation schedules its programs, the high school out-of-season varsity sports will have priority scheduling its high school field house on a quarterly basis. These facility requests must be submitted on August 7 for the fall quarter, December 7 for the winter quarter and March 7 for the spring quarter. On the 15<sup>th</sup> of August, December and March, facility requests will be accepted for rentals by the general public on a first come, first served basis for the high school field houses. Blanket requests for blocks of time will not be allowed.

Middle school field houses will also be scheduled by Recreation on a quarterly basis following the same date schedule as above. After Recreation, facility requests will be accepted for rentals by the general public on a first come, first served basis starting the 15<sup>th</sup> of August, December and March.

By May 1<sup>st</sup> high school and middle school principals and Recreation will meet to schedule field house use during the day for the following year and also meet quarterly to update field house availability.

For indoor facilities, community groups will be permitted to schedule activities for the next year on a first come, first serve basis after May 31.

1. No "blanket" or block schedule requests will be entered unless listed as specific usage by date and hour, and team for each facility. Blanket requests cannot be used for entire blocks of time for any facility.
2. A report is available online at each school's office which is updated periodically. A listing of activities shall be available to building principals and appropriate department heads, including any changes which might result from the following system of priorities.

(a) After May 31, all scheduling will occur on a first-come, first-serve basis.

(b) After May 31, all changes and additions in scheduled activities should be submitted thirty (30) days in advance. If a requested change produces a conflict with another scheduled event, both parties must mutually agree to the changes in schedule.

(c) In cases of schedule conflict, the first scheduled group shall have priority. Any unresolved conflicts due to rescheduling shall be settled by the principal of the facility. Appeal may be made to the Physical Plant Services Department.

The calendar shall serve as the official District Activities Calendar and may not be superseded or altered without the approval of the Physical Plant Services Department.

#### C. Athletic/Recreation & Community Services Priorities

To assure maximum use of available indoor facilities by the Athletic and Recreation & Community Services Departments, facilities and times shall be reserved for these activities as follows, except for dates of secondary athletic contests scheduled on the District Activities Calendar as of the end of April.

##### 1. Senior High School

###### **Bloomfield Hills High School: Main Gym**

Monday - Friday	7 am - 10 pm	Athletic Program
Saturday *	8 am - 12 pm	Athletic Program
	12 pm - 4 pm	Recreation
	4 pm - 10 pm	Rec/Rental
Sunday	7 am - 4 pm	Rec/Rental

###### **Bloomfield Hills High School: Field House**

Monday - Friday	7 am - 2 pm	Recreation**
	2 pm - 7 pm	Athletic Program

	7 pm - 10 pm	Recreation***
Saturday	8 am - 12 pm	Recreation
	12 pm - 4 pm	Athletic Program
Sunday	8 am - 4 pm	Recreation

#### Bloomfield Hills High School: Pool

Monday - Friday	7 am - 7 pm	Athletic Program
	7 pm - 10 pm	Recreation
Saturday *	8 am - 10 am	Athletic Program
	10 am - 3 pm	Recreation

\* Reserved times on Saturdays & Sundays for main gym and field house at the high school may alternate between the Athletic and Recreation departments each year based on mutual agreement.

\*\* School use subject to availability.

\*\*\* Athletic and school use subject to availability.

Any time slot that is open may be used for rental purposes.

## 2. Middle Schools

### Gymnasiums

Each middle school gym will be available a minimum of two evenings per week for use by Recreation-Community Services from 7 p.m. to 10 p.m. with the exception of previously scheduled high school athletic practices. Building principals will be responsible for determining the use days for school gyms prior to July 1 of each school year.

Monday - Friday	3 pm - 7 pm	Athletic Programs
	7 pm - 10 pm	Recreation or rentals
Saturday & Sunday	School, recreation or rentals have priority use	
	7 am - 4 pm	Saturday
	7 am - 4 pm	Sunday

### Field Houses

Monday - Friday	8:30 am - 2:30 pm	Recreation
	3 pm - 7 pm	Athletic Programs
	7 pm - 9:45 pm	Recreation
Saturday & Sunday	Recreation has priority use	
	7 am - 4 pm	Saturday
	7 am - 4 pm	Sunday

Cafeterias	Recreation & Community Service	Athletic Dept.
Weekdays	after 6 pm	before 6 pm
Nov. 1 - March 1	7 pm - 10 pm	3 pm - 7 pm
All other times	6 pm - 10 pm	

## 3. Any unscheduled field house time at all secondary sites can be used for rentals per section d under

regulation 1302.1(2)

4. Elementary Schools - Gymnasiums

- (a) Scout programs will be allowed to submit facility requests to schedule the gym after May 31.
- (b) The gym shall generally be reserved a minimum of three days per week from the end of the elementary day to 6 pm for Recreation-Community Services.

5. Outdoor Facilities (Soccer fields, artificial turf fields, baseball fields)

- a. School athletics will have priority in scheduling activities on outdoor fields. After athletics schedules their use, Recreation will have priority. Once Recreation schedules their activities, other approved groups and the community will be given priority. Only after all of the approved groups have scheduled their needs will outside groups be given access. This will be on a first come, first served basis and subject to other provisions of the regulation.
- b. All outdoor field scheduling will be done on a quarterly basis as follows: for fall sports, athletics will schedule outdoor fields between May 1 and May 15 of the prior school year. From May 15 until May 31 of that same year, Recreation will have priority in scheduling outdoor activities for the upcoming fall season. From May 31 until June 30, other approved groups will be given priority, and after June 30, other outside groups will be given access on a first come first served basis. For spring sports, athletics will be able to schedule outdoor fields between December 1 and December 30. From January 1 until January 30, Recreation will have priority in scheduling for their spring outdoor activities. From February 1 until the end of February, other approved groups will be given priority, and beginning March 1, all other groups will be given access to all other allowable outside areas on a first come first served basis.

6. E.L. Johnson Nature Center/Chas. L. Bowers School Farm & Farm Activity Building

- (a) Those interested in the rental of the School Farm and Farm Activity Building will be required to get approval from the manager of the Farm or for the Farm Activity Building from the Recreation Department. Groups may also work through the Farm Manager to provide activities that correlate to Farm events such as Open Barn, etc.

- 7. Gary M. Doyle Center for Professional Development will be available for rental after all internal needs are met.
- 8. The lower level of the E. L. Johnson Nature Center, as well as the area near the pond will be available for rental after all instructional needs are met. Approval of the Nature Center manager is required.
- 9. International Academy rentals will be processed by the International Academy.

Facility Limitations

Due to the presence of special equipment or materials used in the instruction program, certain rooms or areas shall only be available for Recreation-Community Services programs and not for public use unless authorized by the building administrator. The District recognizes the importance of providing school facilities for Recreation-Community Services programs and therefore:

Four regular classrooms in each elementary school shall be made available for Recreation-Community Services programs two days per week. These elementary classrooms shall be available only for use by the Recreation-Community Services division.

On in-service days and student vacation days, except for legal holidays, the following facilities will be available for Recreation Community Services use during the afternoons: one pool, one theater, one cafeteria, and three secondary gymnasiums.

#### Swimming Pool Temperature Guidelines

Water and air temperature shall be set as follows in the District swimming pool:

During the varsity swim program: Water - 78-80 degrees; Air - 81-84 degrees

All other seasons: Water - 80-82 degrees; Air - 81-84 degrees

#### Emergency Procedures

Whenever school is canceled due to inclement weather conditions, all athletic, co-curricular, recreation, community education programs and rental programs for the day and evening will be canceled. Exceptions may be made by the Superintendent if there are special circumstances.

Approved: 11/18/99

Revised: 9/17/02

Revised: 5/27/03

Revised: 4/1/2013

Revised: 8/21/2013

## Approval of Facilities and Services Requests

Applications for the use of school facilities and sites shall be made online or on a Facilities and Services Request form and sent to Physical Plant Services. At least thirty (30) calendar days lead time is required for large requests and at least ten (10) working days is required for all other requests if a desired facility is available and if time permits making necessary arrangements.

1. Purposes for which a Facilities & Services Request is required

- a. Use of building facilities and certain outdoor recreation/athletic team areas.
- b. Use of ball diamonds, soccer fields, artificial turf fields and exclusive use of certain out door areas so designated by this policy.
- c. Special events of a cultural or recreational nature held on school property.

1. Time Period when Application is Required

An application for the use of school facilities shall be required when any person, association, building staff or organization desires the exclusive or partial indoor or outdoor use of such facilities during any weekend, holiday or other vacation period when schools are not in session, and during the following daily time periods when schools are in session.

- a. Elementary Facilities: After completion of scheduled instructional day (approximately 3:55 p.m.)
- b. Secondary Facilities: After 3 p.m. and weekends

All requests for other periods of time shall be referred to the appropriate building principal for approval and scheduling.

A. Guidelines for Approval

Physical Plant Services and/or the principal of a facility (or designee) shall make the following considerations in determining whether an application for building use should be approved:

- a. Facilities desired have not already been reserved for other use on the date and time stated in the application.
- b. Non-priority, non-competing athletic teams may be scheduled for practice sessions on District athletic fields after all priority use scheduling has been satisfied. Note: A priority team is a team sponsored by the district Athletic Department, Recreation/Community Services, Bloomfield Youth Soccer, the Bloomfield Baseball League, and Bloomfield Hills Lacrosse League.
- c. Use of the facility will not unreasonably interfere with nor detract from the general public's use and enjoyment of the facility.
- d. Use is not reasonably anticipated to incite violence, crime or disorderly conduct.
- e. Activity will not entail unusual, extraordinary, or burdensome expense for police operation or maintenance by the school district.

- f. Activity will not reasonably interfere with the purpose for which the facility is normally used.
- g. Location of the facility and the surrounding area is appropriate for the proposed activity.
- h. Facilities available are adequate and suitable to accommodate the use proposed by the request.
- i. Use of the area will not detract or hinder any District athletic team or sponsored activity.

### 3. Approval/Appeal Process

Physical Plant Services or the principal of a facility (or designee) shall apprise an applicant within five (5) working days after receipt of an application, in writing, of their decision to grant or deny a request for the use of facilities. If a request is denied, the applicant shall be apprized upon request, in writing, of the reasons therefore.

Any aggrieved person or group shall have the right to address a written appeal to the Superintendent of Schools within five (5) calendar days after having been notified that their request was denied. The Superintendent shall review the application and make a decision regarding the appeal within five (5) calendar days.

### 4. Responsibilities of Approved Facility Users

- a. Individuals or groups to whom an approval is granted shall be responsible for providing adequate supervision and for complying with all of the District's rules and regulations. Appropriate rental and service fees (outlined in Regulation 1302.4) shall be payable under the terms stated in Regulation 1302.5.
- b. For rentals of the waterfront facilities at West Hills Middle School and the Bloomfield Hills High School Auditorium, a certificate of insurance must be provided as follows:
  - i. Commercial and for-profit organizations: A Proof of Liability/Personal Injury/Bodily Injury and Property Damage Insurance Certificate ("Certificate") is required for each event in the amount of \$1,000,000 per occurrence.
  - ii. Nonprofit organizations: A Proof of Liability/Personal Injury/Bodily Injury and Property Damage Insurance Certificate ("Certificate") is required for each event in the amount of \$500,000 per occurrence.
  - iii. The Certificate names Bloomfield Hills Schools as "an additional insured" on the policy.
  - iv. A copy of the Certificate must be provided at least two weeks prior to the event or beginning of the rental period, whichever is sooner. Failure to present proof of insurance by the deadline voids all agreements. Events without the proper insurance on file by the deadline will be cancelled.
- a. Individuals or groups to whom an approval is granted shall be liable to the school district for any direct loss or damage to the facility or to equipment used. They shall be bound by all Board of Education policies, legal obligations, and District regulations in force as though the same were stated in the approval.
- b. No alcoholic beverages are permitted in or around any school building or on any school district property except for events for which the Superintendent has approved, in writing, an exception to this prohibition, and held at the following locations:

- i. Charles L. Bowers School Farm
- ii. E.L. Johnson Nature Center
- iii. Booth Center

Any exception will require an additional signed agreement along with proof of appropriate licensing and proof of Liquor Liability and Commercial General Liability Coverage with Bloomfield Hills Schools named as “an additional insured” on both the General Liability and Liquor Liability policies.

- a. No contract will be issued to persons under 21 years of age. Student groups using school facilities will require supervision and assumption of responsibility for fees and charges by an adult. There must be adequate adult supervision for all usage.
- b. Use of buildings will be approved only when the building is staffed by an employee authorized by the school district.
- c. The user shall be responsible for the conduct and control of both patrons and participants, and shall see that all District regulations, including safety, are followed.
- d. The user is not to enter any area other than those areas identified on the contract.
- e. Keys shall not be issued to the user. An administrator or custodian shall open and close all areas to be used.
- f. Subleasing or shared use (not authorized by the school district) is prohibited. If authorized by the District, all regulations including insurance are applicable to the subleasee.
- g. Noncompliance with facility use regulations may cause loss of facility use privileges. Non-payment of rental fees within 30 calendar days after facility use will result in the loss of facility use privileges, unless payment arrangements are made in advance.
- h. Smoking is not allowed in school building(s) or on school property at any time. Please refer to Board of Education Policy.

#### A. Consolidation of Building Use

Facility utilization on weekends and during vacation periods will be consolidated by Physical Plant Services to reduce individual facility use whenever possible.

#### 4. Cancellation and/or Revocation of Approval

When previously scheduled facilities become unavailable due to unforeseen events, Physical Plant Services shall notify affected groups as soon as possible, and attempt to make arrangements for use of an alternate facility.

The Superintendent or designee shall have the authority to revoke any previously issued approval for the use of a facility when such an action is deemed necessary.



Approved: 11/18/99

Revised: 9/17/02

Revised: 5/27/03

Revised: 12/1/2010

Revised 6/22/2017

## **Availability of School District Facilities Other Than Elementary and Secondary Schools**

### **1. Outdoor Education Facilities**

Nursery schools, private and parochial schools located within the school district boundaries may request use of the School Farm or the Nature Center by contacting the appropriate facility manager.

A fee will be charged to cover all direct costs in connection with the facility's use by the visiting groups, in accordance with the District's current fee schedule for these facilities.

### **2. Wing Lake Historical Center**

The Wing Lake Historical Center is available to both residents and nonresidents of the District on regular school days.

A fee will be charged to cover all direct costs in connection with the facility's use by the visiting group, in accordance with the District's current fee schedule for this facility.

### **3. Gary M. Doyle Center for Professional Development & E. L. Johnson Nature Center**

The Gary M. Doyle Center and Nature Center are available for rental by residents, community groups, professional groups, staff members or the general public for school-related, staff improvement activities, or other activities such as the following:

In-service programs, training programs, loan of curriculum materials, materials production, and assistance with inter-library loans, information re: nationally validated curriculum programs, conference information, course offerings in the area, personal development programs, committee meetings, group meetings, professional training and other residential meetings.

Any in district services for which charges may be incurred must be approved, in advance, by the administrator whose budget will be charged. These may include charges for services such as outside consultants, consumable materials, and other goods and services.

Approved: 11/18/99

Revised: 9/17/02

Revised: 5/27/03

Revised: 12/1/2010

## Classifications of Use and Schedule of Fees

### Classifications of Use and Schedule of Fees

#### A. Classification I: Exempt from payment of fees

The following individuals or groups within the Bloomfield Hills Schools community are, in general, exempt from indoor and outdoor facility fees and may use the school facilities during the normal work day, as approved by the appropriate administrator. An exception to this is the use of athletic fields. Custodial fees will also be charged for weekend or holiday use. Current hourly or flat rates will be charged for the services of such individuals as the AV technician, security guard, supervisor, umpire, custodian, maintenance staff, food services staff or others. Individuals within these groups who wish to use the school facilities for personal use will be considered Classification II and charged appropriate rental fees as well.

- |   |   |
|---|---|
| 1. Recreation & Community Services          | 9. Campfire Girls   |
| 2. Parent/Teacher Organizations             | 10. School Advisory Committees  |
| 3. District Adult Education Classes         | 11. Teacher Organizations   |
| 4. Staff Groups (for Professional purposes) | 12. School Unions   |
| 5. Boy Scouts                               | 13. Subdivision Associations  |
| 6. Girl Scouts                              | 14. Farm & Nature Center Related Clubs (Gardening, 4H, Environmental) |
| 7. Cub Scouts                               | 15. School related groups (as approved by the Superintendent)         |
| 8. Brownies                                 | 16. City and Townships  |

#### A. Classification II: Required to Pay Fees

Residents, professional groups and the following community groups may use school facilities by paying a rental fee and related service charges as set forth in Paragraph D:

1. Governmental Organizations
2. Political Parties & Groups
3. Business Groups
4. Church Groups
5. Colleges & Universities (fee may be waived if more than 50% of the students are Bloomfield Hills residents or staff)
6. Approved groups outside of the school district
7. Residents
8. Employees
9. Professional Groups

#### A. Classification III: Required to Pay Fees

Teams of the following groups may use facilities by paying a rental fee and related service charges as set forth in Paragraph D.

1. Bloomfield Baseball League
2. Bloomfield Hills Youth Soccer

### 3. Bloomfield Hills Lacrosse

#### A. Schedule of Fees

Groups in Classification II or individuals who wish to use school facilities for personal use shall pay a facility rental fee plus related staff service charges and custodial charges, as required.

Service charges for staff if not regularly scheduled:

##### Custodial and Food Services

Monday – Friday	\$30/hour \$40/hour overtime
Saturday *	\$40/hour
Sunday & Holidays *	\$50/hour

##### Staff Development Technician

Monday – Friday	\$100/hour – includes use of technology
Saturday	\$100/hour – includes use of technology
Sunday	\$120/hour – includes use of technology

\*If not regularly scheduled, a minimum of three hours custodial fee will be charged for facilities used on Saturday, Sunday and holidays. A custodian, administrator, group's person or technician is required to be present during the rental of the Doyle Center, E. L. Johnson Nature Center, Bowers School Farm, and artificial turf fields during non-school hours.

There will be a \$40/hour charge for maintenance employees (electrician, etc.) if requested by renter.

##### Facility Rental Fees

A valid credit card will be required for any facility rental. For any single date rental that exceeds \$300, ten (10) days' advance payment in full is required.

- Elementary and secondary schools see *Schedule of Rental Fees – Elementary Secondary Schools*, attached as an addendum to this Regulation.
- Fees and schedules for public use of the Farm, Nature Center and the Wing Lake Historical Center are available through Recreation & Community Services.

##### Outdoor Facilities

Priority of outdoor facilities will be as follows: K-12 Co-Curricular, school athletics, Recreation & Community Service programs, both Bloomfield Baseball League and Bloomfield Hills Youth Soccer League and community groups as specified in Category III.

Between June 1 and August 30, certain athletic fields may not be available to groups due to maintenance of the field. Fields may also be rested for certain time periods and will be unavailable to all groups.

##### Schedule of Rental Fees

Classrooms (Secondary)	\$25/hour Capacity: 30 people Minimum of 3 hours on weekends, plus custodial overtime
Doyle Center	\$40/hour for each Room: A, B or C \$50/hour for Room D \$30/hour for technology Minimum of 3 hours on weekends, plus custodial overtime
E.L. Johnson Nature Center	
Lower Level	\$100/hour. Clean up required by renter

Capacity: 60 – 80 people

Outdoor area by pond only

\$100/hour

Contact Nature Center Manager for details

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Elementary Gym & Media Center	<p>\$30/hour Capacity: 100 people Minimum of 3 hours on weekends or holidays plus custodial overtime</p>
Middle School Gym & Media Center	<p>\$35/hour Minimum of 3 hours on weekends or holidays, plus custodial overtime</p>
Auxiliary Gym & Media Center	<p>\$80/hour Minimum of 3 hours on weekends or holidays, plus custodial overtime</p>
Middle School Field House	<p>\$35/hour per court \$70/hour for entire field house Minimum of 3 hours on weekends or holidays, plus custodial overtime</p>
High School Main Gym House	<p>\$40/hour per court \$120/hour for entire main gym Minimum of 3 hours on weekends or holidays, plus custodial overtime</p>
BHHS Pool	<p>\$100/hour Minimum of 3 hours on weekends or holidays, plus custodial overtime Proof of licensed lifeguard is required and cost is responsibility of the renter.</p>
Cafeteria (Secondary)	<p>\$75/hour Capacity: 200 Minimum of 3 hours on weekends or holidays, plus custodial overtime</p>
Kitchens	<p>Approximately \$30/hour Scheduled and staffed through Food Services</p>
Softball and Baseball Fields	<p>\$40/session, not to exceed 2 hours One time special event only \$50 additional cost for field prep/clean-up</p>
Artificial Turf Fields (includes restrooms & parking)	

Class I	No Charge If not a normally scheduled school time, the group will be invoiced for a custodial charge with 3 hour minimum. Includes use of restroom.
Class II & III	\$75/hour If not a normally scheduled school time, the group will be invoiced a custodial/grounds charge with 3 hour minimum. Includes use of restroom.
Non-Residents	\$125/hour If not a normally scheduled school time, the group will be invoiced a custodial charge with 3 hour minimum. Include use of restrooms.
Stadium Lights	
Press Box with PA	\$25 up to 2 hours; \$50 if over 2 hours
Scoreboard	\$50 per rental (custodial required)
Concession Stand	\$25 per rental (custodial required) \$50 per event (no staff) must be cleaned at end of event
Bloomfield Baseball League	
BH Youth Soccer League	\$15/participant
Franklin Baseball League	\$15/participant \$25/game fee (usage subject to field availability)

Fees to be collected from participants by the leagues each season and forwarded to the district. League roster of participants to be given to the district two weeks prior to start of season. District will audit league roster and registration process as needed prior to invoicing the league. New fees set by June 30 each and every year thereafter as needed. Striping and net replacement for soccer and lining for baseball will still be done at league expense.

Parking Lots	\$10/day plus clean-up for 25 or more cars \$25/day plus clean-up for 100 or more cars Over 100 cars, renter must supply parking attendant Parking must not interfere with public's use of the school facilities.
District facilities for promotional purposes (filming, etc.)	\$1,000/day
High School Auditorium/Theatre	Rental of the theatre \$225/hr. Technical director \$50.00/hr. Techs (students trained to work sound, lighting and rigging) \$12.00/hr. Minimum of 3 hours on weekends or holidays, plus custodial overtime
Theatre Equipment Rental	Risers \$10.00 a piece

Piano- Baby Grand \$100.00  
Piano Tuning Service \$120.00  
Orchestra Shell \$300.00  
Orchestra Pit \$300.00  
Rack of Chairs (10 chairs)\$10.00  
Rack of Music Stands (15 stands on a rack) \$10.00  
Folding Tables \$5.00 a piece  
Outside Marquee advertising \$25.00 one week prior to  
event (to be shared with other activities)

#### AUDIO PACKAGE

- Body mics (6 maximum) \$100.00 (5 hours and up)
- Batteries for sound (can provide your own) or \$1.00 per battery
- DVD/Projections \$50.00 (0-5 hours & up)
- Note: Live Music Setup needs to be discussed with Technical Director

#### LIGHTING PACKAGE

- Stage Lights with Rep Plot \$50.00 (0-5 hrs.)
- Lighting Control \$100.00 (5.1 hrs. & up)
- Spot Light \$10.00 (per spot)
- Spot Light Operator \$12.00 (per hour)
- Notes: Custom Lighting Package to be discussed with Technical Director
- Note: Gobo/Gels /Special Effects to be discussed with Technical Director

VIDEO PACKAGE: Projector, Screen, DVD Playback  
\$50.00 (0-5 hours)

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\*All rigging up to the discretion of the technical director.

Approved: 11/18/99  
Revised & Approved: 2/1/2000  
Revised: 9/17/2002  
Revised: 5/27/2003  
Revised: 12/1/2010  
Revised: 8/1/2013  
Revised 6/22/2017

## **Payment of Rental Fees and Service Charges for the Use of School District Facilities**

A current schedule of rental fees and service charges shall be available which provides applicants, in advance, with an estimate of charges which would be incurred should their application for the use of school district facilities be approved.

Rental fees, if not paid in advance,\* shall be payable to the Bloomfield Hills School District within thirty (30) calendar days of the date the facilities were used. Any additional charges incurred for time extensions, custodial overtime, or damages, shall be detailed and billed to the user within thirty (30) days. Full payment of this billing is due within thirty (30) days of receiving such statement. All fees and service charges shall be payable to the Bloomfield Hills School District.

Delinquent accounts will be denied use of any school district facility until such time as the account is paid in full, and collection action may be initiated.

\*Note: fees and service charges for the use of school facilities for business promotion purposes must be fully paid in advance of using the facilities.

Approved: 1/19/93

Revised: 9/17/02

Revised: 5/27/03



## **Senior Citizens**

The school district encourages senior citizens to participate actively in the offerings of the school district, school district events such as athletics, fine arts and activities sponsored by the Recreation/Community Services Division. The school district also encourages senior citizens to participate as volunteers in the school district.

Approved: 2/6/78

Reviewed: 6/6/05

Revised & Approved: 5/23/06

## **Commercial Promotions, Advertising and Sponsorships**

The Board of Education permits profit and non-profit organizations to contribute to the Bloomfield Hills School District for the purpose of sponsoring/funding existing or new programs, events and facilities. Such sponsorships/funding shall be consistent with the District's philosophy, standards and policies. In addition, The Board authorizes the Superintendent to make certain publications available for commercial advertising purposes, at such rate, manner and duration as the Superintendent deems appropriate and in the best interests of the School District. The Board recognizes that these venues constitute nonpublic forums, and the use of such venues for commercial advertising purposes is not intended by the School District to create either a limited public forum or a public forum. The rates established shall be uniform for all commercial advertisers, subject only to rate adjustments as may be appropriate over time.

For purposes of this Policy, "commercial advertisers" shall include sellers of products or services, which are available to the public at large. Advertising/promotion opportunities on school district publications and venues will be subject to restrictions in keeping with the District's philosophy, standards and policies.

Also, for purposes of this Policy, "commercial advertisers" shall not include purveyors of products or services, which are inappropriate for purchase or consumption by students. The Superintendent shall be the final administrative arbiter of whether or not a commercially available product or service falls within the proscribed categories. Such determination will be subject to review by the Board of Education, if requested in writing by a commercial advertiser or if requested by the Board of Education.

The School District shall not permit advertising which is misleading, deceptive, fraudulent, or which advocates the performance of illegal acts, or is otherwise inappropriate for school-aged persons.

These venues shall not be available for expressive purposes other than the permissible forms of commercial speech described herein, and all forms of noncommercial speech including, but not limited to, political or religious speech, shall be prohibited.

The Board of Education or its designee will approve such sponsorships/funding in accordance with Regulation 1304.1.

Approved: 1/21/2003

This policy will replace Policy 5599: Commercial Promotions, Advertising and Sponsorships and accompanying regulation 5599.1. Regulation 5599.1 will accompany this policy and will be renumbered 1304.1.

## **Guidelines for Commercial Promotions, Advertising and Sponsorships**

Bloomfield Hills School District's name, facilities, staff or students may be used for advertising purposes only in the following venues:

- Building or district-level publications
- Co-curricular events or programs
- Athletic facilities
- District-level activities such as tournaments
- District television and radio programs
- District website

Advertising/promotion opportunities on school district property will be subject to restrictions in keeping with the District's philosophy, standards and policies. In keeping with this, no advertising will be allowed which:

- Promotes hostility, disorder or violence
- Attacks ethnic, racial or religious groups
- Is libelous
- Invades the rights of others
- Inhibits the functioning of the school
- Overrides the school's identity
- Promotes, favors or opposes the candidacy of any candidate for election
- Promotes the use of drugs, alcohol, tobacco or illegal use of firearms
- Promotes any religion or religious organization
- Are ungrammatical, poorly written, inadequately researched, biased or prejudiced, vulgar or profane or are otherwise unsuitable for student audiences.
- Have art or design incorporating trademarks or copyrights owned by third parties, unless written permission for such use is satisfactory in form and substance to the school, is obtained from the trademark holder or copyright owner and approved in advance.
- Suggests or implies the school district's endorsement of other organizations, companies, products, services, political parties or views, or religious organizations or beliefs.

Advertising and visual recognition of the corporation's/business' donation of funds will not interfere with the normal function of the school setting. Advertising will be limited to:

- Any banners or signs will be within the District's specifications, i.e., size, color, etc.; or
- Printed material which will appear only for the duration of the publication run; or
- Radio and television recognition for a previously agreed upon period of time; or
- Contracts approved by the Board or designee.
- Website recognition for a limited period negotiated between the advertiser and the Superintendent or designee.

Advertising may be renewable on an annual, seasonal, or publication basis, or as otherwise provided in a contract approved by the Board of Education or designee.

Corporations/business representing a similar type of product may be given equal opportunity to sponsor or contribute to a given project or event.

Short and long-term maintenance costs to the District, if any, must be assessed and approved before accepting the donation, funding or sponsorship.

The building administrator shall establish a procedure to determine the appropriate use of revenue derived from a corporate/business donation or contract that is applicable to a specific building. The procedure for the use of such revenue is subject to the approval of the Superintendent or designee.

In accordance with Policy 5604 (Gifts to Schools) and its accompanying regulation, the Superintendent or designee shall determine the appropriate use of any revenue derived from a corporate/business donation or contract that is applicable to more than one building or to the entire district.

Reference:      Policy 5406: Gifts to Schools  
                     Regulation 5604.1: Guidelines for Accepting Gifts  
                     Regulation 1304.2: Guidelines for Commercial Promotions, Advertising and Sponsorships at  
                     Athletic Venues by School District Booster Groups

Revised: 5/22/98

Revised & Approved: 1/21/03

Revised: 1/06

Revised: 10/7/08

## **Guidelines for Commercial Promotions, Advertising and Sponsorships at Athletic Venues by School District Booster Groups**

Commercial advertising and sponsorship banners and signs may be sold and displayed at the school district's athletic venues in accordance with the following guidelines:

- The banners and signs may be sold by school district recognized booster groups.
- Any profit from the selling and display of the banners and signs will be divided equally between the school district and the booster group procuring the banners and/or signs.
- The Athletic Department is authorized to establish the charge for the banners and signs with the applicable booster group. For the 2008-09 school year, the following charge is established:

Outside Venue

4 x 8 ft. banner/sign

\$500 per venue

Inside Venue

3 x 5 ft. banner/sign

\$500 per venue

The Athletic Department will establish the rates for banners and signs other than those outlined above. The rates are subject to the approval of the Superintendent or designee.

The charge for the banners and signs will be reviewed on an annual basis by the Athletic Department.

Reviewed by Policy Committee: 6/26/08

Reviewed by Policy Committee: 9/3/08

## **Exclusion of Persons from a Board Meeting or School District Meeting for Disorderly Conduct**

Michigan's Open Meetings Act provides that persons who breach the peace at a Board meeting may be excluded from the meeting. Further, the Revised School Code provides that at a Board meeting or school district meeting, individuals who conduct themselves in a disorderly manner may be ordered to withdraw from the meeting. Therefore, the presiding officer at a Board meeting or other school district meeting will exclude any individual who breaches the peace or conducts himself or herself in a disorderly manner. Depending on the severity of the disorderly conduct, the presiding officer may exclude an individual from the meeting immediately or warn the individual and exclude him or her if the conduct persists after the warning.

An individual who breaches the peace or conducts himself or herself in a disorderly manner includes, but is not limited to, individuals who:

- Willfully disturb the meeting by rude and indecent behavior or profane or indecent discourse or in other ways make a disturbance;
- Refuse to comply with the rules regarding conduct of the meeting;
- Threaten any individual or use force against any individual; or
- Make personal attacks against a school Board member or employee of the District which are unrelated to the manner in which the member or employee performs his or her duties.

If an individual refuses to leave the meeting after being ordered to do so by the presiding officer, the individual may be taken into custody by a law enforcement officer or other person until the meeting is adjourned.

Legal References:     Revised School Code, MCL 380.1808  
                              Open Meetings Act, MCL 15.263

Bylaw Reference:

Review: 6/27/06



## **Bloomfield Hills Board of Education**

**Type:** Policy

**Policy Number:** 1400

**Regulation:**

# **Web Accessibility Policy**

**Policy:**

## **WEB ACCESSIBILITY POLICY**

**General.** Bloomfield Hills Schools (“District”) is committed to ensuring accessibility of its website for students, parents, employees, and members of the public. All pages on the District’s website will conform to the W3C WAI’s Web Content Accessibility Guidelines (WCAG) 2.0, Level AA conformance, or updated equivalents of those guidelines. The District will continue to test future releases/updates of its web site and remains committed to maintaining its compliance and serving the widest possible audience. To this end, the District will perform periodic accessibility audits of its web site.

**Report of Accessibility Issues.** If any individual has difficulty accessing the information on any page of the District’s web site, they are encouraged to contact the District’s Web Accessibility Coordinator and advise accordingly. Upon notification, the District will provide the requested information in an alternate format and, as soon as reasonably practical, make the necessary improvements to make the information accessible online.

**Discrimination Complaint.** Consistent with established District procedures, students, parents, employees, and members of the public may present a formal complaint regarding a violation of the Title II of the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973 related to the accessibility of the District’s web presence. Such complaints should be made to the District’s 504/ADA Compliance Officer. If any such complaint is made to the District’s Web Accessibility Coordinator, such complaint shall promptly be forwarded to the 504/ADA Compliance Officer for processing and response.

The following persons have been designated to handle inquiries regarding the District’s web site accessibility and non-discrimination policies.

**Section 504/ADA Compliance Officer:**

NAME: Pamela Schoemer

ADDRESS: 7273 Wing Lake Road, Bloomfield Hills, Michigan 48301

PHONE: 248-341-5415

EMAIL: pschoemer@bloomfield.org

**Web Accessibility Coordinator:**

NAME: Shira Good

ADDRESS: 7273 Wing Lake Road, Bloomfield Hills, Michigan 48301

PHONE: 248-341-5422

EMAIL: sgood@bloomfield.org

**History:**

Approved 8/17/17

**ATTACHMENTS:**

File Name

Description

No Attachments Available





## **Bloomfield Hills Board of Education**

**Type:** Regulation  
**Policy Number:**  
**Regulation:** 1400.1

# **Web Accessibility Policy-Administrative Regulation**

## **Policy:**

### **WEB ACCESSIBILITY POLICY – ADMINISTRATIVE REGULATION**

#### **Website Accessibility**

With regard to the District website and any District web presence which is developed by, maintained by, or offered through third party vendors and open sources, the District is committed to compliance with Title II of the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973 so that students, parents, employees, and members of the public are able to independently acquire the same information, engage in the same interactions, and enjoy the same benefits and services within the same timeframe as those without disabilities, with substantially equivalent ease of use. The District further seeks to ensure that those individuals with disabilities are not excluded from participation in, denied the benefits of, or otherwise subjected to discrimination in any District programs, services, and activities delivered online.

All existing, new, or updated web content produced by the District will conform to Web Content Accessibility Guidelines (WCAG) 2.0, Level AA conformance, or updated equivalents, as soon as practicable.

With respect to third-party content, the District, through its Web Accessibility Coordinator, will confirm the accessibility of such content before posting/linking to the District's web presence, to the extent possible, by testing same through a web accessibility checker or similar resource and/or manual checking. If the accessibility of third-party content cannot be verified prior to posting/linking, the District shall avoid posting/linking of same.

If third-party content is verified and posted, but is later identified as not being accessible **after** posting/linking occurs, the District, through its Web Accessibility Coordinator, will endeavor to determine the basis of the issue by contacting the third-party provider and/or requesting information regarding the

accessibility of their products. To the extent possible, the District will determine if an alternate way to provide the third-party content exists. If it is ultimately determined that the third-party content cannot be made accessible – either because it represents an undue burden or would require a fundamental alteration – the District shall keep a record of the inaccessible third party content. A determination of undue burden or fundamental alteration will be made by the Superintendent and/or his/her designee after considering all resources available for use in the funding and operation of the service, program, or activity and will be accompanied by a written statement outlining the reasons for such conclusion.

## **Website Audit**

The District's Web Accessibility Coordinator will be responsible for reviewing all areas of the District's website and evaluating its accessibility on a semester basis or as close thereto as possible. The contemplated review will be completed, subject to District discretion, utilizing free online resources available to the District, a platform audit resource (if applicable), and/or a third-party vendor resource. The District's Web Accessibility Coordinator will also conduct a manual check of the web site as part of the contemplated semester review. The results of all reviews/audits will be documented and evaluated. Identified issues will be remediated within a reasonable period of time under the direction of the Web Accessibility Coordinator.

## **District Training**

The District will provide annual training for any staff (e.g. administrators, faculty, support staff, student employees) responsible for creating or distributing information with online content. The training will be facilitated, in whole or in part, by an individual with sufficient knowledge, skill, and experience to understand and employ the technical standard(s) adopted by the District. The training will include training on the Web Accessibility Policy, the Administrative Regulation, and staff roles and responsibilities to ensure that web design, documents, and multimedia content are accessible. The District will provide periodic updates to staff, as appropriate, should technology standards change in a readily discernable way. The District will also ensure that new staff are timely provided training consistent with the above expectations.

With regard to staff who have already been fully trained at least once on the Web Accessibility Policy, the annual-training requirement may be satisfied by disseminating notice that includes the Web Accessibility Policy (e.g., via e-mail with a link to the policy), highlights any Policy updates, and provides the name and contact information of the Web Accessibility Coordinator to serve as a resource for staff with questions about the accessibility of online content.

## **Report of Accessibility Concerns/Issues**

In contacting the District's Web Accessibility Coordinator to report any issues or concerns associated with the accessibility of online content, reporting individuals are encouraged to provide the following information:

- Name
- Contact information (phone or email)
- Type of information that was inaccessible (PDF, video, etc.)
- Specific web page the user was on (URL or page title)
- Date the user was unable to access the information
- Any other information the user believes might be helpful to the District in resolving the issue

Upon report of a concern regarding the accessibility of online content, the Web Accessibility Coordinator will, consistent with District policy, provide the requested information in an alternate format and, as soon as reasonably practical, make the necessary improvements to make the information accessible online.

## Formal Discrimination Complaint

A student, parent, or member of the public who wishes to submit a formal complaint regarding a violation of Title II of the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973 related to the accessibility of any District web presence that is developed by, maintained by, or offered through the District, third party vendors, and/or open sources, may utilize the District's established complaint procedures, links to which are contained below.

The "Procedural Safeguards" are on the District's website at [www.bloomfield.org](http://www.bloomfield.org), by clicking "Department" then "Special Education." The Procedural Safeguards are located under "Family Resources".

Irrespective of the submission of a formal complaint, once the District has been notified of inaccessible content, the reporting party should be provided with access to the desired information in a prompt manner. In this regard, the Complainant should not have to wait for the investigation of the complaint to be concluded before receiving the information that he/she was unsuccessful in accessing through the District's web presence.

### History:

Approved 8/17/17

### ATTACHMENTS:

File Name

Description

No Attachments Available

# **Bloomfield Hills Schools**

# **FOIA**

# **Procedures and Guidelines**



# **BLOOMFIELD HILLS SCHOOLS**

## **FOIA Procedures and Guidelines**

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## Introduction

As a public body under the Freedom of Information Act, the District has developed the following procedures and guidelines to implement and assure compliance with FOIA. The District has also created a written public summary of the specific procedures and guidelines explaining how to submit written requests to the District and how to understand the District's written responses, deposit requirements, fee calculations, and avenues for challenge and appeal. The procedures, guidelines and written public summary shall be posted on the District's website.

The District shall ensure that free copies of the procedures and guidelines and public summary are readily available for public dissemination upon request at the District's central office. Both documents shall also be included with every written response to a public record request. However, this requirement may be satisfied by providing the requestor with the website link to the documents in lieu of providing paper copies in the response. The documents are available on the District's website at [www.bloomfield.org](http://www.bloomfield.org).

Pursuant to the procedures and guidelines, the District's nonexempt public records, as defined under FOIA, are available for public inspection and/or copying. The rights and obligations of the District and requestors under FOIA are subject to MCL 15.231, et seq.

Inspection of records by the general public shall be limited to the regular office hours of the building or office that houses the records. Copies of records that are not exempt from disclosure will be available on request.

The District receives numerous requests or inquiries that are not public record requests under FOIA. This includes information readily available on the District's website, pamphlets, loose-leaf publications and other printed materials produced for public information and disclosure. Requests for such information should be directed to the District's Director of Communications and Community Relations at 7273 Wing Lake Road, Bloomfield Hills, MI 48301

## Definitions

Unless indicated otherwise, the following definitions apply to the District's procedures and guidelines for receiving and processing requests for public records:

***District:*** Bloomfield Hills Schools

***FOIA:*** The Michigan Freedom of Information Act.

***FOIA Coordinator:*** The individual designated by the District with authorization by the Board of Education to accept and process requests for public records and to decide denials under FOIA. Whenever the term ,FOIA Coordinator` appears in these procedures and guidelines, the words ,or designated representative` shall be assumed to follow. The delegation of authority of administrative action does not relieve the FOIA Coordinator of the responsibility of the actions of such designated representatives.

***Person:*** An individual, corporation, limited liability company, partnership, firm, organization, association, governmental entity or other legal entity. Person does **not** include an individual serving a sentence of imprisonment in a state or county correctional facility in this state or any other state, or a federal correctional facility.

***Public Record:*** A writing prepared, owned, used, in the possession of or retained by the District in the performance of an official function from the time it is created.

***Redact:*** To black out exempt information on an otherwise nonexempt record.

***Requestor:*** An individual who has submitted a public records request under FOIA to the District.

***Unusual Circumstances:*** Any one or a combination of the following, but only to the extent necessary for the proper processing of a request:

- (1) The need to search for, collect, or appropriately examine or review a voluminous amount of separate and distinct public records pursuant to a single request.
- (2) The need to collect the requested public records from numerous field offices, facilities or other establishments that are located apart from the particular office receiving or processing the request.

***Writing:*** Handwriting, typewriting, printing, photostating, photographing, photocopying and every other means of recording, including letters, words, pictures, sounds or symbols, or combinations thereof, and papers, maps, magnetic or paper tapes, photographic films or prints, microfilm, microfiche, magnetic or punched cards, discs, drums, or other means of recording or retaining meaningful content.

***Written Request:*** A writing that asks for information and includes a writing transmitted by facsimile, electronic mail or other electronic means.



## **FOIA Coordinator**

The Assistant Superintendent for Human Resources and Labor Relations shall serve as the District's FOIA Coordinator. He or she is authorized to designate other District staff to act on his or her behalf to accept and process written requests for the District's public records and approve denials.

The FOIA Coordinator performs the following duties:

- Logs public records request received by the District.
- Determines whether requested records/information exist under the name given by the requestor or by another name reasonably known to the District.
- Determines whether part or all of requested records is exempt and separates exempt from nonexempt records.
- Reviews records to be collected to determine estimated costs, if applicable, to be charged or waived due to indigency.
- Prepares necessary fee estimates based on the District's standard fee schedule and forwards the estimates to the requestor.
- Forwards response to the public records requestor within five business days of receipt of the request or within 15 business days, if an extension was claimed.
- Where applicable, upon receipt of required payments, mail requested records.
- Retains and maintains a copy of all written requests for public records on file for no less than one year.

## Requests for Public Records

Any person (see „Definitions“ above) can make a public records request under FOIA.

Requests to inspect or copy public records must be made in writing (including facsimile, email or other electronic transmission) to the FOIA Coordinator for the requested record(s) or his/her designee, and shall sufficiently describe the record to make compliance practicable by enabling the coordinator to identify and locate the record. If available, the date and title of the requested document should be included. Requests should include information broad enough to specify all desired information, but narrow enough to be practical when the date and title are unknown.

District staff shall forward written requests for public records to the FOIA Coordinator in a manner that is timely, consistent and in compliance with applicable law. All requestors will be treated equally unless a law specifically provides otherwise.

Requestors may include a contact telephone number in their request to allow a District employee to make contact to resolve issues, clarify the scope of a request or help identify a specific document containing the information sought.

FOIA only applies to existing records and does not require the District to collect information not available, or to research or answer questions. The District is only required to look for an existing record or document in response to a public records request. The District is not obligated to create a new record to comply with a request. However, when records are maintained in an electronic format, the District may be required to retrieve information in response to a public records request, which may result in the creation of a new document when the data is printed out on paper or saved in another type of electronic format.

The FOIA Coordinator shall file all requests and their dispositions in his/her office and make such reports as are requested by the Board. Filed requests shall be held for a period of at least one year.

## Responding to a Public Records Request

The FOIA Coordinator shall first determine the scope of the public records request, which involves estimating the time required to search for, examine, separate/delete exempt information and/or copy the requested records.

The FOIA Coordinator shall then respond to a public records request within five business days unless otherwise agreed to by the requestor in writing. The receipt day shall be counted as day zero.

The FOIA Coordinator's response shall do one of the following:

- Grant the request.
- Issue a written notice denying the request.
- Grant the request in part and issue a written notice denying the request in part.
- Issue a notice extending for not more than 10 business days the period in which the District shall respond to the request.
- Issue a written notice indicating that all or a portion of the requested information is available on the District's website.

If applicable, the FOIA Coordinator shall inform the person making the request of the estimated cost for processing the request. If the estimated cost exceeds \$50, the Coordinator shall require a good faith deposit of one-half of the estimated fee before processing the request. (See Fee Deposits on page 22.)

If the District plans to charge a fee in response to a public records request, the FOIA Coordinator shall issue a detailed fee itemization to the requestor and require that payment be made in full for the allowable fees associated with granting the request before the requested information is delivered.

Copies of the procedures, guidelines and public summary shall be included with every written response to a public records request. This requirement may be satisfied by providing the requestor with the website link to the documents in lieu of providing paper copies in the response. The documents are available on the District's website at [www.bloomfield.org](http://www.bloomfield.org).

**Late Responses.** If the District does not respond to a written request in a timely manner as required by FOIA, the fees for labor costs may be reduced by five percent for each day the District exceeds the time permitted under FOIA for a response to a public records request, with a maximum 50 percent reduction. The reduction shall apply if the late response was willful and intentional and the written request included language that conveyed a response for information within the first 250 words of the body of a letter, facsimile or electronic mail attachment, or specifically included the words, characters or abbreviations for ,freedom of information,`

"information," "FOIA," "copy" or a recognizable misspelling of such, or appropriate legal code reference for this act, on the front of an envelope, or in the subject line of an electronic mail, letter or facsimile cover page.

The reduction shall be noted on the detailed fee itemization.

## **Receipt Date**

Receipt date for electronically transmitted requests is the business day after the electronic transmission is made. If a written request is sent by electronic mail and delivered to the District's spam or junk mail folder, the request is not received until one day after the District first becomes aware of the written request. The District shall note in its records both the time a written request is delivered to its spam or junk mail folder and the time the District first becomes aware of that request.

## Extensions

With respect to records that are determined not to be available or when there needs to be a delay in responding to the request because of unusual circumstances, the FOIA Coordinator will document the reason in a response that will be sent to the requestor as soon as possible. The District may extend the time responding to a FOIA request by no more than 10 business days. The response period, including the extension, must total no more than 15 business days from the receipt date.

Reasons for the extension may include, but are not limited to:

- Records are at another location.
- Need to locate and review a large number of records.
- Complexity of the request requires additional time for an adequate response.

An extension response will be issued by the FOIA Coordinator within the original five-day response period and will include the following information:

- Date the request was received by the District.
- Notification of the extension and the reason for it.
- Date by which a response will be issued.

## Denials

The FOIA Coordinator shall examine each request to determine whether the record requested is exempt from disclosure under FOIA. If the FOIA Coordinator determines that the record is exempt or partially exempt from disclosure, he or she shall issue a signed written notice denying the request in full or in part. Such a denial shall be made within five days of receipt of the request unless otherwise agreed to by the requestor in writing, and shall include an explanation for the full or partial denial.

If the separation of exempt and nonexempt material is readily apparent to a requestor, the District shall generally describe the material exempted unless that description would reveal the contents of the exempt information and defeat the purpose of the exemption. A denial notice shall include this description if applicable.

The notice shall also include a full explanation of the requestor's right to seek an appeal of the denial to the District's Board of Education (see Fee Appeals on page 23) or to seek judicial review of the denial in circuit court and receive attorneys' fees and damages if the court determines the District violated FOIA and orders disclosure of all or a portion of a public record.

## **Nonexistence Records**

If the District denies a public records request because the record as identified by the requestor does not exist, the FOIA Coordinator shall issue a written response to the request that the public record does not exist.



## **Inspections**

The District will provide access to facilities during normal business hours for requestors wishing to examine and take notes from public records. If the records are available on the District's website, the District may refer the requestor to the website location in its response to the request.

Records may be inspected only at the Office of the FOIA Coordinator or at such other location as determined by the FOIA Coordinator, and may not be removed by the requestor during the inspection. To ensure the integrity of District files, a member of the District staff must be present throughout the inspection.

## **Electronic Transmissions**

At the request of the requestor, the FOIA Coordinator shall make the arrangements for the record to be transmitted electronically via the medium selected by the requestor if the District has the technological capability to comply with the request.

If the transmission is by USB flash drive, the requestor is to provide the device at least two business days in advance. If the transmission is by email, the requestor must provide the proper address.

## **Website Records**

If the FOIA Coordinator knows or has reason to know that all or a portion of requested information is available on the District's website, the District shall notify the requestor in its written response that all or a portion of the requested information is available on its website. The response, to the degree practicable in the specific instance, shall include a specific webpage address where the requested information is available.

If the requestor stipulates that the public records must be provided in a paper format or in a specific form of electronic media, the District shall provide the records in the requested format and charge the appropriate fee, which shall include a 100 percent fringe benefit multiplier that shall not exceed the actual costs of providing the information in the specified format.

Any public records available on the District's website are exempt from any fees associated with separating and deleting of exempt information from nonexempt information.

On the detailed fee itemization, the District shall separate the requested public records that are available on its website from those that are not available on the website and shall inform the requestor of the additional charge to receive copies of what is available on the District's website.

## **Verbal Requests for Public Records**

The District may provide requested information available in public records without receipt of a written request. If a verbal request is received for information available on the District's website, District employees shall, where practicable and to the best of their knowledge, inform the requestor about the District's pertinent website address. If the requested information is not on the District's website, a written request for the public record will be required.

## **Subscriptions**

A person has a right to subscribe to future issuances of public records that are created, issued or disseminated on a regular basis. Requests for a subscription to documents or records regularly produced by the District must be accompanied by appropriate payment of estimated fees for the period of the subscription or by a credit card record to be used to charge fees on an ongoing basis. Subscriptions may run for up to six months and are renewable.

## Denial Appeals

If a request to inspect or copy a record is denied, the person making the request may commence a civil action in circuit court to compel the District's disclosure of the public records.

Or, the requestor may appeal the decision by submitting the appeal to the President of the District's Board of Education for scheduling on the agenda of the next Board meeting. The written appeal shall state the word 'appeal' and detail the reason(s) for requesting reversal of the denial.

The Board is not considered to have received the written appeal until the first regularly scheduled Board meeting following the submission of the written appeal.

The Board shall, within 10 business days after receiving the written appeal, do one of the following:

- Reverse the disclosure denial.
- Issue a written notice to the requestor upholding the disclosure denial.
- Reverse the disclosure denial in part and issue a written notice to the requestor.
- Under unusual circumstances, issue a notice extending for not more than 10 business days the period during which the Board shall respond to the appeal.

If the Board of Education fails to respond to the appeal, or if the Board upholds all or a portion of the disclosure denial that is the subject of the written appeal, the requestor may seek judicial review of the nondisclosure by commencing a civil action in circuit court.

The requesting party also has the right to receive attorneys' fees and damages as provided in Section 10 of FOIA if, after judicial review, the circuit court determines the District has not complied with FOIA and orders disclosure of all or portions of the public record.

## Fees

,Fee` means the total fee or any component of the total fee calculated under Section 4 of FOIA, including any deposit.

The District may charge a fee for a public records search, for the necessary copying of a public record for inspection or for providing a copy of a public record under the District's procedures and guidelines. The fee shall be limited to actual mailing costs and to the actual incremental cost of duplication or publication including labor, the cost of search, examination, review, and the deletion and separation of exempt from nonexempt information. Labor costs shall be estimated and charged in increments of 15 minutes except as indicated below, with all partial time increments rounded down. If the time involved is less than 15 minutes, there will be no charge.

**Labor Costs.** Labor costs associated with the necessary searching for, locating and examining of public records will be charged at an hourly rate equal to the lowest-paid staff member capable of searching, retrieving and examining the information being sought by the requestor. This hourly rate shall be charged regardless of whether the staff member is available to perform the labor.

Labor costs directly associated with duplication or publication, including making paper or digital copies, or transferring digital public records to the requestor through electronic means, will be charged at an hourly rate equal to the lowest-paid staff member capable of necessary duplication or publication in the particular instance. This hourly rate shall be charged regardless of whether the staff member is available to perform the labor. Labor costs for this task shall be estimated and charged in increments of 15 minutes, with all partial time increments rounded down.

The portion of the labor costs associated with separating and deleting of exempt information from nonexempt information will be charged at an hourly rate equal to the lowest-paid staff member capable of separating and deleting exempt from nonexempt information. This hourly rate shall be charged regardless of whether the staff member is available to perform the labor. However, if the District does not employ a person capable of separating and deleting exempt from nonexempt information in a particular instance as determined by the FOIA Coordinator, it may treat necessary contracted labor costs used to perform the task in the same manner as employee labor costs when calculating the charges. The name of the contracted person or firm must be clearly noted in the fee itemization, and the total contracted labor costs shall not exceed an amount equal to six times the state minimum hourly wage rate.

The District shall not charge for labor directly associated with redaction if it knows or reasons to know that it previously redacted the public record in question and the redacted version is still in the District's possession.

**Unreasonably High Costs.** The District shall not charge for the cost of search, examination, review, and the deletion and separation of exempt from nonexempt information unless the failure to charge a fee would result in unreasonably high cost to the District because of the nature of the request in the particular instance. Under such circumstances, the District shall specifically identify the nature of the unreasonably high costs.

Costs for the search, examination review, and the deletion and separation of exempt from nonexempt information are ,unreasonably high` when they are excessive and beyond the normal or usual amount for those services compared to the costs of the District's traditional FOIA requests. Some factors related to unreasonably high costs, but not limited to, include:

- Amount of labor/time needed to locate and search for requested records.
- The volume of files that have to be reviewed in order to locate the requested records.
- Amount of labor time needed to examine records to separate/redact exempt from nonexempt material.
- The available staffing to respond to the request.
- Amount of paper records that need to be copied.
- Amount of internal costs not budgeted for FOIA-related issues.

**Nonpaper Physical Media Costs.** For public records provided to a requestor on nonpaper physical media, the District may charge the actual and most reasonably economical cost of the computer discs, USB flash drives, or other digital or similar media.

**Cost of Paper Copies.** For paper copies of public records provided to a requestor, the District may charge the actual total incremental cost of necessary duplication or publication, not including labor. The cost of paper copies shall be calculated as a total cost per sheet of paper and shall be itemized and noted in a manner that expresses both the cost per sheet and the number of sheets provided. The fee shall not exceed 10 cents per sheet of paper for copies of public records made on 8½` x 14` paper. The District shall utilize the most economical means available for making copies of public records, including using double-sided printing, if cost savings are applicable.

Copies for nonstandard sized sheets of paper will reflect the actual cost of the reproduction.

**Mailing Costs.** The District will charge the actual cost of mailing and postal delivery confirmation for sending the public records in a reasonably economical and justifiable manner. The District shall not charge more for expedited shipping or insurance unless specifically stipulated by the requestor.

**Fringe Benefits Costs.** The District will add up to 50 percent to the applicable labor charge amount to cover or partially cover the cost of fringe benefits. The District will note the percentage multiplier used to account for benefits in the detailed fee itemization.



If a requestor stipulates that public records located on the District's website must be provided in a paper format or in a specific form of electronic media, the District shall provide the records in the requested format and charge the appropriate fee, which shall include a 100 percent fringe benefit multiplier that shall not exceed the actual costs of providing the information in the specified format.

**Overtime Costs.** Overtime wages will not be included in the calculation of labor costs unless overtime is specifically stipulated by the requestor and clearly noted in the detailed fee itemization.

**Itemization.** When calculating the labor costs, the District shall itemize fee components in a manner that expresses both the hourly wage and the number of hours charged.

### **Fee Discounts & Waivers**

The FOIA Coordinator may waive or reduce the labor and duplication costs associated with other public records requests if he or she determines that the request is in the public interest.

No charge for the first \$20 of a fee shall be made to an individual who submits an affidavit proving indigency or receipt of public assistance or, if not receiving public assistance, states facts showing inability to pay the cost because of indigency. If the requestor is eligible for the waiver, the District shall note the discount on the detailed fee itemization. If the requestor is ineligible for the waiver, the District shall inform him or her specifically of the reason for the ineligibility in the District's response to the public records request. A requestor shall be declared ineligible for the \$20 waiver if any of the following apply:

- The individual has previously received discounted copies of public records from the District twice during the current calendar year.
- The individual requests information in conjunction with outside parties who are offering or providing other remuneration to the individual to make the request. The District may require a statement from the requestor in the indigency affidavit that the request is not being made in conjunction with outside parties for payment or other remuneration.

A nonprofit organization formally designated by the state to carry out activities under subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000, Public Law 106-402, and the Protection and Advocacy for Individuals With Mental Illness Act, Public Law 99-319, shall not be charged for the first \$20 of a fee if the public records request meets all of the following requirements:

- The request is made directly on behalf of the organization or its clients.
- The request is made for a reason wholly consistent with the mission and provisions of the laws under the Section 931 of the Mental Health Code, 1974 PA 258, MCL 330.1931.
- The request is accompanied by documentation of its designation by the state pursuant to the District's request.

**Fee Deposits.** In response to a public records request, the District shall require a good faith deposit from a requestor before processing a public records request if the entire fee estimate or charge exceeds \$50, based on a good faith calculation of the total fee. The deposit shall not exceed one-half of the total estimated fee as identified in a detailed fee itemization that shall accompany the request for the deposit.

A deposit required by the District is a fee.

The District's response shall also include a best efforts and good faith nonbinding estimate regarding the time frame it will take the District to comply with FOIA in providing the public records to the requestor.

**Nonpayments and Increased Fee Deposits.** If the District has granted and fulfilled a written request, but has not been paid in full the total amount of fees charged to the requestor, the District shall require a deposit of 100 percent of the estimated fee before it begins to process any subsequent public records requests from that individual if **all** of the following apply:

- The final fee for the prior written request was not more than 105 percent of the estimated fee.
- The public records made available contained the information being sought in the prior written request and are still in the District's possession.
- The public records were made available to the individual, subject to payment, within the District's good faith time frame estimate.
- Ninety days have passed since the District notified the individual in writing that the public records were available for pickup or mailing.
- The individual is unable to show proof or prior payment to the District.
- The District has calculated a detailed fee itemization that is the basis for the current increased estimated fee deposit.

The District shall not require an increased estimated fee deposit if **any** of the following apply:

- The individual is able to show proof of prior payment in full to the District.
- The District is subsequently paid in full for the applicable prior written request.
- Three hundred sixty-five days have passed since the individual made the written request for which full payment was not remitted to the District.

**Fee Appeals.** If the District requires a fee that exceeds the amount permitted under these procedures and guidelines or FOIA, the person making the request may commence a civil action in circuit court to pursue a fee reduction.

Or, the requestor may appeal the fee amount by submitting the appeal to the President of the District's Board of Education for scheduling on the agenda of the next Board meeting. The written appeal shall state the word 'appeal' and detail the reason(s) for requesting the fee reduction and how the required fee exceeds the amounts permitted under the District's

procedures and guidelines or FOIA.

The Board is not considered to have received the written appeal until the first regularly scheduled Board meeting following the submission of the written appeal.

The Board shall, within 10 business days after receiving the written appeal, do one of the following:

- Waive the fee.
- Reduce the fee and issue a written determination to the requesting person indicating the specific basis under FOIA that supports the required fee. The determination shall include a certification from the Board that the statements in the determination are accurate and that the reduced fee amount complies with the District's guidelines, procedures and FOIA.
- Uphold the fee and issue a written determination to the requesting person indicating the specific basis under FOIA that supports the required fee. The determination shall include a certification from the Board that the statements in the determination are accurate and that the fee amount complies with the District's guidelines, procedures and FOIA.
- Issue a notice extending for not more than 10 business days the period during which the Board shall respond to the appeal. The notice shall include a detailed reason or reasons why the extension is necessary.

If the Board of Education fails to respond to the appeal, or if the Board upholds all or a portion of the fee that is the subject of the written appeal, the requestor may seek judicial review of the Board's determination by commencing a civil action in circuit court.

## **Future Changes in Guidelines and Procedures**

The District reserves the right to amend, revise or repeal all or any part of the preceding guidelines and procedures at any future time.

Effective Date: July 1, 2015



**Bloomfield Hills Board of Education**

**Type:** Regulation  
**Policy Number:**  
**Regulation:** 1401.2

## **Written Public Summary of the District's Freedom of Information Act Procedures and Guidelines**

**Policy:**

### **BLOOMFIELD HILLS SCHOOLS Written Public Summary of the District's Freedom of Information Act Procedures and Guidelines**

#### **Introduction**

As a public body under the Freedom of Information Act (FOIA), the Bloomfield Hills Schools has developed procedures and guidelines to implement and assure compliance with FOIA. The District has also created the following written public summary of the specific procedures and guidelines explaining how to submit written requests to the District and how to understand the District's written responses, deposit requirements, fee calculations, and avenues for challenge and appeal.

#### **How to Submit Written Requests**

FOIA requests must be submitted in writing to the District. The request can be sent by email or mail to Christine Barnett:

Email: [ccbarnett@bloomfield.org](mailto:ccbarnett@bloomfield.org)

Bloomfield Hills Schools

Attn: Christine Barnett, FOIA Coordinator

7273 Wing Lake Road

Bloomfield Hills, MI 48301

Requests must sufficiently describe a public record so as to enable the District to find it. Requests should also include a contact telephone number to allow a District employee to make contact to resolve issues, clarify the scope of a request or help identify a specific document containing the information sought.

**How to Understand the District's Written Responses to FOIA Requests** The District must respond to a FOIA request within five business days. In some cases, the District may extend the time period by 10 business days to fulfill a request completely. A response does not necessarily mean the records are provided within five days.

The District can grant the FOIA request, deny the request, or grant it in part and deny it in part. If the request is granted in full or in part, the District can charge a fee to process the request.

Fees are calculated according to the District's FOIA procedures and guidelines and documented in a detailed fee itemization form. The fee must be paid before a public record is made available. And, in some cases, the District will require a good-faith deposit before it processes a public records request.

If the request is denied, the District will provide the basis for its denial in a written notice. The District will also provide notice of an individual's rights to appeal the denial to the Board of Education and/or to file a lawsuit against the District in circuit court.

### **Deposit Requirements**

The District will require a good faith deposit from a requestor before processing a public records request if the entire fee estimate or charge exceeds \$50, based on a good-faith calculation of the total fee. The deposit will not exceed one-half of the total estimated fee as identified in a detailed fee itemization. The District's response shall also include a best efforts and good-faith nonbinding estimate regarding the time frame it will take the District to comply with FOIA in providing the public records to the requestor.

If the total amount charged in a previous records request has not been paid in full, the District may require a deposit of up to 100 percent of the estimated fee before processing a subsequent public records request.

### **Fee Calculations**

The District may charge a fee for a public records search, for the necessary copying of a public record for inspection or for providing a copy of a public record under the District's procedures and guidelines. The fee shall be limited to actual mailing costs, and to the actual incremental cost of duplication or publication including labor, the cost of search, examination, review, and the deletion and separation of exempt from nonexempt information. Labor costs shall be estimated and charged in increments of 15 minutes in most cases, with all partial time increments rounded down.

The District shall not charge for the cost of search, examination, review, and the deletion and separation of exempt from nonexempt information unless the failure to charge a fee would result in unreasonably high cost to the District because of the nature of the requests in the particular instance. Under such circumstances, the District shall specifically identify the nature of the unreasonably high costs.

The first \$20 of a fee will be waived if a requestor submits an affidavit of indigency. The requestor must include a statement that the request is not being made in conjunction with outside parties in exchange for payment or other remuneration.

### **Avenues for Challenge and Appeal**

If the District charges a fee that an individual thinks is too high, denies all or part of a public records request, the requestor may submit to the District Board of Education a written appeal that specifically states the word “appeal” and identifies the basis for which the fee should be reduced or the nondisclosure determination should be reversed. Written appeals may be sent to the email or mailing address listed above and will be forwarded to the Board of Education or the Superintendent for scheduling on the agenda of the next Board meeting. Additionally, the

requestor may pursue a fee reduction or appeal the denial by commencing a civil action in circuit court.

### **More Information**

This is only a summary of the FOIA procedures and guidelines. For more details and information, copies of the District’s FOIA Procedures and Guidelines are available at no charge at the District’s central office and on the District’s website: [www.bloomfield.org](http://www.bloomfield.org).

### **History:**

#### **ATTACHMENTS:**

File Name

Description

No Attachments Available

# FOIA FEE ITEMIZATION FORM

## BLOOMFIELD HILLS SCHOOLS

Requestor's NameDate of RequestEstimate Fee

or

Actual Fee

Item Description	Hourly Rate <sup>1</sup>	Fringe Benefit % <sup>2</sup>	Overtime Rate <sup>3</sup>	No. of 15-minute increments <sup>4</sup>	Total Charge
Locating/Retrieving Records	Hourly wage _____ x	1. _____ +/-	\$ _____ =	<sup>5</sup> \$ _____ / 4 = \$ _____ x _____ (increments) =	\$ _____
Reviewing Records	Hourly wage _____ x	1. _____ +/-	\$ _____ =	\$ _____ / 4 = \$ _____ x _____ (increments) =	\$ _____
Redacting Records	Hourly wage _____ x	1. _____ +/-	\$ _____ =	\$ _____ / 4 = \$ _____ x _____ (increments) =	\$ _____
Copying/Duplicating Records <sup>6</sup>	Hourly wage _____ x	1. _____ +/-	\$ _____ =	\$ _____ / 4 = \$ _____ x _____ (increments) =	\$ _____
Contracted Labor Costs—Redaction	<sup>7</sup> Hourly wage _____ x	N/A	N/A	\$ _____ / 4 = \$ _____ x _____ (increments) =	\$ _____
Name of contracted person or firm if applicable: _____				Subtotal Labor Costs = \$ _____	
<b>Copying Cost for Paper Copies<sup>8</sup></b>					
<b>Letter (8½" x 11") paper at \$0.____ each<sup>9</sup></b>	<b>Legal (8½" x 14") paper at \$0.____ each</b>	<b>Size _____ paper at \$0.____ each</b>		<b>Size _____ paper at \$0.____ each</b>	<b>Total Charge</b>
No. of Sheets _____ x \$0.____ = \$ _____	No. of Sheets _____ x \$0.____ = \$ _____	No. of Sheets _____ x \$0.____ = \$ _____		No. of Sheets _____ x \$0.____ = \$ _____	\$ _____
<b>Mailing Cost</b>					
<b>Cost of Packaging</b>	<b>Postage Cost</b>	<b>Cost of Delivery Confirmation</b>	<b>Special Shipping Cost</b>	<b>Insurance Cost</b>	<b>Total Charge</b>
\$ _____	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____



## FOIA FEE ITEMIZATION FORM- Page 2

Nonpaper Physical Media			
USB Flash Drives	Computer Discs	Other Digital Media	Total Charge
\$ _____ x number used _____ = \$ _____	\$ _____ x number used _____ = \$ _____	\$ _____ x number used _____ = \$ _____	\$ _____
Qualified for \$20 Reduction? If yes, subtract \$20.			(\$ _____)
TOTAL FEE = \$ _____			
If estimated fee is over \$50, the District shall charge a deposit of 50% of the estimated fee.		Amount of Deposit \$ _____	Paid? Y/N
Subtract any good-faith deposit received.			(\$ _____)
Reduction amount due to untimely response by District: 0.5% of fee x _____ days late = _____ reduction.			(\$ _____)
TOTAL DUE= \$ _____			

<sup>1</sup> The hourly rate shall not be more than the hourly wage of the lowest-paid staff member capable of performing the labor in the particular instance.

<sup>2</sup> The District will add up to 50 percent to the applicable labor charge amount to cover or partially cover the cost of fringe benefits; 100 percent of fringe benefit costs will be added to the applicable labor charge if a requestor stipulates that requested website records must be provided in a paper format or in a specific form of electronic media. In either case, the District shall not charge more than the actual cost of fringe benefits.

<sup>3</sup> Overtime rates shall not be included in the calculation of labor costs unless overtime is specifically stipulated by the requestor.

<sup>4</sup> In general, labor cost shall be estimated and charged in increments of 15 minutes, with all partial time increments rounded down. (See note 6 for exception.)

<sup>5</sup> Divide the resulting hourly wage(s) by four to determine the charge per 15-minute increment.

<sup>6</sup> Labor costs for copying/duplicating records may be estimated and charged in time increments of the District's choosing, with all partial time increments rounded down.

<sup>7</sup> This amount shall not exceed an amount equal to six times the state minimum hourly wage rate, which is currently \$8.15.

<sup>8</sup> The District shall utilize the most economical means available for making copies, including using double-sided printing.

<sup>9</sup> The fee shall not exceed 10 cents per sheet of paper for copies made on 8½" by 14" paper.

## **District Organization**

The Superintendent, as the chief executive officer of the school District, shall monitor the effectiveness of the District organization and recommend modifications, which are in the best interests of the organization.

The Superintendent shall define and recommend those administrative positions and consultants required to implement the program of learning established by the Board in compliance with law and subject to Board of Education approval.

Authority and responsibility shall be delegated from the Superintendent through the administrative staff to the operational personnel. It is the responsibility of the Superintendent to determine and define operational requirements that ensure the successful functioning of the District.

Approved: 6/21/94

Revised & Adopted: 5/20/97

Reviewed by Policy Committee: 4/7/06

## **Superintendent of Schools**

### **Appointment of Superintendent**

The Superintendent shall be appointed by the Board of Education for a period not to exceed five (5) years. The term shall normally begin on July 1 of the appointment year. Approval of the Superintendent's contract shall be made at a regular meeting of the Board of Education.

### **Requirements of the Superintendent**

The Superintendent must have a master's degree from an accredited educational institution and complete the continuing education requirements established by the Michigan Department of Education. The Superintendent must also possess qualifications established by the North Central Association – Commission on Accreditation and School Improvement.

## **Contract**

The contract between the Superintendent and the District shall be in writing, shall be approved by the Board of Education, signed by the Superintendent, the President and the Secretary of the Board of Education on the Board's behalf.

### **Duties**

The Superintendent, as the chief executive officer of the School District, is the primary advisor to the Board and is responsible for the development, supervision, and operation of the school program and facilities. The Superintendent shall administer the policies established by the Board and shall determine the best method of implementing Board policy. The Superintendent may delegate to other school personnel the exercise of any powers and the discharge of any duties assigned to the Superintendent's position by these policies or by vote of the Board.

### **Emergency Procedures**

In situations where action must be taken to maintain the orderly operation of the schools and no formally-adopted Board Policy exists to define actions in such situations, the Superintendent is delegated the authority to act.

The Superintendent shall annually establish a "chain of command" for response to emergencies during periods in which the Superintendent is absent from the school district.

### **Negotiation of Collective Bargaining Agreements**

To facilitate negotiation procedures, the Superintendent is appointed as chief representative of the Board for the purpose of effecting negotiation objectives and the approval of team members for collective bargaining with recognized bargaining units.

### **Superintendent's Evaluation**

The Board is responsible for assessing the success of the Superintendent in meeting the mutually established goals through an annual evaluation of performance. The Board of Education shall consider all aspects of the Superintendent's performance in the annual evaluation.

Reference: Bylaw 8150: Board/Superintendent Relations

Revised & Approved: 5/23/06

## **Administrative and Supervisory Positions**

Administrative and supervisory positions in the school district are established initially by the Board of Education upon the recommendation of the Superintendent. The Superintendent shall submit for approval to the Board the broad purpose and function, the job requirements, and a written job description for each new administrative position in the District.

The Superintendent will be responsible for maintaining a set of job descriptions for positions to define the expectations held for each.

The appointment of all administrative personnel is made upon recommendation of the Superintendent of Schools and subject to approval by the Board of Education.

Revised & Adopted: 5/20/97

Reviewed by Policy Committee: 4/7/06

## **Administrative Conditions of Employment**

The Board of Education, upon recommendation from the Superintendent, will establish written individual contracts for each administrator employed by the District. The term of each contract may not exceed three years. The initial appointment to any administrative position shall be a one-year contract. Administrators become eligible for a three-year contract after having served two consecutive years in the administrative position.

Central office administrators shall have individual contracts, which shall establish their conditions of employment. Administrative staff represented by the Administrative Council will have conditions of employment as provided in the collectively bargained *Administrative Council Agreement*. All of the conditions of employment are subject to the approval of the Superintendent and Board of Education.

Revised & Adopted: 5/20/97

Reviewed by Policy Committee: 4/7/06

## **Administrative Intern Program**

An administrative training program may be established and operated in the District to encourage staff members who possess both the interest and the potential for administrative positions to acquire training and experience which will prepare them to perform in an administrative position.

Approved: 6/21/94

Revised & Adopted: 5/20/97

Reviewed by Policy Committee: 4/7/06

## **Administrative Intern Program**

The intern program will be chaired by a representative of the Personnel Division with the participation of the Instructional Division.

Posting of intern positions will occur as required.

Individual files for each applicant will be developed and will include transcripts and in-district recommendations from administrators who have supervised the applicant.

Screening procedures will include representation from personnel, instruction, and building level administration.

Selection of interns will be premised on information available and screening committee recommendations.

Pre-service to prepare the intern with a basic knowledge of the role and expectations held of the intern may include consultation with:

- a. University supervisor/business resource
- b. Central office staff
- c. Assigned administrator

An intern assignment may include activities designed to enhance the experience and effectiveness of the intern. Activities may include central office and ISD exposure, meeting participation such as principals, personnel and curriculum, as well as conference attendance.

Approved: 6/21/94

Revised & Adopted: 5/20/97



## **Councils, Cabinets and Committees**

The Board of Education authorizes the Superintendent or designee to establish permanent and temporary councils, cabinets, and committees deemed necessary for proper administration of Board policies and for the conduct of District business. All councils, cabinets, and committees created shall be for the purpose of obtaining advice and counsel from district staff.

The number, composition, and work done by such cabinets, councils, and committees shall be defined by the Superintendent or designee, and be reviewed annually for modification as determined by the Superintendent.

Approved: 6/21/94

Revised & Adopted: 5/20/97

Reviewed by Policy Committee: 4/7/06

## **Implementation, Monitoring and Adoption of Policy**

### **Implementation and Monitoring**

The Board is responsible for formulation and adoption of school district policy. The Superintendent is responsible for implementing and monitoring the policies established by the Board. The Superintendent will advise the Board when policy review, revision or development is required.

### **Procedure for Adoption, Revision or Repeal of Policy**

A recommendation to develop new Board policy or to revise existing policy may be made to the Board of Education or Superintendent. A request for policy development shall include an explanation of the need for policy language.

A new policy statement or revision of an existing policy will be prepared and identified as a "draft proposal." The draft will be shared with affected parties for review and comment. The draft will also be presented for review to Cabinet and/or the Board Policy Committee or other Board Committee.

Adoption, revision or repeal of policies is usually done in a two-step process. The first step requires a first reading of the proposed policy that is being adopted, modified or repealed. The first reading is done at a regular or special meeting of the Board of Education and, at that time, the proposed policy may be discussed. After the first reading is completed, suggested revisions may be initiated and the policy then scheduled for a second reading at a regular or special meeting of the Board of Education. At that time, the proposed policy may be acted upon by the Board.

Upon Board of Education approval, the new or revised policy will be included in all policy manuals.

Policy Reference: 8302 "Formulation and Adoption of Policies"

Revised & Adopted: 5/20/97

Reviewed by Policy Committee: 4/7/06

## **Board Policy Manual Distribution and Use by Residents**

Copies of the Board Policy Manual and the rules and regulations of the District shall be available to each Board member, building principal, director, central office administrator and other appropriate personnel. In addition, copies shall be available to the District's attorney of record. Further, at least one complete set of policies and regulations shall be maintained at central office for reference use by interested community residents.

Revised & Adopted: 5/20/97

Reviewed by Policy Committee: 4/7/06

## **Development of Administrative Regulations**

Following the adoption of policy by the Board of Education, the following procedures for the development, distribution, and implementation of regulations will be followed:

- A draft of proposed regulations shall be developed by the department responsible for the policy implementation.
- The draft shall be reviewed by the appropriate administrator for recommendations for suggested revision.
- The final draft will be presented to Cabinet for discussion. The final regulation will then be presented to the Superintendent for approval.
- Upon approval by the Superintendent, the regulation will be included in all Policy Manuals.

The Board of Education reserves the right to review and approve administrative regulations.

Policy Reference: Bylaw 8303: Formulation of Administrative Regulations

Approved: 6/21/94

Revised & Adopted: 5/20/97

Reviewed by Policy Committee: 4/7/06

## Appeal Process

An appeal is a petition to modify a decision made by an individual in authority. This procedure is applicable in circumstances for which there is no established appeal process. An individual may only pursue a single procedure for a remedy.

Decisions of staff members in a school may be appealed to the building principal. This appeal must be initiated in writing within thirty (30) calendar days of the decision or action. The appellant (the person pursuing the appeal) must have discussed the decision with the appropriate staff member prior to initiating the appeal.

At all stages of the appeal process, correspondence, decisions, and actions shall be encouraged at the level closest to the appellant.

Decisions and actions of principals, the Director of Special Education and Athletic Directors may be appealed to the Executive Directors for Instruction. Decisions and actions of administrators in the business department or in the Physical Plant Services Department may be appealed to the Assistant Superintendent for Business Services. Decisions and actions of other administrators may be appealed to the Assistant Superintendent for Human Resources and Labor Relations. If the decision of the applicable Executive Director or Assistant Superintendent is not satisfactory to the employee, an appeal may be made to the Superintendent. The appeal must follow the decision or action within ten (10) calendar days of a decision from the previous level. In cases considered by the Superintendent, a written decision may be given. The decision of the Superintendent is final unless the matter involves a demotion or termination.

Appeals of administrative decisions concerning demotions or terminations may be brought to the Board after the Superintendent has rendered a decision on the matter. The full Board will receive notification that the appeal has been submitted. The Board president may then choose to decide the appeal, assign the appeal to a subcommittee of the Board or have the full Board hear the appeal. The standard of review is that of "arbitrary and capricious." The Board President or Board Subcommittee or full Board will not substitute its judgment for that of the Superintendent during the appeal process. Instead, the decision maker will determine whether the decision of the Superintendent (or designee) was arbitrary and capricious. If the decision is determined not to be arbitrary and capricious, the Superintendent's decision will be upheld. The decision of the Board President, Board Subcommittee or full Board is final. If the decision is made by less than the full Board, the decision will be made available to the full Board. Appeals, which involve a question of Board policy, may be referred directly to the Board for consideration. Such an appeal must be made in writing and within ten (10) calendar days of the incident.

Approved: 6/21/94

Revised & Adopted: 5/20/97

Revisions: 3/15/06

Revisions: 3/20/06

Approved: 5/9/06

## **Fiscal Goals and Objectives**

The policy of the Board is to provide an optimum educational program for the students of the Bloomfield Hills Schools consistent with the taxpayers' support of such a program.

The Board of Education recognizes that good fiscal management comprises the foundational support of the whole school program. To make that support as effective as possible, the Board directs the Superintendent to:

1. Encourage advanced planning through the best possible budget procedures.
1. Explore all practical sources of income.
2. Establish financial procedures to ensure the proper and effective accounting of all School District monies, that monies are administered in accordance with generally accepted accounting principles and that all legal requirements concerning the School District monies are satisfied in letter and spirit.
3. Maintain a procurement and contract administration system in accordance with federal Uniform Grant Guidance regulations governing federal grant programs and/or U.S. Department of Agriculture (USDA) regulations governing school food service programs

12/18/73 - Approved

6/20/00-Revised

9/14/17-Revised

## **Annual Operating Budget and Fund Balance**

The Superintendent shall provide the public and the Board of Education ("the Board") with a balanced operating budget each year.

The annual operating budget will be subject to the review of the Board prior to submitting it for general distribution, publication and public hearing.

If a five-year forecast provided to the Board shows that the General Fund fund balance would go below 20% of projected expenditures in any year, the matter will be brought to the attention of the Board for discussion at the next scheduled Board meeting or at a special meeting convened sooner.

The Board will not approve an annual operating budget that is based on a five-year forecast showing that the General Fund fund balance would go below 15% of projected expenditures in any year, unless the Board contemporaneously passes a separate motion permitting same for that year.

12/18/73 - Approved

6/20/00-Revised

12/5/13 - Revised & Approved

## **Investment of Funds**

### **Section 1. PURPOSE**

The purpose of this Policy is to set forth the investment objectives and parameters for the management of public funds of Bloomfield Hills Schools. This investment policy is designed to safeguard funds on behalf of the District, to assure the availability of operating and capital funds when needed, and provide an investment return competitive with comparable funds and financial market indices.

### **Section 2. SCOPE**

In accordance with The Revised School Code of Michigan, Act 451 380.622, 380.1221 and 380.1223, this investment policy applies to all cash and investments held or controlled by the Board on behalf of the District. This policy does not apply to funds related to the issuance of debt where there are other indentures in effect for such funds. Additionally, any future revenues, which have statutory investment requirements conflicting with this Investment Policy and funds held or controlled by Federal or State agencies are not subject to the provisions of this policy.

### **Section 3. INVESTMENT OBJECTIVES**

The primary objectives, in priority order, of investment activities shall be safety, liquidity and yield.

#### **A. Safety of Principal.**

The foremost objective of this investment program is the safety of the principal of funds. Investment transactions shall be undertaken in a manner to ensure the preservation of capital in the overall portfolio. The objective will be to minimize credit risk and interest rate risk.

##### **1. Credit Risk (Custodial Credit Risk and Concentration Credit Risk)**

The District will minimize Custodial Credit Risk, which is the risk of loss due to the failure of the security issuer or backer, by; limiting investments to the types of securities listed in Section 9 of this Investment Policy; and pre-qualifying the financial institutions, broker/dealers, intermediaries and advisors with which the District will do business in accordance with Section 7 of this Investment Policy.

The District will minimize Concentration of Credit Risk, which is the risk of loss attributed to the magnitude of the District's investment in a single issuer, by diversifying the investment portfolio so that the impact of potential losses from any one type of security or issuer will be minimized.

##### **2. Investment Rate Risk**

The District will minimize Interest Rate Risk, which is the risk that the market value of securities in the portfolio will fall due to changes in market interest rates, by; structuring the investment portfolio so that securities mature to meet cash requirements for ongoing operations, thereby avoiding the need to sell securities in the open market; and, investing operating funds primarily in shorter-term securities, liquid asset funds, money market mutual funds, or similar investment pools and limiting the average maturity in accordance with the District's cash requirements.

##### **3. Foreign Currency Risk**

The District is not authorized to invest in investments which have this type of risk.



B. Maintenance of Liquidity.

The funds shall be managed such that they are available to meet reasonably anticipated cash flow requirements.

C. Yield/Return on Investment.

Investment portfolios shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the investment risk constraints and liquidity needs. It is understood that return on investment is of secondary importance when compared to the safety and liquidity objectives described above.

#### Section 4. MANAGEMENT OF INVESTMENTS

The Assistant Superintendent for Business shall serve as the Investment Officer to oversee the day-to-day management of District investments. The Investment Officer shall be responsible for the transferring of appropriate funds to affect investment transactions, for the investment of operating funds, operating reserves funds, and bond proceeds, consistent with this policy and actions of the Board. Should the Board elect to select an outside investment advisor, such advisor or firm must be registered under the Investment Advisor's Act of 1940.

#### Section 5. STANDARDS OF PRUDENCE

The standard of prudence to be used by the Investment Officer shall be the "Prudent Person" standard and shall be applied in the context of managing the overall investment program. The Prudent Person standard states:

"Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived from the investment."

#### Section 6. ETHICS AND CONFLICTS OF INTEREST

The Investment Officer shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair one's ability to make impartial investment decisions. Also, the Investment Officer shall disclose to the Board any material financial interests in Qualified Institutions that conduct business with the Board or the District, and they shall further disclose any material personal financial/investment positions that could be related to the performance of the District's investment program.

#### Section 7. AUTHORIZED INVESTMENT INSTITUTIONS AND DEALERS

Only firms meeting one of the following requirements shall be eligible to serve as Authorized Institutions:

A. The firm must comply with all of the following requirements.

1. Primary and regional dealers that qualify under Securities and Exchange Commission Rule 15C3-1

(uniform net capital rule);

2. Capital of no less than \$10,000,000;
3. Registered as a dealer under the Securities Exchange Act of 1934;
4. A member of the National Association of Securities Dealers (NASD);
5. Registered to sell securities in Michigan; and
6. The firm and assigned broker have been engaged in the business of effecting transactions in U.S. government and agency obligations for at least five (5) consecutive years; or,

## **B. Public Depositories qualified in accordance with MCL 380.1221, The Revised School Code of the State of Michigan.**

All brokers, dealers and other financial institutions deemed to be Authorized Institutions shall be provided with current copies of this investment policy and shall provide in return to the Board, certification of having read, understood and agreement to comply with this investment policy.

### **Section 8. COMPETITIVE SELECTION OF INVESTMENT INSTRUMENTS**

The Investment Officer shall obtain bids from at least two (2) brokers or financial institutions on all purchases of investment instruments on the secondary market. Overnight sweep investment instruments shall not be subject to this section.

### **Section 9. AUTHORIZED INVESTMENTS AND PORTFOLIO COMPOSITION**

Investments and Depositories are restricted to those complying with MCL 380.622, 380.1221 and 380.1223. These include:

- A. United States Government Securities.
- B. United States Government Agencies.
- C. Federal Instrumentalities (United States Government-Sponsored Enterprises).
- D. Certificates of Deposit.
- E. Repurchase Agreements.
- F. Commercial Paper.

G. Bankers' Acceptances.

H. Registered Investment Companies (Money Market Mutual Funds).

I. Investment pools, as authorized by the surplus funds investment pool act, 1982 PA 367, MCL 129.111 to 129.118, composed entirely of instruments that are legal for direct investment by an intermediate school district.

#### CERTIFICATION OF AUTHORIZED INSTITUTION

\_\_\_\_\_ acknowledges it has read, understands and agrees to comply with the Investment Policy of Bloomfield Hills Schools.

In accordance with Section 7 of the policy, \_\_\_\_\_ confirms that it is a firm that meets one of the following requirements and is eligible to serve as an investment institution:

A. The firm must comply with all of the following requirements:

1. Primary and regional dealers that qualify under Securities and Exchange Commission Rule 15C3-1 (uniform net capital rule);
2. Capital of no less than \$10,000,000;
3. Registered as a dealer under the Securities Exchange Act of 1934;
4. A member of the National Association of Securities Dealers (NASD);
5. Registered to sell securities in Michigan; and
6. The firm and assigned broker have been engaged in the business of effecting transactions in U.S. government and agency obligations for at least five (5) consecutive years; or,

### **B. Public Depositories qualified in accordance with MCL 380.1221, The Revised School Code of the State of Michigan.**

By: \_\_\_\_\_

Title: \_\_\_\_\_

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

Adopted: 6/7/2005

## **Student Activity Funds**

The Board of Education authorizes the establishment of a district-wide student activity fund to be known as the Hills School Fund. As a trust and agency fund, it shall be the responsibility of the building principal or central office administrator to properly administer the financial activities of each student activity account in accord with the provisions of State law and appropriate accounting principles and procedures for trust and agency funds.

Individual internal accounts may be established by school buildings or student operating units to account for the financial activities of student clubs and organizations and other related school groups. The use of the Hills School Fund as an accommodation to a group that is not a student club or organization shall be subject to the approval of the business office.

In order to achieve adequate protection and supervision of funds generated within school buildings, all revenues generated through school-sponsored activities, excluding those conducted directly by parent or PTO groups, must be processed through and included in a Hills School Fund account. Expenditures from such accounts may accordingly be made only for the purposes defined by the student clubs or groups who have established these accounts.

The business office shall maintain central financial records necessary to reflect the receipts and disbursements of all district student activity accounts, and will be responsible for enforcing and reviewing procedures and transactions of these accounts to assure that they conform to sound accounting practices. The Hills School Fund shall be included in the audit of the school district's financial statements and will be conducted at school district expense.

## **Purpose and Governance of Enhancement Fund**

The Board of Education has established an Enhancement Fund to help sustain and strengthen its co-curricular programs. The long-term objective is to grow the Enhancement Fund to a level such that the annual earnings will fully fund co-curricular programs. Co-curricular programs include, but are not limited to, fine arts, athletics, clubs or other similar activities. The funds will be maintained in separate designated accounts, which will not be used for general operating expenses without Board approval.

Approved: 5/9/06

## **Local Revenues**

### **Tuition**

The Superintendent shall establish all tuition rates for supplemental programs in accordance with the financial objective of conducting each program on a break-even basis.

### **Sale of School Property**

School property no longer needed in the operation of the school district may be sold. The Superintendent shall dispose of excess property by whichever means is in the best financial interests of the District.

Any sale of real estate shall be approved and awarded by the Board at a public meeting.

### **Rental of School Property**

The conditions and rates for the rental of school property shall be established by the Superintendent.

4/20/88-Revised

5/2000-Revised

6/20/00-Revised

Policy 3410

## **Final Payments Construction and Capital Projects**

Final payments on all construction and capital projects shall be reviewed by the Board prior to approving such items for payments.

12/18/73-Approved

2/12/88-Revised

6/20/00- Revised



## **Settlement of Litigation and Monetary Claims**

The Superintendent is authorized to negotiate and recommend approval to the Board of Education any settlement of litigation in which the District is a party, not exceeding \$50,000. The Superintendent is also authorized to take action on behalf of the Board of Education and compromise monetary claims of the school district when the amount owed to the District does not exceed \$25,000, with notification to the Board of Education.

6/7/94-Approved

6/20/2000-Revised

Policy 3420

## **Petty Cash Funds**

Petty cash funds shall be established to facilitate the purchase of minor items. The terms and limits of such funds shall be established in accordance with sound business procedures governing the operation and protection of such funds.

12/18/73- Approved

6/20/00- Revised



## **Bloomfield Hills Board of Education**

**Type:** Policy

**Policy Number:** 3435

**Regulation:**

# **Purchasing**

## **Policy:**

The Board authorizes the Superintendent to purchase and/or supervise the purchase of all materials, equipment, supplies and services necessary for the operation of the School District. It is the intent of the Board that the School District purchase competitively, without prejudice or favoritism, and seek maximum value for all expenditures. Competitive pricing is to be pursued by following legally required processes, as well as through such methods as cooperative purchasing, formal or informal bidding, requests for quotations from multiple vendors and negotiation. The Board authorizes the Superintendent to make purchases not to exceed the Michigan Competitive Bid Threshold per individual item purchase. Purchases in excess of that amount shall be brought to the Board for approval.

**Federal Procurement Standards** The Board seeks to ensure the District complies with all federal procurement policies and procedures in accordance with the Education Department General Administrative Regulations (EDGAR) and/or issued pursuant to the Federal Uniform Guidance, 2 CFR Part 200. The Superintendent will delegate responsibility for the development of procedures that comply with this policy to the Assistant Superintendent for Business Services.

### **Automated Clearing House (ACH) Arrangements and Electronic Transaction of Funds**

The Superintendent may enter into Automated Clearing House (ACH) arrangements approved by the Board. The Superintendent may transact School District business electronically.

**Federal Grants and Awards** The Superintendent will promulgate legally compliant administrative regulations concerning expenditures of funds received through federal grants and awards.

**History:**

Adopted 6/21/2018

**ATTACHMENTS:**

File Name

Description

No Attachments Available

## **Purchasing Cards**

The Board of Education authorizes the use of District purchasing cards. The Superintendent or the Superintendent's designee shall be responsible for the issuance, monitoring, retrieval, internal controls, and generally overseeing the use of District purchasing cards. The Business Office will operate a system of internal accounting controls to monitor the use of purchasing cards.

Approved: 4/13/99

Revised: 8/21/14

## Purchasing Card Use

Applications for the use of district purchasing cards are to be submitted to the Purchasing Card Program Administrator. The applications consist of a Purchasing Card Request, Cardholder Agreement, and Prepaid Release Authorization for prefunded cards.

Requests are to be signed by the proposed cardholder and related administrator. The proposed cardholders acknowledge that they are assuming responsibilities pertaining to the operation and administration of the Purchasing Card Program. These responsibilities include but are not limited to the following:

1. The School District Purchasing Card is to be used for allowable purchases that support the district's normal operating activities or within the district's capacity as an agent or trustee for certain funds/activities. The Purchasing Card may only be used under the parameters and procedures established for the Purchasing Card Program which are detailed in "The Purchasing Card Cardholder Guide". The School District Purchasing Card **MAY NOT** be used for personal travel, entertainment purposes or cash transactions.
2. The Purchasing Card will be issued in the cardholder's name. By accepting the card, the cardholder assumes responsibility for the card and will be responsible for all charges made with the card. The card is not transferable and may not be used by anyone other than the cardholder.
3. The School District Purchasing Card must be maintained with the highest level of security. If the card is lost or stolen, or if it is suspected that the card or account number has been compromised, the cardholder agrees to immediately notify the bank and the Purchasing Card Program Administrator.
4. All charges will be billed and paid directly by the School District. On a recurring basis, a statement listing all activity associated with the Card will be printed. This activity will include purchases and credits made during the reporting period. While the cardholder is not responsible for making payments, they are responsible for the verification and reconciliation of all account activity. Failure to follow the established procedures may lead to the card and cardholder privileges being revoked.
5. Cardholder activities are subject to periodic internal control review and audits designed to protect the interests of the District. By accepting the card, cardholders agree to comply with these reviews and audits.
6. Parameters and procedures related to the Purchasing Card Program may be updated or changed at any time. The District will promptly notify cardholders of these changes.
7. Cards will be surrendered and use will cease upon termination of employment or change in role with the District.

## **Indemnification Policy**

Subject to applicable state law and the limitations described in this Policy, the District may provide legal representation and indemnify a Board of Education member, officer, employee or volunteer in the event a claim is made or a civil action is commenced against such Board of Education member, officer or employee, for injuries to persons or property while such person is acting in the course of employment and scope of his or her authority. The District shall have the right to compromise, settle and pay the claim before or after the commencement of a civil action.

The District may also provide legal representation and indemnify any person employed by the District for civil liability with regard to asbestos-related duties to the extent permitted by state law.

Indemnification under this Policy shall be limited to circumstances where it would be in the best interests of the District to indemnify the Board member, officer or employee. Each request for indemnification shall be reviewed on a case-by-case basis by the Board of Education.

The District will also protect its Board members, officers, employees, and volunteers through a comprehensive liability insurance program as provided in Policy 4103.

5/3/94 - Approved

6/20/00-Revised

## **Electronic Transaction of Funds**

The Bloomfield Hills School District, through resolution of the Board, shall be a party to an Automated Clearing House<sup>1</sup> (ACH) arrangement<sup>2</sup>. The Assistant Superintendent for Business Services shall be responsible for the Bloomfield Hills School District's ACH agreements, including payment approval, accounting, reporting, and generally for overseeing compliance with the ACH policy<sup>3</sup>. All ACH disbursements are to be approved prior to payment.\_

### **Internal Accounting**

The Assistant Superintendent for Business Services shall be responsible for development and maintenance of appropriate accounting controls to monitor the use of ACH transactions<sup>4</sup> made by the Bloomfield Hills School District.

LEGAL REF: MCL 124.301-124.305

<sup>1</sup> "Automated clearing house" or "ACH" — a national and governmental organization that has authority to process electronic payments, including, but not limited to, the national Automated Clearing House Association and the Federal Reserve System (MCL 124.301(d)).

<sup>2</sup> ACH arrangement — the agreement between the originator of the ACH transaction and the receiver of an ACH transaction (MCL 124.301(a)). Under Act 738 of 2002, MCL 124.301, an ACH arrangement is not subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101, or to provisions of law or charter concerning the issuance of debt by a local unit.

<sup>3</sup> ACH Policy — the procedures and internal controls as determined under this written policy developed and adopted by the Assistant Superintendent for Business Services (MCL 124.301(b)).

<sup>4</sup> ACH transaction — an electronic payment, debit, or credit transfer processed through an automated clearing house (MCL 124.301(c)).

Approved: 12/2/2003



## **Disbursement of Funds**

### **Accountability**

For the purposes of accountability of disbursements, the Assistant Superintendent for Business Services shall submit to the Board a monthly report detailing the disbursements during the preceding month.

There are currently three methods related to disbursements including:

1. Accounts Payable transactions by check or electronic fund transfers (EFT) for associated vendor expenses or reimbursements.
2. Payroll transactions by electronic funds transfers for associated employee activities
3. Direct electronic funds transactions through the bank for approved activities such as bond payments, federal tax payments, retirement payments, etc...

The monthly report provided to the board will consist of the following:

1. Accounts payable transactions for checks and electronic fund transfers (EFT) containing the Vendor Name, Fund, Object, Check #, Check Date, Invoice Number, Description, PO Number (if applicable), and Amount.
2. Electronic banking disbursements including payroll transactions (net payroll, employee deductions, and tax payments) and other posted transactions related to bond activities, insurance claims, processing fees, etc. The electronic banking report will include the bank account number, date, amount, description and a reference as to the purpose of the transaction.

Dated: 12/2/03

Revised 5/16/16

## **Student Transportation**

Transportation services shall be provided for eligible students in accordance with applicable laws. Eligibility for transportation based on unique geographical criteria shall be determined by the Superintendent.

### **Co-Curricular Transportation**

The transportation of students for co-curricular and recreational purposes shall be provided when it is feasible to do so. However, additional services by transportation shall not be provided where such services would interfere with the primary purpose of transporting District students to and from school.

### **End of Route Vehicle Inspection**

At the end of every route driven, every bus driver shall do a thorough inspection of the bus, van or any vehicle used for transporting students for any reason, to be certain that no students or any other passengers remain in the vehicle. It shall be the responsibility of the administration to develop appropriate rules, forms or records to ensure that this policy is implemented. Any driver failing to adhere to this policy or to the rules established by the administration shall be subject to disciplinary action as determined by the Superintendent.

6/23/87-Revised

6/20/00-Revised

## **End of Route Vehicle Inspection**

At the end of each route driven, every bus driver shall inspect the bus, van or any other vehicle used to transport students to be certain that no students or other passengers remain in the vehicle. This requirement extends to mean that an inspection will occur any time a route has been run, be it a partial route interruption where the driver is “waiting” for students to return to the vehicle (such as on a field trip) or the final run of the day or evening. In addition, an inspection of the vehicle will be done any time that the driver is to be absent from the vehicle for 10 minutes or more before the driver exits the bus whether at the end of the route or during an interruption in the route.

An *End of Route Inspection Form*, to be provided by the administration, shall be completed and submitted to the Transportation Office as soon as possible after the inspection, but in no case later than the normal end of the driver’s shift or assignment.

2/27/07

## **Student Transportation Eligibility and Conditions**

The eligibility and conditions for providing transportation services to resident public, tuition and non-public pupils shall be as follows:

1. All resident elementary, middle school and high school pupils shall be entitled to transportation services within their school's attendance area with the closest bus stop placed approximately one mile from school property. Pupils living within the one-mile radius may walk out to a scheduled bus stop for transportation services.
2. The maximum walking distance to a bus stop shall generally be .3 to .5 mile for elementary pupils and approximately .5 mile for middle and high school pupils, providing a stop and route pattern can be established within legal requirements for a stop.
3. Tuition based and open enrolled students may be provided transportation on school busses provided the following conditions are met:
  - a. The student shall be offered transportation only if the parent transports the student to a scheduled stop. This stop must be within the normal transportation route of the school the student is enrolled in.
  - b. Before being offered transportation, the transportation manager must agree that there is available space on the run
  - c. The parent must provide an emergency address and contact located within walking distance of the approved stop, so that in the event the student is released without the parent being at the stop, the student has appropriate shelter.

Busing or walking conditions can change temporarily or permanently from year-to-year as determined by ridership and efficiency. These changes will be determined by the Transportation Department.

Revised: May 6, 2003

## **Food Service Department Management**

The Board of Education shall offer food services in all school buildings.

The financial operations of the Food Services Department shall be considered an integral part of the school district Operating Fund and shall be conducted in accordance with all financial policies of the Board.

It shall be the financial objective of the Food Services Department to maintain fiscal operations on a break-even basis. The fiscal operating results of the food service program shall be transferred annually to the year-end equity of the District General (operating) Fund.

Unit prices for meals which are required to meet Federal standards of nutrition in order to qualify for Federal subsidy shall be approved by the Board of Education. Ala carte and other unit prices shall be set by the administration.

The Board of Education prohibits competitive food sales to students during the scheduled lunch period. The only exception will be the education stores in each high school.

5/3/76 - Revised

6/20/00-Revised

## **Long Range Facilities Plan**

The District shall establish and maintain a continuous, planned program of repair, renovation and remodeling of the plant, equipment, and grounds of the District to meet the continuing needs of the educational program.

The Board recognizes the value of attractive grounds, consistent with the economics of cost and operation, and seeks to maximize the beauty and functional use of school properties in the District. Community groups such as PTOs and other interested parties are invited to participate in the improvement and ongoing maintenance of school grounds in coordination with school administration.

4/16/74-Approved

6/20/00-Revised

Policy 3710

## **Capital Projects**

The Superintendent shall submit an annual report to the Board of Education, which sets forth the capital projects for the ensuing year.

5/21/74-Approved

6/20/00-Revised

## **Site Selection and Purchase**

Before purchase of sites, a survey of proposed properties and an environmental study will be conducted by qualified personnel and a written feasibility report provided to the Board of Education.

12/21/76- Revised

6/20/00-Revised



Policy 3730

## **Facility Improvements**

All facility and grounds improvements, alterations or signage shall conform to the District approved materials, colors and installation methods.

4/24/79-Approved

6/20/00-Revised

## Construction Change Orders

### **Bond Projects**

Relative to change orders pertaining to bond projects that are within the project's contingency, the Superintendent or his/her designee is authorized to review and approve change orders subsequent to conferring with and obtaining the concurrence of the Assistant Superintendent for Business Services. The Superintendent and the Assistant Superintendent for Business Services will monitor potential change orders and discuss them with the Leadership Team for bond projects (or absent a Leadership Team for a bond project, then the FFLA Committee) on a regular basis, along with the overall status of the bond project. Bond project updates will also be provided to FFLA once the bond project commences and through completion.

Board approval of a construction change order for a bond project is required when the change order will result in the need for additional funding for a bond project.

### **Sinking Fund and Other Non-bonded projects**

Relative to change orders pertaining to sinking fund and other non-bonded projects that are within the project's contingency, the Superintendent or his/her designee is authorized to review and approve change orders subsequent to conferring with and obtaining the concurrence of the Assistant Superintendent for Business Services. Project updates will be provided to FFLA once the project commences and through completion.

Board approval of a construction change order for a non-bonded project is required when the change order will result in the need for additional funding for a project.

### **Definitions:**

#### Project

A bond or non-bonded single project or group of bond or non-bonded projects presented and discussed at FFLA and/or with the entire Board of Education. Examples include: a summer's group of sinking fund projects, a single project identified outside of the annual group of sinking fund projects, whether funded with sinking fund monies or other capital fund monies, or a bonded project such as Bloomfield Hills High School.

#### Contingency

A contingency is an amount of money set aside for unforeseen items or issues as they come up throughout a project. The contingency amount is usually a percentage of the Board approved bid award. Typically, a project includes multiple bid awards. The contingency amounts are monitored in total for a project.

#### FFLA

Finance, Facilities and Legal Affairs (FFLA) is Standing Committee of the Board that is appointed by the Board President. The Committee acts in an advisory role to the full Board.

#### Leadership Team

A Leadership Team was established for the Bloomfield Hills High School bond project. The Team is comprised of at least two board members, administrators, the construction manager, and architect representatives. The Team meets regularly to discuss the bond project's progress, potential change orders, timing and budget to actual updates. Should a Leadership Team not be established for future bond projects, FFLA will serve as the Leadership Team for the project.

Revised - 6/20/00

Revised & Approved – 11/29/05

Revised & Approved - 03/20/14

## **Integrated Pest Management**

The Board will maintain an Integrated Pest Management (IPM) program. This IPM program, at times, may require the use of a pesticide. All pesticide applications, both inside and outside of the school, will be performed by a state-certified applicator.

The Superintendent will prepare guidelines and procedures in compliance with the Michigan Department of Agriculture Pesticide and Plant Pest Management Division Regulations.

Approved 2/21/95

6/20/00-Revised

## **Energy Conservation**

The Bloomfield Hills School District will encourage and support reasonable efforts to reduce energy consumption and energy costs while maintaining and improving the comfort and safety of its facilities. These efforts will center on six main areas:

1. Utility purchases consisting of natural gas, water, sewer and electricity will be reviewed annually and, where appropriate, their procurement will be treated as a commodity. As such, every effort will be made to purchase supplies from reliable vendors at competitive prices.
2. Energy use and costs will be systematically monitored, tracked and analyzed for each facility, as well as for the District in aggregate.
3. Energy conservation equipment and design standards will be considered for new buildings and as part of upgrades or renovations of existing facilities. Consideration will be given to the long-term cost of such projects, rather than only their initial cost.
4. Stand-alone energy conservation projects may be included as part of the District's capital project compilation where the return on investment is favorable.
5. Reasonable time schedules and temperature regulations will be developed to help promote conservation. This will include regulations for both air conditioning and heating systems.
6. Facility use may be allocated or group together based on energy conservation.

Approved: 11/18/03

## Energy Conservation

To conserve energy, the following parameters will be used as part of an overall strategy to control energy costs.

1. In the heating months, depending on the occupant's preference, room temperatures will be kept between 66 and 72 degrees. This will include areas such as offices, classrooms and meeting rooms. The maximum allowed will be 72 degrees. If possible, hallways will be kept at 68 degrees along with the field houses, high school gyms and auditoriums.

In the event of a complaint, custodial staff will investigate the complaint first and, if the room temperature is below 68, they will either make adjustments using the computerized system or institute a work order to the maintenance department. No work orders will be generated for rooms being too cold if they are above 68 degrees.

2. Rooms will only be heated to a comfortable temperature when occupied. During periods they are empty in the winter, room temperatures will revert back to the setback level of 60 degrees. If someone wants to use a room during an unoccupied time, they will have to push the override button inside that room to turn the heat on. This should bring the room up to the normal temperature within a few minutes.
3. All buildings will be set to the lower temperature settings for weekends, holidays and vacation breaks.
4. During the times when air conditioning is warranted and for those buildings that have air, classroom temperatures will be adjusted to a low of 74 degrees. For any areas where people work in dress clothes and in large meeting rooms, the limit will be 72 degrees. Custodial staff will only generate work orders for temperature problems for those rooms with air conditioning when rooms are above 76 degrees.
5. Air conditioning will only be on during occupied times. When people wish to work in the building during unoccupied times they will be able to engage the air conditioning by pushing the override button on the thermostats.
6. Unoccupied buildings will not be air conditioned during the summer. The custodial staff may choose one area where they wish to take their breaks and that area will be air conditioned. Air conditioning may also be used to promote the drying of carpet during extraction.
7. During the summer, air conditioning of the general offices will only occur during the hours they are occupied by staff. At all other times, air conditioning will be controlled by the override button on the thermostat.
8. For those buildings with computerized energy management systems, the custodial staff may program these units to bring in fresh cool air during nights and early mornings in an attempt to keep the building cool.
9. Electric heater use will be discouraged. The Fire Marshal feels that if left unattended they can be a fire hazard.

Dated: November 19, 2003

## **Post-Issuance Tax Compliance for Tax-Exempt and Other Obligations**

It is the intent of Bloomfield Hills Schools (the "District") to ensure that all tax-exempt obligations issued by the District satisfy and will continue to satisfy all requirements of the Internal Revenue Code of 1986, as amended (the "Code") and regulations thereunder (the "Regulations"). Tax-exempt borrowings and other borrowings of the District, including but not limited to tax-exempt bonds, refunding bonds, tax credit bonds, installment and lease purchase agreements, lines of credit, state aid notes and tax anticipation notes, shall generally be referred to as "Obligations."

Approved: 10/17/2013



## **Debt Compliance Officer**

### **Background**

The purpose of the Post-Issuance Tax Compliance Regulations is to establish guidelines and procedures in connection with tax-exempt or tax-advantaged bonds and other debt obligations as described herein (the "Compliance Regulations").

Administration will use its discretion as necessary and appropriate to adjust the regulations as circumstances warrant. In addition, the regulations are subordinate to the Code and any regulations thereto and are subject to amendment or deletion depending on the content of any new regulations or Internal Revenue Code amendments promulgated by the United States Treasury.

### **Debt Compliance Officer**

The Assistant Superintendent for Business Services shall serve as the Debt Compliance Officer for the District.

The Debt Compliance Officer will implement procedures for the purpose of monitoring compliance with regard to all tax-exempt or tax-advantaged obligations. The procedures established and implemented by the Debt Compliance Officer will encourage the timely identification of noncompliance. The Debt Compliance Officer will ensure that the District maintains a record of such compliance. Further, the Debt Compliance Officer will ensure that this Post-Issuance Debt Compliance Policy and procedures, if any, are updated on a regular and as needed basis, as well as establish procedures designed to detect non-compliance and to address the necessary steps in the event non-compliant actions or inactions are detected.

The Post-Issuance Tax Compliance Policy and regulations will apply to all debt obligations designated as having tax-exempt or tax-credit status issued on behalf of the District. The duties of the Debt Compliance Officer will include, but not be limited to, the following:

- . oversee and manage compliance with the Code and Regulations, as defined above, as well as other general requirements;
- . monitor the use of proceeds from debt obligations and ensure that such use is proper and timely;
- . supervise timely filings of reports or forms required by state and federal agencies as applicable;
- . monitor arbitrage yield restriction and rebate requirements under the Code;
- . develop training programs, as necessary, for the purpose of training individuals responsible for the proceeds of the tax-exempt or tax-advantaged debt;
- . monitor compliance with six-month, 18-month or 2-year spending exceptions, if applicable; and
- . establish procedures to address non-compliance with state or federal law immediately upon the discovery of such non-compliance.

## **External Advisors/Documentation**

The purpose of the Post-Issuance Tax Compliance Regulations is to establish guidelines and procedures in connection with tax-exempt or tax-advantaged bonds and other debt obligations as described herein (the "Compliance Regulations").

Administration will use its discretion as necessary and appropriate to adjust the regulations as circumstances warrant. In addition, the regulations are subordinate to the Code and any regulations thereto and are subject to amendment or deletion depending on the content of any new regulations or Internal Revenue Code amendments promulgated by the United States Treasury.

### **External Advisors/Documentation**

The District will consult with bond counsel and other legal counsel and advisors, as needed, throughout the issuance of an Obligation to identify requirements and to establish procedures necessary or appropriate so that the Obligation will continue to qualify for tax-exempt status or tax credit status, as applicable.

The District also will consult with advisors, bond counsel or other legal counsel, as needed, following issuance of an Obligation to ensure that all applicable post-issuance requirements in fact are met. This will include, without limitation, consultation in connection with any potential changes in use of assets financed (or refinanced) with the Obligations issued. This requirement will be documented in the tax certificate and/or other documents finalized at or before issuance of the Obligations.

The District will be responsible to determine (or obtain expert advice to determine) whether arbitrage rebate calculations have to be made for the Obligations. If it is determined that such calculations are or are likely to be required, the District will engage an advisor (hereinafter "Rebate Service Provider") to assist in the calculation of arbitrage rebate payable in respect of the investment of proceeds from the issuance, or will otherwise ensure that it has adequate financial, accounting and legal resources of its own to make such calculations.

In lieu of engaging an outside Rebate Service Provider, the District may make a determination that it has sufficient capabilities using its own personnel, supported by its regular accounting and legal advisers, to be able to make the required rebate calculations. Such determination will be evidenced in writing with specific reference to the personnel and advisers to carry out the calculations, and such written determination will be maintained in the records of the bond transaction.

The District will file or cause to be filed all required IRS forms and make any rebate payments required on a timely basis. Unless otherwise provided by the indenture relating to an Obligation, unexpended proceeds will be held by a trustee or other financial institution, and the investment of bond proceeds will be managed by the District. The District will prepare (or cause the trustee or other financial institution to prepare) regular, periodic statements regarding the investments and transactions involving proceeds of the Obligations.

Dated: 10/17/2013

## Arbitrate Rebate and Yield

### Background

The purpose of the Post-Issuance Tax Compliance Regulations is to establish guidelines and procedures in connection with tax-exempt or tax-advantaged bonds and other debt obligations as described herein (the "Compliance Regulations").

Administration will use its discretion as necessary and appropriate to adjust the regulations as circumstances warrant. In addition, the regulations are subordinate to the Code and any regulations thereto and are subject to amendment or deletion depending on the content of any new regulations or Internal Revenue Code amendments promulgated by the United States Treasury.

### Arbitrage Rebate and Yield

The following requirements will apply to any Obligation issued by the District for which compliance with arbitrage rebate requirements under the Code and Regulations is required. The Debt Compliance Officer or his/her designee will be responsible for overseeing compliance with arbitrage rebate requirements under federal tax regulations:

- 1) If at the time of issuance of any Obligation, based on reasonable expectations set forth in the Tax Certificate or other applicable document(s), it appears likely that the Obligation will qualify for an exemption from the rebate requirement, the District may defer taking any of the actions set forth in the subsection (2). Not later than the time of completion of construction or acquisition of the project, and depletion of all funds from the project fund, the District in consultation with the appropriate professionals will make a determination if expenditure of the bond proceeds qualified for exemption from the rebate requirements based on spending within 6 month or 18 month period after issuance. If rebate exemption is determined to be applicable, the District will prepare and maintain a record to support such conclusion. If the transaction does not qualify for rebate exemption, the District will initiate the steps set forth in (2) below.
- 2) If at the time of issuance of any Obligations it appears likely that arbitrage rebate calculations will be required, or upon determination that calculations are required pursuant to (1) above, the District will:
  - a) engage the services of a Rebate Service Provider or assign District personnel capable of preparing a rebate analysis for the Obligation and, prior to each rebate calculation date, cause the trustee or other financial institution investing bond proceeds to deliver periodic statements concerning the investment of proceeds to the Rebate Service Provider or relevant District personnel handling the rebate calculation;
  - b) provide to the Rebate Service Provider, or relevant District personnel conducting any rebate calculation, additional documents and information reasonably requested by the Rebate Service Provider or District personnel;
  - c) monitor efforts of the Rebate Service Provider or District personnel;
  - d) in the case of obligations issued by the District, assure payment of required rebate amounts, if any, no later than the applicable rebate payment due date for such Obligation for which rebate is due;
  - e) during the construction period of each capital project financed in whole or in part by an Obligation, monitor the investment and expenditure of bond proceeds and consult with the Rebate Service Provider or relevant District personnel handling rebate calculation to determine compliance with any applicable exceptions from the arbitrage rebate requirements during each 6-month spending period up to 6 months or 18 months, as applicable, following the issue date of the Obligations; andretain copies of all arbitrage reports and trustee statements as described below under "Record Keeping Requirements."

Dated: 10/17/2013

## Use of Bond Proceeds and Bond-Financed or Refinanced Assets

### **Background**

The purpose of the Post-Issuance Tax Compliance Regulations is to establish guidelines and procedures in connection with tax-exempt or tax-advantaged bonds and other debt obligations as described herein (the "Compliance Regulations").

Administration will use its discretion as necessary and appropriate to adjust the regulations as circumstances warrant. In addition, the regulations are subordinate to the Code and any regulations thereto and are subject to amendment or deletion depending on the content of any new regulations or Internal Revenue Code amendments promulgated by the United States Treasury.

### **Use of Bond Proceeds and Bond-Financed or Refinanced Assets**

The Debt Compliance Officer, or his/her designee, will be responsible for:

- 1) monitoring the use of Bond proceeds (including investment earnings and including reimbursement of expenditures made before bond issuance) and the use of the debt obligation financed or refinanced assets (*e.g.*, facilities, furnishings or equipment) throughout the term of the Obligations to ensure compliance with covenants and restrictions set forth in the Tax Certificate or other applicable agreements relating to the Obligations;
- 2) monitoring the use of Bond proceeds (including investment earnings and including reimbursement of expenditures made before bond issuance) and the use of Bond-financed or refinanced assets (*e.g.*, facilities, furnishings or equipment) throughout the term of the Obligations to ensure compliance with covenants and restrictions set forth in the Tax Certificate or other applicable agreements relating to the Obligations;
- 3) maintaining records identifying the assets or portion of assets that are financed or refinanced with proceeds of each issue of Obligations (including investment earnings and including reimbursement of expenditures made before bond issuance), including a final allocation of Bond proceeds as described below under "Record Keeping Requirements";
- 4) consulting with bond counsel or other professional advisers in the review of any change in use of Bond-financed or refinanced assets to ensure compliance with all covenants and restrictions set forth in the Tax Certificate or other applicable agreements relating to the Obligations;
- 5) conferring at least annually with personnel responsible for Bond-financed or refinanced assets to identify and discussing any existing or planned use of debt obligations financed or refinanced assets, to ensure that those uses are consistent with all covenants and restrictions set forth in the Tax Certificate or other applicable agreements relating to the Obligations;
- 6) to the extent that the District discovers that any applicable tax restrictions regarding use of proceeds will or may be violated, consulting promptly with bond counsel or other professional advisers to determine a course of action to remediate all nonqualified bonds, if such counsel advises that a remedial action is necessary;
- 7) to the extent that tax-exempt proceeds from the debt obligation were used to acquire an existing building, confirming that qualified rehabilitation expenditures in an amount equal to at least 15% of the amount of such proceeds were made no later than 24 months after the later of (1) the date of issuance of the Obligations, or (2) the date of acquisition of the building;
- 8) The debt obligations will be reviewed at least annually in order to determine if the Policy and state and federal law are being adhered to; and
- 9) undertaking the following:
  - a) retain copies of all arbitrage reports and trustee statements as described below under

“Record Keeping Requirements” and, upon request, providing such copies to the bond issuer;

- b) with respect to Qualified Zone Academy Bonds (QZABs) and any other tax credit bonds, confirming that 100% of available project proceeds are spent within three years of issue date of bonds;
- c) with respect to facilities financed by QZABs or other tax credit bonds, confirming that such facilities continue to be used for a qualified purpose for the life of the Obligations; and
- d) with respect to other types of exempt facilities, adopting any such procedures that bond counsel or other professional advisors deem appropriate to periodically assess whether such facility continues to qualify as an exempt facility.

All relevant records and contracts will be maintained as described below.

Dated: 10/17/2013

## **Record Keeping Requirement**

### **Background**

The purpose of the Post-Issuance Tax Compliance Regulations is to establish guidelines and procedures in connection with tax-exempt or tax-advantaged bonds and other debt obligations as described herein (the "Compliance Regulations").

Administration will use its discretion as necessary and appropriate to adjust the regulations as circumstances warrant. In addition, the regulations are subordinate to the Code and any regulations thereto and are subject to amendment or deletion depending on the content of any new regulations or Internal Revenue Code amendments promulgated by the United States Treasury.

### **Record Keeping Requirement**

The Debt Compliance Officer, or his/her designee, will be responsible for maintaining the following documents for the term of each Obligation (including refunding bonds, if any) plus at least three years:

- 1) a copy of the closing transcript(s) and other relevant documentation delivered to the District at or in connection with closing of the issue of Obligation;
- 2) a copy of all material documents relating to capital expenditures financed or refinanced by Bond proceeds, including (without limitation) construction contracts, purchase orders, invoices, trustee requisitions and payment records, as well as documents relating to costs reimbursed with Bond proceeds and records identifying the assets or portion of assets that are financed or refinanced with Bond proceeds, including a final allocation of Bond; and
- 3) a copy of all records of investments, investment agreements, arbitrage reports and underlying documents, including trustee statements, in connection with any investment agreements as well as copies of all bidding documents, if any.

Dated: 10/17/2013

## **Equal Opportunity Employment**

Bloomfield Hills Schools is an equal opportunity employer that supports and subscribes to a policy of nondiscrimination in all aspects of employment. The District will not discriminate on the basis of race, color, religion, national origin, sex, age, height, weight, marital status, disability, or any other reason prohibited by applicable laws.

Under Michigan law, an employee may not be discriminated against in employment because of a disability that can be reasonably accommodated to enable that employee to perform the job. Disabled employees who believe accommodation is needed to perform his/her job must notify the Human Resources Department, in writing, of the need for accommodation within 182 days after the date the employee knew or reasonably should have known that an accommodation was needed.

10/8/91 REV (Approved)

Revised: 10/27/98

Revised/Approved: 8/17/06

## **Staff Protection**

The School District will strive to protect all staff from physical and/or mental abuse. The District considers harassment on the basis of race, color, religion, national origin, sex, sexual orientation, age, height, weight, marital status or disability an offense that will subject the offender to disciplinary action.

Any staff member who believes this policy has been violated should notify his or her supervisor immediately, and prompt action will be taken to ensure the individual's safety and well-being. Staff members who believe that the supervisor has not or cannot adequately address this problem are encouraged to speak with the Assistant Superintendent for Human Resources and Labor Relations or the superintendent.

The School District will also protect its staff members through a comprehensive liability insurance program. Under the provisions of the District's liability policy, the Board will assist in the defense of any staff member concerning claims for damages caused or alleged to have been caused, in whole or in part, by that individual while performing assigned duties for the District provided that the Board determines that the staff member was acting in accordance with and within the scope of the staff member's duties, authority and Board policy. The District shall not be obligated to assume any costs or judgments entered against the staff member when such damages are due to the individual's willful negligence, violation of law, or criminal act as determined by a court of law.

Approved: 8/12/97

Revised: 10/27/98

Revised/Approved: 8/17/06



## **Recruitment, Selection, and Appointment**

An outstanding educational program is dependent upon the employment and retention of the best qualified personnel. It is the policy of the Board of Education to recruit and select the best personnel for each position.

Staff recruitment is the responsibility of the Assistant Superintendent for Human Resources and Labor Relations and other professional staff identified by the Superintendent of Schools. The Assistant Superintendent for Human Resources and Labor Relations is responsible for establishing and implementing hiring procedures for all staff. The hiring procedures will include obtaining a criminal history profile of all staff at the time of hire. If the criminal history profile is not satisfactory to the Superintendent or Assistant Superintendent for, Human Resources and Labor Relations any offer of employment will be withdrawn.

Selection of all personnel will be determined by recommendation of the immediate supervisor with the concurrence of the appropriate director to the Superintendent of Schools, or designee.

It is the responsibility of the Assistant Superintendent for Human Resources and Labor Relations to determine that persons recommended for employment meet the qualifications established by law and by the Board of Education for the type of position for which the recommendation is made.

The Board of Education will approve teaching and administrative appointments. Teaching or administrative personnel may be offered conditional employment by the Superintendent, or designee, subject to the approval of the Board of Education.

10/8/91 REV (Approved)

Revised: 10/27/98

Revised/Approved: 8/17/06

## **Hiring and Placement of Family Members**

- A. Sons, daughters, brothers, sisters (including in-laws), spouses, parents, and grandparents may not be hired to work in the same building. This does not include existing placements or people who marry after being employed by the District.
- B. Sons and daughters of staff members may not be placed in the District for student teaching. The Superintendent may waive this regulation for student teaching assignments in critical shortage areas.
- C. Staff members may not be hired or placed in positions where a relative (as defined in Section A above) has supervisory responsibilities over another relative.
- D. Summer employment is exempt from this regulation.

Approved: 7/13/99

## **Criminal Conviction Review**

In an effort to maintain a safe environment for students and staff, and in compliance with the School Safety Legislation (PA 129-131-138 of 2006) , the District will review the criminal records of those individuals who apply to or work for the District or are contracted to work on a regular and continuous basis in the schools.

Individuals convicted of crimes listed in Section 2 of the Sex Offender Registry Act, MCL 28.722, shall not be allowed to work in the schools or in the District.

Individuals convicted of a felony not listed in the Sex Offender Registry Act may not continue to work in the District, unless or until they have received written approval from both the Superintendent and the Board of Education. Pending such approval employees shall be placed on administrative leave. Such leave shall be without pay, subject to Board discretion to award pay with reinstatement.

Individuals convicted of a misdemeanor related to sexual abuse, child abuse or controlled substances shall require the written approval of the Superintendent and the Board to continue employment.

All other criminal convictions shall require the approval of the Superintendent or designee to obtain or maintain employment in the District.

Except for felony convictions, the Superintendent or designee shall determine whether the individual will be allowed to work pending review of the criminal convictions and a determination of whether the individual should be allowed to work in the District.

The Superintendent or designee shall suspend consideration of any applicant and shall determine whether an employee or person contracted to work in the District will be allowed to work while felony charges are pending against the individual.

In making the determination regarding whether to hire an applicant or allow an individual to continue working with pending felony charges or after a conviction, the Superintendent and the Board will consider factors relating to the type, timing and number of incidents relating to the felony conviction.

Neither the Board nor the Superintendent shall consider criminal charges that did not result in conviction, or pending misdemeanor charges in determining whether to hire or continue the employment of any individual.

In making recommendations to the Board on whether to allow individuals with convictions or pending felony charges to work in the District, the Superintendent or designee shall provide written reasons supporting the recommendation.

The Board shall provide written reasons supporting its determination on whether to allow an individual with a conviction to work in the District.

The Superintendent or designee shall be responsible for processing the necessary review of criminal convictions, and providing the Board timely notice of its need to act in accordance with this policy.

MCL 28.722, 380.1230 et seq., 308.1535a, 38.74

Compliance with the Applicable Requirements of the Criminal Justice Information Systems Security Policy

On October 26, 2012, the Michigan Criminal Justice Information Systems (CJIS) Board adopted the Federal Bureau of Investigation's (FBI) CJIS Security Policy as a replacement to the Michigan CJIS Security Policy. In carrying out the responsibilities under the School Safety Legislation of 2006, Bloomfield Hills Schools uses the Criminal Justice Information Systems. In doing so, the guidance provided in the FBI CJIS Security Policy will be followed.

The Board shall provide written reasons supporting its determination on whether to allow an individual with a conviction to work in the District.

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obtain or maintain employment in the District.

Except for felony convictions, the Superintendent or designee shall determine whether the individual will be allowed to work pending review of the criminal convictions and a determination of whether the individual should be allowed to work in the District.

The Superintendent or designee shall suspend consideration of any applicant and shall determine whether an employee or person contracted to work in the District will be allowed to work while felony charges are pending against the individual.

In making the determination regarding whether to hire an applicant or allow an individual to continue working with pending felony charges or after a conviction, the Superintendent and the Board will consider factors relating to the type, timing and number of incidents relating to the felony conviction.

Neither the Board nor the Superintendent shall consider criminal charges that did not result in conviction, or pending misdemeanor charges in determining whether to hire or continue the employment of any individual.

In making recommendations to the Board on whether to allow individuals with convictions or pending felony charges to work in the District, the Superintendent or designee shall provide written reasons supporting the recommendation.

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#### **Criminal History Background Check Process**

##### **New Bloomfield Hills Schools Employees**

- All Bloomfield Hills employees will be fingerprinted according to state law, through the Michigan State Police, under the SE (school employee) code or the CPE (child protection employment) code. The CPE code is for employees of the preschool and latchkey programs and recreation program.
- Employees are to be fingerprinted and the results received prior to starting employment. However, if it is necessary to employ an individual or contract for an individual to maintain the continuity of the program prior to the receipt of the criminal history report, the individual may be offered conditional employment subject to the results of the criminal history background check being received and reviewed by the Assistant Superintendent for Human Resources and Labor Relations,

or designee. In order to be hired provisionally, the following must occur:

1. The record check must be requested;
  2. The applicant has signed a disclosure of all convictions and acknowledges that employment may be terminated if there are discrepancies; and
  3. The hiring occurs during the school year or not more than 30 days before the beginning of the school year.
  4. An ICHAT is completed.
- The above process may also be followed for individuals employed through a private contractor or third party vendor.
  - Individuals currently working in another or multiple districts may authorize the release of a prior criminal history records check with that school district. If the records check is deemed acceptable by the assistant superintendent for human resources and labor relations, and an IChat is performed, the records check may be accepted by the School District. If not, another criminal history record check will be required. (This process will also be followed for individuals employed through a private contractor or third party vendor)
  - All criminal history record reports received from the Michigan State Police or produced by the Michigan State Police will be maintained in the employee's personnel file and used for employment purposes only.

#### **Private Contractors or Third party Vendors**

- Any individual who provides services to the K-12 school program through a private contractor or third party vendor is subject to the same fingerprint criminal history background check as school district employees. Such individuals will be fingerprinted using the SE (school employee) code or the CPE (child protection employment) code. The CPE code is for contract employees of the recreation program.
- Private contractors or third party vendors cannot receive or retain criminal history record information (CHRI). The school district will notify the contractor or vendor, after the criminal history report is received from the Michigan State Police, whether the individual has been approved to work in the school district, by affidavit or determination form. No information will be provided to the contractor or vendor with respect to the content of the criminal history record information.

#### **Volunteers:**

- Any volunteer going on overnight trips with students, or working closely with students in an unsupervised manner, will be required to have an ICHAT. The assistant superintendent for human resources and labor relations, or designee, will determine if fingerprinting is required. If so, the fingerprinting will be done using the CPV (child protection volunteer) code.

#### **Confidentiality**

All records received from criminal history record information (CHRI) are considered confidential and are not to be released to anyone not directly involved in evaluating the applicant's qualification for hire. Records involving misdemeanor convictions for sexual or physical abuse or any felony are not subject to the confidentiality restrictions.

New Regulation: 10/8/2013  
Updated: 9/19/2016



## **Bloomfield Hills Board of Education**

**Type:** Regulation

**Policy Number:**

**Regulation:** 4104.3

# **Non-Criminal Justice Agency (NCJA) Criminal History Record Information (CHRI)**

## **Policy:**

### **Background**

Bloomfield Hills Schools is required by Public Act 129-131-138 of 2006, the “School Safety” legislation, to have the Michigan State Police State Police (MSP) obtain both a State and a Federal Bureau of Investigation (FBI) criminal history record information (CHRI) background check report for all employees of the school district and for contractors who work on a regular and continuous basis in the school district. The following procedures have been established In order to ensure the security, confidentiality, and integrity of CHRI.

### **A. AUTHORIZED RECIPIENTS**

Bloomfield Hills Schools is considered a Noncriminal Justice Agency (NCJA) and is an Authorized Recipient (AR), wherein certain Authorized Personnel are able to request and receive fingerprint-based Criminal History Record Information (CHRI) checks. Authorization for ARs to receive CHRI is for the purpose of employment, licensing (child protection employment) or volunteer determinations. Therefore, Bloomfield Hills Schools will comply with applicable state and federal laws, applicable rules and regulations, the most current version of the Federal Bureau of Investigation (FBI) Criminal Justice Information Services (CJIS) Security Policy, in addition to the school district’s policies, procedures, and processes.

The most stringent requirement shall prevail if conflict(s) is/are found between school district policies or regulations, state or federal laws, with the most current version of the FBI CJIS Security Policy, and corresponding rules, or regulations.

### **B. USER AGREEMENT**



Bloomfield Hills Schools will complete and maintain a Noncriminal Justice Agency User Agreement for Release of Criminal History Record Information (RI-087) provided by the Michigan State Police (MSP). Agreements are in place to provide for data ownership, individual roles, responsibilities, etc. When changes in contact information (address, e-mail address, contact name, etc.) occur, Bloomfield Hills Schools will complete and return a new user agreement. The most current copy of the user agreement will be maintained by Bloomfield Hills Schools indefinitely.

### **C. LOCAL AGENCY SECURITY OFFICER (LASO)**

The Superintendent or designee will designate a LASO by completing and returning to the MSP, Security & Access Section (SAS), a Noncriminal Justice Agency Local Agency Security Officer Appointment (CJIS-015). An individual designated as LASO is:

- An “authorized user/personnel.”
- An individual that has completed a fingerprint-based background check, where required, and found appropriate to have access to CHRI.
- An employee directly involved in evaluating an individual’s qualifications for employment or assignment.

A LASO is responsible for the following:

- Identifying who is using or accessing CHRI and/or systems with access to CHRI.
- Identifying and documenting any equipment connected to the state system.
- Ensuring personnel security screening procedures are being followed as stated in this policy.
- Confirming the approved and appropriate security measures are in place and working as expected.
- Supporting policy compliance and ensuring the MSP Information Security Officer (ISO) is promptly informed of security incidents.

When changes in the LASO appointment occur, Bloomfield Hills Schools will complete and return a new LASO appointment form. The most current copy of the LASO appointment form will be kept on file indefinitely by the school district (CJIS-015).

All MSP fingerprint account changes are to be made by the LASO.

### **D. personnel security**

#### **(1) All personnel**

All personnel requiring access to CHRI must first be deemed “Authorized Personnel.” Prior to access of CHRI, such individuals shall complete a fingerprint-based CHRI background check. The LASO or authorized designee will review and determine if access is appropriate. Access is denied if:

1. The law prohibits the individual from working in or with Bloomfield Hills Schools.
2. The individual has ever had a felony, of any kind, no matter when it occurred.

If a record of any other kind is found, the LASO or authorized designee will review and determine if access is appropriate. Persons believed to be a fugitive, or having an arrest history

without conviction must be reviewed to determine if access to CHRI is appropriate. The LASO or authorized designee may ask for a review by the CJIS Systems Officer (CSO) of the MSP in extenuating circumstances where the severity of the offense and the time that has passed would support a possible variance.

Access will be granted upon determination by the LASO or authorized designee, so long as providing such access would not be detrimental to the school district or the individual for which the record pertains.

Persons with access to CHRI and are subsequently arrested and/or convicted of a crime will:

1. Have their access to CHRI suspended until the outcome of an arrest is determined and reviewed by the LASO or authorized designee in order to determine if continued access is appropriate.
2. Have their access suspended indefinitely if a conviction results in a felony of any kind.
3. Have their access denied by the LASO or authorized designee where she/he determines that access to CHRI by the person would not be in the public's best interest.

Support personnel, contractors and custodial workers with access to physically secure locations or controlled areas (during criminal justice information processing) are subject to the same clearance standards as other individuals with access, unless they are escorted by authorized personnel at all times when in these locations or areas.

## **(2) Personnel Screening for Contractors and Vendors**

In addition to the screening requirements provided in the immediate preceding areas, contractors and vendors (persons with access to agency system hardware or software) shall meet the following requirements:

1. Have completed a state and federal fingerprint-based CHRI background check.
2. If a record of any kind is found, delay access until the LASO or authorized designee can review the record and determine such access to CHRI is appropriate.
3. If a felony record of any kind is found, access will be denied.
4. If a confirmed outstanding arrest warrant is found, access will be denied.

Bloomfield Hills Schools will retain and keep current a list of personnel who have been given authorized access to CHRI, and make this list available to the MSP upon request.

## **(3) Personnel termination**

Upon termination from employment, all access to criminal justice information shall be terminated for that individual and steps taken to assure security of such information and any systems at the school district to access such information. Such steps include:

- a. Disabling of access to district email account and access to CEO Image Systems (the District's electronic personnel file system)
- b. Return of keys and access cards to school buildings
- c. Disabling of key fobs which provide access to buildings

#### **(4) personnel transfer**

When an individual who has been granted access to criminal justice information has been transferred or re-assigned to other duties, the LASO shall determine whether continued access is necessary and appropriate. If not, the LASO shall take such steps as necessary to block further access to such information.

#### **E. Sanctions**

Employees who fail to comply with this regulation will be subject to discipline for such violations. Discipline may include, but is not limited to, counseling, retraining, the reassignment of CHRI responsibilities, or dismissal. Discipline will be based on the severity of the infraction and at the discretion of Bloomfield Hills Schools.

#### **F. media protection**

CHRI media is to be protected and secured at all times. The following procedures are to be followed to ensure the appropriate security, handling, transporting, and storing of CHRI media in all its forms.

#### **(1) Media Storage & Access**

Digital and physical CHRI media shall be securely stored within physically secured locations or controlled areas in Bloomfield Hills Schools. Access to such media is restricted to authorized personnel only and secured at all times when not in use or under the supervision of an authorized individual.

##### **Physical CHRI Media:**

- a. Is to be scanned and stored electronically within individual personnel records on CEO Image Systems with restricted access (the District's electronic personnel file system) to Authorized Users.
- b. Is to be maintained within a lockable filing cabinet, drawer, closet, office, safe, or vault, etc.

##### **Digital CHRI Media:**

- a. Is to be stored on the District's CEO Image Systems (the District's electronic personnel file system) and be secured on the School District's on-site server.
- b. If security cannot reasonably be provided, than such media will be encrypted.

#### **(2) Media Transport (DIGITAL and/or physical)**

Should the need arise to move CHRI media outside of the secured location or controlled area, the security controls outlined below shall will be implemented to prevent compromise of the data while transporting.

CHRI media includes:

- Physical CHRI media such as paper/hard copies (if the media has not been stored electronically)

- Digital CHRI media such as laptops and computer hard drives and any removable, transportable digital memory media, such as magnetic tape or disk, optical disk, flash drives, external hard drives, or digital memory card(s).

The security controls include the following:

- a. The transport of CHRI media will be conducted by authorized personnel.
- b. The media will be directly delivered to the intended person or destination and will remain in the physical control and custody of the authorized individual during transport.
- c. To the extent possible, digital media will be either encrypted or be password protected during transport process.

### **(3) disposal of DIGITAL media**

When the CHRI background check is no longer required, the media upon which it is stored will be destroyed. The superintendent, LASO and Director of Instructional Technology shall designate the media to be affected and a record will be kept by the LASO for a period of 5 years. Physical destruction includes cutting, drilling or grinding of the media.

### **(4) disposal of physical Media**

Once physical CHRI media (paper copies) is determined no longer needed by Bloomfield Hills Schools, media shall be destroyed and disposed of according to the FBI CJIS Security Policy. Procedures for the secure disposal or destruction of physical media include:

- a. Paper copies of CHRI media shall be shredded.
- b. Documents may not be placed in a trash container.
- c. Disposal shall be conducted or witnessed by authorized personnel.

### **G. chri Background check consent and documentation**

All individuals requested to complete a fingerprint-based CHRI background check must give written consent, signed and dated, and be notified that fingerprints will be used to check the criminal history records of the FBI and the Michigan State police. The consent must be given at the time of application and prior to completing the CHRI background check. The Livescans form will satisfy this requirement and must be retained. Individuals subject to the fingerprint based CHRI background check will be provided the opportunity to challenge the accuracy of the individual's criminal history record.

Documentation identifying the position for which a fingerprint-based CHRI background check has been obtained must be retained for every CHRI background check conducted, such as an offer letter, job posting, or PERSONNEL documentation. Such documentation will be SCANNED IN the personnel file.

### **H. Physically secure location/Controlled Area**

Bloomfield Hills Schools will ensure both sufficient physical and personnel security controls exist for the protection of CHRI and associated information systems. The school district will:

- a. Maintain the background checks in a controlled area which is a designated room, computer system (CEO) or lockable storage area
- b. Limit unauthorized personnel access to the area during times that criminal justice information is being processed or viewed.
- c. Position information systems devices (such as computer screens) and physical documents, when in use, to prevent unauthorized individuals from being able to access or view them.
- d. Keep a current list of personnel with authorized access to the physically secure location or use a method of credentials to keep track of authorized personnel.
- e. Position information system devices that display CHRI in such a way as to prevent unauthorized individuals from accessing and viewing CHRI.
- f. Ensure methods are in place to monitor, detect and respond to information system incidents for individuals attaining physical access to secured areas.
- g. Validate all visitors before admittance to the physically secure locations, and visitors will be escorted and monitored at all times.

## **I. PASSWORDS**

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

- a. Be a minimum length of 8 characters
- b. Not be dictionary word or proper name
- c. Not be the same as the user ID
- d. Expire within a maximum of 90 days
- e. Not be identical to the previous 10 passwords
- f. Not be transmitted in the clear outside the secure location
- g. Not be displayed when entered.

## **J. Incident response**

In the event of an information security breach regarding a fingerprint based CHRI background check, Bloomfield Hills Schools will follow the following procedures to address the breach:

- a. The person discovering the security breach will immediately report the breach to the LASO and the Superintendent. If the breach is a digital breach, a report will also be made to the Director of Instructional Technology.
- b. The LASO or Superintendent will report a digital security breach or a security breach by unauthorized personnel to the Bloomfield Township Police Department.
- c. The LASO or Superintendent will report the security breach to the Michigan State Police Information Security Officer (ISO) using the *Computer Security Incident Response Capability Reporting form (CJ1S-016)*.
- d. The *Computer Security Incident Response Capability Reporting form* indefinitely as a record of the data breach.

- e. Determine how the data breach occurred and implement steps to prevent future unauthorized intrusion.
- f. If applicable, restore the media or information system to a safe level.

## **K. SECONDARY DISSEMINATION**

When permitted by law, and Bloomfield Hills Schools releases a CHRI response to another authorized recipient pursuant to authorized sharing provisions, a log of such release(s) shall be maintained and kept current. The log will be maintained indefinitely and be made available upon request to a MSP representative for audit purposes. Fields required for the log are:

- The date the record was shared.
- Record disseminated.
- Requesting agency (whom the response was shared with) / Recipient Name.
- Method of sharing; either by U.S. Mail or landline fax. (No emailing).
- Agency personnel that shared the CHRI.

A log entry need not be kept if the receiving agency/entity is part of the primary information exchange agreements between the District and the Michigan State Police.

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

## **L. Security AWARENESS Training**

Bloomfield Hills Schools will establish, implement, and administer basic Security Awareness Training (SAT) that meets the minimum standards provided within the most current version of the FBI CJIS Security Policy. The LASO will, every two years and starting from date of adopting agency SAT, review the FBI CJIS Security Policy to ensure agency implemented SAT meets the most current requirement(s). All individuals having access to CHRI, whether digital or physical, shall complete SAT provided by the agency within six (6) months of assignment and every two (2) years thereafter. The agency will also include any or all Information Technology (IT) personnel having access to digital systems used to process CHRI. The agency will document and keep current completed SAT records, past and current.

## **M. AUDIT RETENTION**

The district will retain audit records (Livescan form, CHRI and personnel records indicating the job posting or applicable personnel file documents) for both applicants that are hired and those that are not for at least one year. Once the minimum retention time has passed, the District will continue to retain the audit records until it is determined they are no longer needed for administrative, legal, audit, or other operational purposes. This includes, for example, retention and availability of audit records subject to the Freedom of Information Act (FOIA) requests, subpoena, and law enforcement actions.

Legal Reference: Criminal Justice Information Services—Security Policy (Version 5.5 2016); MCL 280.1230 et. Seq., 380.1535, 380.1535a, 380.1809, 28.722

**History:**

9/16/2016

**ATTACHMENTS:**

File Name

Description

No Attachments Available

## **Probation and Evaluation of Instructional Staff and Instructional Support Staff**

### **Instructional Staff – Staff Covered by the Teachers’ Tenure Act**

#### **Probationary Status**

– Each instructional staff member employed in the Bloomfield Hills Schools will serve a probationary period as defined in the Michigan Teachers’ Tenure Act. The Michigan Teachers’ Tenure Act currently provides:

A teacher who has earned tenure in another school district in the State of Michigan shall serve a probationary period of up to two (2) years.

All new teachers hired approved for hire by the Board of Education on or after July 19, 2011, shall serve a probationary period of five (5) years.

Notification of non-reemployment shall be in compliance with law.

#### **Instructional Support Staff**

– Each instructional support services staff member of the school district will serve a probationary period as defined in the appropriate master agreement and/or established by the Human Resources Office. Instructional support staff members include the following personnel: social workers, psychologists, speech pathologists, occupational therapists, and physical therapists, and guidance counselors.

The probationary period for instructional support staff established by the Human Resources Office is:

Two (2) years for staff who have worked at least five (5) years in another district (four (4) years prior to July 19, 2011).

Five years for staff approved for hire by the Board of Education after July 19, 2011.

#### **Notification of Discharge**

– Notification of discharge during the probationary period shall be made by the immediate supervisor after consultation with the Superintendent or the Assistant Superintendent for Human Resources and Labor Relations.

#### **Evaluation**

The Board of Education, through the powers derived from the Revised School Code and other relevant statutes, is responsible for the employment and discharge of all instructional personnel. In order to carry out this responsibility and to assure a high quality of teacher and instructional support staff performance and to advance the instructional programs of the Bloomfield Hills Schools, the Board delegates to the Superintendent the function of establishing and implementing a performance evaluation system that incorporates the requirements of the Revised School Code and other relevant statutes. Regular reports shall be made to the Human Resources Office concerning the outcomes of the evaluations.



-

Legal Reference: Revised School Code, MCL 380.1240; Teacher Tenure Act, MCL 38.81

Adopted 4/25/95

Revised/Approved: 8/17/06

Revised/Approved: 11/01/12

## Teacher Performance Evaluation Requirements

Evaluation of teachers covered by Teachers' Tenure Act (MCL 38.71 et seq.) will follow the Revised School Code (MCL 380.1249). The teacher performance evaluation system will include, but not limited to, the following:

- (a) An annual year-end job performance evaluation with timely and constructive feedback.
- (b) Clear approaches to measuring student growth and "relevant data on student growth.
- (c) Multiple rating categories in job performance evaluation with "data on student growth as a significant factor.
- (d) Student growth measured by national, state, or local assessments and other objective criteria.
- (e) A rating system for teachers that uses the categories of "highly effective", "effective", minimally effective" and "ineffective".

### **Beginning in 2013-14 school year** **Student Growth**

- 2013-2014 school year: At least 25% of the evaluation will be based on student growth and assessment data.
- 2014-2015 school year: At least 40% of the evaluation will be based on student growth and assessment data.
- 2015-2016 school year: At least 50% of the evaluation shall be based on student growth and assessment data.
- Student Growth & Assessment Data: If there are student growth and assessment data available for the most recent three (3) consecutive year period, it will be used. If not, the annual year-end evaluation will be based on available student growth and assessment data.

Performance Goals: The annual year-end evaluation will include specific performance goals that will assist in improving effectiveness, and any recommended training that would assist the teacher in meeting the goals. The goals will be developed by the administrator in consultation with the teacher.

Mid-year Progress Report: A mid-year progress report will be provided for a teacher who is in the first year of the probationary period or who received a rating of minimally effective or ineffective on his/her most recent annual year-end evaluation. Other progress reports may be provided to teachers by administration at any time.

The mid-year progress report for first year probationary teachers and teachers on an Individualized Development Plan (IDP) will:

- o Be based, in part, on student achievement.
- o Be aligned with the teacher's IDP.
- o Contain specific performance goals for the remainder of the school year, and any recommended training

that would assist the teacher in meeting the goals.

o At the mid-year progress report, the administrator will develop, in consultation with the teacher, a written improvement plan that includes the goals and training and is designed to assist the teacher to improve his or her rating.

Classroom Observation:

§ The classroom observation will include a review of the teacher's lesson plan and the State curriculum standard used in the lesson and a review of pupil engagement in the lesson.

§ The classroom observation does not need to be for the entire class period.

§ Unless the teacher has been rated effective or highly effective on his or her two (2) most recent annual year-end evaluations, multiple observations are required.

Exemption of Student Growth Data: Exemption of student growth data for a particular pupil for a school year may be granted upon administrative recommendation and approved by the Superintendent or designee.

Ineffective Rating on Three Consecutive Year-End Evaluations: If a teacher is rated ineffective on three (3) consecutive year-end evaluations, the teacher shall be dismissed from employment. Administration may take the appropriate steps to dismiss a teacher from employment at any time. The three year period is a maximum, not a minimum period of time.

Highly Effective Rating on Three Consecutive Annual Year-End Evaluations: If a teacher is rated "highly effective" on three (3) consecutive year-end evaluations, Administration may choose to conduct a biennial evaluation instead of an annual evaluation. However, if the teacher is not rated as "highly effective" on one of the biennial year-end evaluations, the teacher shall then be provided with annual year-end evaluations.

Review of Evaluation by a Tenured Teacher Rated Ineffective: A tenured teacher (not a probationary teacher) who is rated ineffective on a year-end evaluation, may request a review of the evaluation and rating by the Superintendent. The request must be submitted in writing within twenty (20) days after the teacher is informed of the rating.

Upon receipt of the request, the Superintendent shall review the evaluation and rating, and make any modifications as applicable based upon the review. Such review is not permitted more than twice in a three (3) school year period.

Added: 11/1/12

## **Paraprofessional and Support Services Evaluation**

Evaluation of support services staff (secretaries, transportation, food services, custodians, maintenance and grounds personnel) and paraprofessional staff will be conducted on a regular basis for all non-probationary staff members. The evaluation shall be due in the Personnel Office on or before the last working day of April with the exception of confidential secretarial staff whose evaluation will be due on or before the last working day each June.

Those individuals who complete the probationary period will be placed on a two-year evaluation cycle. At the prerogative of the immediate supervisor, those individuals who complete the probationary period may be evaluated on an annual basis.

Regular staff members who change positions through a lateral transfer or promotion may receive one formal evaluation during the trial period. This evaluation shall be approximately one week prior to the end of the trial period and must carry a recommendation for final placement or return to the former position held.

Those individuals newly employed in the District will receive a formal evaluation one week prior to the end of the probationary period. The evaluation must carry a recommendation for continued employment or discharge.

In cases where an evaluation as defined above occurs within three months of the due date for annual assessment, the annual evaluation may be waived with the approval of the Personnel Office. Interpretation of the information gained in the evaluation process will be made in order to provide a personal improvement program as required.

Formal evaluations shall be written and shall be discussed by the supervisor and the person being evaluated. Copies of the evaluation shall be signed by both parties and be incorporated into the personal file of the individual. The signature indicates that the evaluation has been read and discussed. The evaluation should be specific in terms of a person's strengths and weaknesses. Those areas where improvement is required should be clearly set forth and recommendations for improvement should be made.

8/8/91 (Revised)

Reviewed: 6/27/06

## **Teacher Evaluation: Probationary Staff**

The evaluation process shall include:

1. The interpretation of the information gained in the evaluation process in terms of the objectives of the instructional program.
2. The application of the information gained to the planning of staff development and in-service training activities which are designed to improve instruction and increase teacher competence.

Each non-tenure teacher shall receive a series of interim evaluations and at least two formal, written evaluations during the year. The formal, written evaluations shall result from a series of observations, not from a single visit to the classroom. Evaluations in addition to those detailed above are at the discretion of the administration.

Formal, written evaluations shall be discussed by the immediate supervisor and the person being evaluated. Copies of the written document shall be signed by both parties and be incorporated into the files of the teacher. In addition, the individual shall receive a signed copy. The signature indicates that the evaluation has been read and discussed.

The written evaluation should be specific in terms of a person's strengths and weaknesses. Those areas where improvement is needed should be clearly set forth and recommendations for improvement should be made. Subsequent evaluations should address themselves to improvements required or to any continuing difficulty which is observed.

### **Evaluations of Teachers Employed During the Year**

Teachers starting prior to the second Friday in December annually must receive a first-semester evaluation. Teachers starting after the second Friday in December annually should receive a first-semester evaluation; however, this evaluation can be delayed up to two months from the starting date.

The absolute deadline for all reemployment recommendations and evaluations will be published on the annual evaluation calendar. Evaluations are required for every probationary teacher, including those starting during January and February.

If a teacher starts late in the school year, and employment for the following year is mandatory because notification of non-reemployment is not possible prior to the second Monday in April, a full evaluation should be completed prior to the closing of school, even if it is received after the scheduled deadline.

The evaluation procedure will comply with the provisions of the Master Contract.

## **Administrator Evaluation**

Administrative staff in the Bloomfield Hills Schools will be evaluated on a regular basis. Newly appointed administrators will receive two formal evaluations during their first year in the administrative assignment. Evaluation of administrative staff, other than those newly appointed, will be conducted on an annual basis. Each administrator will be evaluated by the immediate supervisor.

1. Evaluation of newly appointed staff, scheduled for twice during the year, will be completed during December and March.
2. Other administrative staff will receive an annual evaluation during the month of June.

2/23/83 (Revised)

Reviewed: 6/27/06

## **Substitute Teacher Evaluation**

The evaluation of substitute teaching staff may be done twice a year, during the months of January and June. The evaluation will be general in nature and premised on a rating scale of "good," "satisfactory," and "unsatisfactory" with comments to be included, as required, by the individual principal.

All evaluations will be returned to the personnel office for compilation, and any further action required will be initiated by the Assistant Superintendent for Personnel.

8/12/91 (Revised)

Reviewed: 6/27/06

## **Supervision of Support Services Personnel**

Supervision of the auxiliary service personnel is a dual responsibility shared by the building administrator and the appropriate manager in the service area.

In day-to-day operation, the building administrator has a responsibility for supervision concerning the relationship of the service to the school program.

The assignment of staff to the individual building is the prerogative of the appropriate auxiliary service manager as qualified by the Master Agreement. In the transfer or assignment of staff, it is the responsibility of the manager involved to consult with the building principal(s) prior to transferring or informing people of reassignment on a supervisory, kitchen leader, or head custodian level.

Should the building administrator and the auxiliary service manager disagree on the proposed transfer, a decision will be made by the Director of Plant Facility and Operations, in cooperation with the Assistant Superintendent for Personnel, based on the fact presented. No service staff will be informed of possible reassignment until a final decision has been determined.

Once a decision has been reached, an effective date for transfer will be established.

8/12/91 (Revised)  
Reviewed: 6/27/06



## **Tenure**

Upon recommendation of the Superintendent, the Board of Education will recognize the tenure status of instructional staff members, whose employment is regulated by the Teachers' Tenure Act, and who have satisfactorily completed the probationary period. Successful completion of the probationary period will be done as provided by the Michigan Teachers' Tenure Act. (See MCL 38.83 (b))

Those individuals appointed to administrative positions with the Bloomfield Hills Schools will have such administrative appointment made without tenure in the position.

Those individuals contracted for co-curricular positions with the Bloomfield Hills Schools will have such co-curricular appointment made without tenure in the position. Such positions are "at will" positions, which means that either the individual or the school district can terminate the contract without cause and with or without notice.

Legal Reference: Teachers' Tenure Act, MCL 38.71 et.seq.

10/8/91 REV (Approved)

Revised: 10/17/98

Reviewed: 6/27/06

Revised: 11/01/12

## **Separation and Demotion of Tenured Instructional Staff, Probationary Instructional Staff, and Administrative Staff**

### **Tenured Teachers**

The Teachers' Tenure Act governs the procedure to be followed for termination or demotion of tenured instructional staff. (Demotion means to suspend without pay for fifteen (15) or more consecutive days or reduce compensation for a particular school year by more than an amount equivalent to thirty (30) days compensation or to transfer to a position having a lower salary). The Teacher Tenure Act provides that a tenured teacher may only be terminated or demoted for a reason that is not arbitrary and capricious.

The Superintendent, or designee, may initiate termination or demotion of a tenured teacher by filing written charges, signed by the person making the charges, with the secretary or other designated officer of the Board of Education, with a copy of the charges being provided to the teacher. Section 2 of the Teachers' Tenure Act requires the following procedural steps to be followed:

The charges must specify a proposed outcome of either discharge or a specific demotion of the teacher.

Not later than ten (10) days after the charges are filed with the Board, the Board shall decide whether or not to proceed upon the charges, or may modify the charges and decide to proceed upon the charges as modified.

The decision of the Board must be by majority vote and must be in writing.

If the Board decides to proceed with the charges, not later than five (5) days of the date of the decision, the Board must provide the following to the teacher: the written decision to proceed upon the charges, a written statement of the charge and statement of the teacher's rights under Section 2 of the Teachers' Tenure Act.

Any other requirements of the tenure act will also be followed.

### **Probationary Teachers**

Teachers will serve a probationary period as provided by the Teachers' Tenure Act. Probationary teachers may be dismissed from employment by the Board of Education at any time during the probationary period. As provided in the Teachers' Tenure Act, the Superintendent, or designee, may recommend to the Board that a probationary teacher be terminated. If the Board accepts this recommendation, at least fifteen (15) days before the close of the school year, the Board must give the probationary teacher a definite written statement that his/her work has not been satisfactory. If the probationary teacher has continuing tenure from another Michigan school district, the definite written statement must be provided, at least, sixty (60) days before the close of the school year.

### **Administrative Personnel**

The employment of assistant superintendents, principals, assistant principals, directors, guidance directors and other administrators who do not assume tenure in those positions under the Tenure Act is governed by Section 1229 of the Revised School Code. A notification of nonrenewal of such administrators cannot be

given for an arbitrary or capricious reason and must be given, at least, sixty (60) days before the termination date of the contract. Nonrenewal requires that the administrator be provided, at least, thirty (30) days advance notice that the Board is considering non-renewal together with a written statement, but before the non-renewal statement is issued, the administrator will be given the opportunity to meet with not less than a majority of the Board to discuss the reasons stated in the written statement. The administrator has the option to have the meeting held in closed session of the Board pursuant to the Open Meetings Act.

Legal Reference: Teachers' Tenure Act, MCL 38.71 et.seq., 38.74, 38.83, 38.101, 38.102  
Revised School Code, MCL 380.1229  
Open Meetings Act, MCL 15.268

10/8/91 REV (Approved)

Revised 10/27/98

Reviewed: 6/27/06

Revised & Approved: 11/01/12

## **Staffing, Layoff and Recall of Teachers**

In order to best serve the educational needs of the students, the focus of Personnel decisions will be the retention of effective teachers.

Considerations such as length of service or tenure status may not be a factors in the decision unless those described below are found to be equal, and, then, only at the discretion of the Superintendent. This policy relates to all teachers working for the School District as defined by the Michigan Teachers' Tenure Act, MCL 380.71 et seq. As used in this policy, the term "personnel decision" refers to any situation where the School District is:

- Conducting a staffing or program reduction or any other personnel determination resulting in the elimination of a position;
- Conducting a recall from a staffing or program reduction; or
- Any other personnel determination resulting in the elimination of a position, or in hiring after a staffing or program reduction or any other personnel determination resulting in elimination of a position.

All Personnel decision will be made based on the following factors, in order of priority:

- Individual performance;
- Significant, relevant accomplishments and contributions;
- Relevant special training.

No teacher who has received a rating of ineffective on his/her last year-end evaluation will be given any preference that would result in that teacher being retained over a teacher who received a performance rating other than ineffective.

The Superintendent or his/her designee will develop and implement regulations or practices necessary to ensure implementation of this policy in accordance with Michigan law.

Legal Reference: Revised School Code MCL 380.1248

Adopted 05/05/17

Adopted 11/01/12

Revised 05/05/17



## **Bloomfield Hills Board of Education**

**Type:** Regulation  
**Policy Number:**  
**Regulation:** 4205.1

# **Layoff, Recall, and Personnel Decisions Relating to Teachers Whose Employment is regulated by the Teacher's Tenure Act**

## **Policy:**

This administrative guideline applies to those individuals whose employment is regulated by the Teachers' Tenure Act, MCL 38.71 et seq.

As used herein the term "effectiveness" is based on the effectiveness label given a teacher in their most recent year and evaluation pursuant to the School District's evaluation system. For the purpose of layoff and recall, an effectiveness rating of "highly effective" or "effective" will have the same weight.

The term "qualification" as used in the administrative guideline includes, but is not limited to an individual's areas of certification, level of degree attained, type of degree attained (major, minor, or area(s) of focus), relevant previous experience, grade level of relevant experience, relevant classes or training, previous ratings, effectiveness and overall performance as a teacher, or past disciplinary or other employment concerns.

## **Process for Conducting Layoffs**

1. Reductions shall take place first based on department and location.
2. The District shall layoff starting with the teacher with the lowest Effectiveness Rating and proceeding toward the teacher with the highest Effectiveness Rating in the department.
3. If two teachers are being considered and share the same effectiveness rating, then the Superintendent or his/her designee must compare the potential individuals using each of the elements of the standards from section 1248 of the Revised School Code as set out below. Only when all elements within one level are equal and the candidates cannot be differentiated should the Superintendent or his/her designee move to the next level. Those levels are as follows:

- a. Individual Performance. Individual performance consists of the following:
  - i. Evidence of student growth, which shall be the predominant factor in assessing an employees' individual performance.
  - ii. The teachers' demonstrated pedagogical skills, including at least a special determination concerning the teachers' knowledge of his or her subject area and the ability to impart that knowledge through planning, delivering rigorous content, checking for and building higher-level understanding, differentiating, and managing a classroom; and consistent preparation to maximize instructional time.
  - iii. The teacher's management of the classroom, manner and efficacy of disciplining pupils, rapport with parents and other teachers, and ability to withstand the strain of teaching.
  - iv. The Teachers' attendance and disciplinary record, if any.
- a. Significant, relevant accomplishments and contributions. This factor shall be based on whether the individual contributes to the overall performance of the school by making clear, significant, relevant contributions above the normal expectations for an individual in his or her peer group and having demonstrated a record of exceptional performance.
- b. Relevant special training. This factor shall be based on completion of relevant training other than the professional development or continuing education that is required by the employer or by state law, and integration of that training into instruction in a meaningful way.
- c. If all the above factors are equal, the Superintendent or his/her designee may consider a teachers' seniority or tenure status.

## **Recall**

### **Teachers Rated Effective or Highly Effective**

1. A teacher on layoff that has been rated as effective or highly effective on his/her most recent year end evaluation is eligible to be recalled to any position for which they are certified and qualified for a period of two years after the effective date of his/her layoff.
2. If a recall decision is between teachers with the same effectiveness rating on his/her most recent year end evaluation, the factors listed in section 3 under layoff will be used to distinguish which individual should be recalled.
3. A teacher on layoff will not be considered "qualified" for a vacancy for the purpose of recall if that teacher has no experience teaching the subject matter of the vacancy or does not have a degree or major in the subject matter of the vacancy. A teacher that is not qualified for a vacant position for the purpose of recall, but possesses the proper certification for the position may apply for the vacancy and will be considered.
4. Eligibility for recall of a teacher rated effective or highly effective shall terminate if he/she:
  - a. Resigns or his/her employment or the Board otherwise terminates.
  - b. Fails to respond to his/her recall notice within five (5) days of his/her receipt of such notice.
  - c. Does not have a valid Michigan teaching certificate or the assignment at the date of recall.

**Teachers Rated Minimally Effective or Ineffective**

1. A teacher who is subject to layoff and has received a rating of minimally effective or ineffective on his/her last year end evaluation may apply for any posted vacancy for which that teacher is certified for a period of two years following the effective date of his/her layoff. The postings will be on the District's website under "Employment." The teacher may then apply for a vacancy in the manner described by the School District in the official posting
2. Teachers rated minimally effective or ineffective will not be automatically placed in vacant positions
3. A teacher that has received a rating ineffective on his/her most recent year end performance rating will not be given any preference that would result in him/her being retained or recalled over a teacher rated minimally effective, effective, or highly effective.

Legal Reference: Revised School Code MCL 380.1248; MCL 380.1249

Teachers Tenure Act: MCL 38.71 et seq.

**History:**

Adopted 05/05/17

**ATTACHMENTS:**

File Name

Description

No Attachments Available

## **Placement of Teachers**

Bloomfield Hills Schools reserves all of its rights and authority under law to make decisions regarding teacher placement.

For purposes of this policy, “placement” means and includes the filling of vacancies, voluntary and involuntary transfers, job sharing, and any decision which results in the placement of a teacher in an assignment. “Vacancy” means and includes any unoccupied position to be filled after all other positions have been filled by assignments, transfer, or recalls, in the manner and to the extent determined by the District as appropriate.

Legal Reference: Public Employment Relations Act MCL 423.215 (3)(j)

Adopted: 11/1/12



## **Parental Notification of Assignment of Teacher Rated as Ineffective**

Beginning July 1, 2015, if a pupil enrolled as a Bloomfield Hills Schools student is assigned to be taught by a teacher who has been rated as ineffective on his or her two (2) most recent annual year-end evaluations under Section 1249 of the Revised School Code, MCL 380.1249, the Superintendent of Schools, or designee, shall notify the pupil's parent(s) or legal guardian that the pupil has been assigned to a teacher who has been rated as ineffective on his or her two (2) most recent annual year-end evaluations. The notification shall be in writing, shall be delivered to the parent or legal guardian not later than July 15 immediately preceding the beginning of the school year for which the pupil is assigned to the teacher, and shall identify the teacher who is the subject of the notification.

Legal Reference: Revised School Code MCL 380.1249 (a)

Adopted 11/01/12

## **At Will Employment of Support Staff/Separation of Support of Staff**

Support staff is those staff members who are employed in positions that support the instructional program. Unless provided otherwise in an applicable collective bargaining agreement or contract of employment, support staff have an at-will employment relationship with Bloomfield Hills Schools. This means that the employment relationship is for an indefinite period of time and can be terminated by either Bloomfield Hills Schools or the employee at any time, with or without cause and with or without notice.

The Superintendent, Assistant Superintendent for Human Resources and Labor Relations or designee, are authorized to make employment decisions about support staff, including hiring, transfer, discipline, demotion, accepting resignations and termination. If the support staff member's supervisor is recommending termination, the following procedure should be followed:

1. Supervisor may not unilaterally terminate an employee.
2. The Assistant Superintendent for Human Resources and Labor Relations must approve a recommendation for termination before an individual is notified of termination.
3. In an emergency situation where immediate action is warranted (for example, intoxication, immoral or criminal acts, or insubordination), the supervisor may immediately suspend the individual and refer the affected individual to the Assistant Superintendent for Human Resources and Labor Relations on the next scheduled work day.
4. Employees whose terms and conditions of employment are covered by a collective bargaining agreement or employment contract will be given the due process procedures provided in the agreement or employment contract. All other support staff employees will have the opportunity to have a meeting with the Assistant Superintendent for Human Resources and Labor Relations or designee.

Approved 9/98

Reviewed/Revised: 6/27/06

Revised & Approved: 11/01/12

# **HIPAA: Health Information Portability and Accountability Act**

Policy 4300

## **HIPAA: Health Information Portability and Accountability Act**

### **Privacy Use and Disclosure**

#### **Policy and Procedures**

Approved: May 4, 2004

Reviewed by Policy Committee: June 20, 2007

Restated Effective September 23, 2013

Approved: December 19, 2013

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## **HIPAA Privacy Policy Introduction**

This policy relates to the use and disclosure of Protected Health Information by the following group health plans:

Bloomfield Hills Schools Group Health Plan  
Bloomfield Hills Schools Flexible Benefits Plan

The “Plan” as used in this policy means the Bloomfield Hills Schools Group Health Plan and the Bloomfield Hills Schools Flexible Benefits Plan. The Bloomfield Hills Schools Flexible Benefit Plan is

subject to this policy because it includes a self-funded health care reimbursement arrangement which is a group health plan under HIPAA. The dependent care reimbursement arrangement provided under the Bloomfield Hills Schools Flexible Benefits Plan is not a group health plan subject to HIPAA.

Designated members of the District's workforce may have access to individually identifiable health information of Plan participants: (1) on behalf of the Plan itself; or (2) on behalf of the District, for administrative functions of the Plan.

The Health Insurance Portability and Accountability Act of 1996 (HIPAA), as amended by the HITECH Act and its implementing regulations restrict the District's ability to use and disclose protected health information (PHI), including electronic protected health information (ePHI).

*Definition of Protected Health Information.* Protected health information means information that is created or received by the Plan and relates to the past, present, or future physical or mental health or condition of a participant; the provision of health care to a participant; or the past, present, or future payment for the provision of health care to a participant; and that identifies the participant or for which there is a reasonable basis to believe the information can be used to identify the participant. Protected health information includes information of persons living or deceased.

*Definition of Electronic Protected Health Information.* Electronic Protected Health Information means PHI that is transmitted by or maintained in electronic media. "Electronic Media" means (1) electronic storage media, including memory devices in computers (hard drives) and any removable/transportable digital memory medium; or (2) transmission media used to exchange information already in electronic storage media. Examples of electronic media include computers, laptops, disks/CDs/DVDs, memory sticks, PDAs, servers, networks, dial modems, email, Internet, extranet and private networks. Certain transmissions, including of paper, via facsimile, and of voice, via telephone, are not considered to be transmissions via electronic media.

It is the District's policy to comply fully with HIPAA's requirements. To that end, all members of the District's workforce who have access to PHI must comply with this Privacy Policy. For purposes of this Policy, the District's workforce includes individuals who would be considered part of the workforce under HIPAA such as employees, volunteers, trainees, and other persons whose work performance is under the direct control of the District, whether or not they are paid by the District. The term "employee" includes all of these types of workers.

No third party rights (including but not limited to rights of Plan participants, beneficiaries, covered dependents, or business associates) are intended to be created by this Policy. The District reserves the right to amend or change this Policy at any time as it deems appropriate. To the extent this Policy establishes requirements and obligations above and beyond those required by HIPAA, the Policy shall be aspirational and shall not be binding upon the District. This Policy does not address requirements under other federal laws or under state laws.

### **Plan's Responsibilities as Covered Entity**

#### **1. Privacy and Security Official and Contact Person**

Karen Healy, Executive Manager of Human Resources and Payroll, will be the Privacy Officer and Security Officer for the Plan. The Privacy and Security Officer will be responsible for the development and implementation of policies and procedures relating to privacy and security, including but not limited to, this Privacy and Security Policy and the District's use and disclosure procedures. The Privacy and Security Officer will also serve as the district's contact person for participants who have questions, concerns, or complaints about the privacy and security of their PHI.

#### **2. Workforce Training**

It is the District's policy to train all members of its workforce who have access to PHI on its privacy and security policies and procedures. The Privacy and Security Official is charged with developing training schedules and programs so that all workforce members receive the training necessary and appropriate to permit them to carry out their functions within the Plan.

#### **3. Administrative, Technical and Physical Safeguards and Firewall**

The District will establish on behalf of the Plan appropriate administrative, technical and physical safeguards to prevent PHI from intentionally or unintentionally being used or disclosed in violation of HIPAA's requirements. Technical safeguards include limiting access to information by creating computer firewalls. Physical safeguards include locking doors or filing cabinets.

Firewalls will ensure that only authorized employees will have access to PHI, that they will have access to only the minimum amount of PHI necessary for plan administrative functions, and that they will not further use or disclose PHI in violation of HIPAA's privacy rules. The administrative, technical and physical safeguards established by the District to protect PHI and ePHI are discussed in greater detail in the section of these policies entitled "Security Procedures".

#### **4. Privacy Notice**

The Privacy Official is responsible for developing and maintaining a notice of the Plan's privacy practices that describes:

- the uses and disclosures of PHI that may be made by the Plan;
- the individual's rights; and
- the Plan's legal duties with respect to the PHI.

The privacy notice will inform participants that the district will have access to PHI in connection with its plan administrative functions. The privacy notice will also provide a description of the District's complaint procedures, the name and telephone number of the contact person for further information, and the date of the notice. The notice of privacy practices will be individually delivered to all participants:

- no later than April 14, 2004
- on an ongoing basis, at the time of an individual's enrollment in the Plan, and
- within 60 days after a material change to the notice.

The privacy notice will be made available at least once every three years.

#### **5. Complaints**

The Privacy and Security Officer, described in Section 1, above, will receive written complaints on behalf of the Plan.

#### **6. Sanctions for Violations of Privacy Policy**

Sanctions for using or disclosing PHI in violation of this HIPAA Privacy Policy will be imposed in accordance with Bloomfield Hills School's district discipline policy, up to and including termination.

#### **7. Mitigation of Inadvertent Disclosures of Protected Health Information**

The District shall mitigate, to the extent possible, any harmful effects that become known to it of a use or disclosure of an individual's PHI in violation of the policies and procedures set forth in this Policy. As a result, if an employee becomes aware of a use or disclosure of protected health information, either by an employee of the Plan or an outside consultant/contractor, that is not in compliance with this Policy, immediately contact the Privacy Officer so that the appropriate steps to mitigate the harm to the participant can be taken.

#### **8. No Intimidating or Retaliatory Acts; No Waiver of HIPAA Privacy**

No employee may intimidate, threaten, coerce, discriminate against, or take other retaliatory action against individuals for exercising their rights, filing a complaint, participating in an investigation, or opposing any improper practice under HIPAA.

No individual shall be required to waive his or her privacy rights under HIPAA as a condition of treatment, payment, enrollment or eligibility.

#### **9. Plan Document**

The Plan document includes provisions describing the permitted and required uses and disclosures of PHI by the District for plan administrative purposes. Specifically, the District will:

- not use or further disclose PHI other than as permitted by the Plan documents or as required by law;
- ensure that any agents or subcontractors to whom it provides PHI received from the Plan agree to the same restrictions and conditions that apply to the District;
- not use or disclose PHI for employment-related actions or in connection with any other employee benefit plan;

- report to the Privacy Officer any use or disclosure of the information that is inconsistent with the permitted uses or disclosures;
- make PHI available to Plan participants, consider their amendments and, upon request, provide them with an accounting of PHI disclosures as required by law;
- make the District's internal practices and records relating to the use and disclosure of PHI received from the Plan available to DHHS upon request; and
- if feasible, return or destroy all PHI received from the Plan that the District still maintains in any form and retain no copies of such information when no longer needed for the purpose for which disclosure was made, except that, if such return or destruction is not feasible, limit further uses and disclosures to those purposes that make the return or destruction of the information infeasible.

Further, the Plan documents will provide for adequate separation between the Plan and the District as required by 45 CFR §164.504(f)(2)(iii). The District will (1) certify to the Privacy Officer that the Plan documents have been amended to include the above restrictions and that the Company agrees to those restrictions; and (2) provide adequate safeguards.

## **10. Documentation**

The District's privacy policies and procedures shall be documented and maintained for at least six years. Policies and procedures must be changed as necessary or appropriate to comply with changes in the law, standards, requirements and implementation specifications (including changes and modifications in regulations). Any changes to policies or procedures must be promptly documented.

If a change in law impacts the privacy notice, the privacy policy must promptly be revised and made available. Such change is effective only with respect to PHI created or received after the effective date of the notice.

The District shall document certain events and actions (including authorizations, requests for information, sanctions, and complaints) relating to an individual's privacy rights.

The documents of any policies and procedures, actions, activities and designations may be maintained in either written or electronic form. Documentation will be maintained for at least six (6) years.

## **Policies on Use and Disclosure of PHI**

### **1. Use and Disclosure Defined**

The District and the Plan will use and disclose PHI only as permitted under HIPAA. The terms "use" and "disclosure" are defined as follows:

- *Use.* The sharing, employment, application, utilization, examination, or analysis of individually identifiable health information by any person working for or within the Personnel/Human Resources Department of the District, or by a Business Associate (defined below) of the Plan.
- *Disclosure.* For information that is protected health information, disclosure means any release, transfer, provision of access to, or divulging in any other manner of individually identifiable health information to persons not employed by or working within the Personnel/Human Resources Department of the District.

### **2. Workforce Must Comply With District's Policy and Procedures**

All members of the District's workforce (described at the beginning of this Policy and referred to herein as "employees") must comply with this Policy and with the District's use and disclosure procedures, which are set forth in this document.

### **3. Access to PHI is Limited to Certain Employees**

The following employees ("employees with access") have access to PHI:

- Assistant Superintendent for Human Resources and Labor Relations, Executive Manager for Human Resources and Payroll, Benefits Coordinator, Personnel and Payroll staff members who perform functions directly on behalf of the group health plan, and
- Assistant Superintendent for Business Services and the Executive Manager of Finance who have access to PHI on behalf of the District for its use in "plan administration" functions.

The same employees may be named or described in both of these two categories. These employees with access may use and disclose PHI for plan administrative functions, and they may disclose PHI to other employees with access for plan administrative functions, but the PHI disclosed must be limited to the minimum amount necessary to perform the plan administrative function. Employees with access may not disclose PHI to employees (other than employees with access) unless an authorization is in place or the

disclosure otherwise is in compliance with this Policy and the more detailed use and disclosure procedures.

#### **4. Permitted Uses and Disclosures: Payment and Health Care Operations**

Except to the extent provided in 45 CFR §164.508(a)(2) and (3), PHI may be disclosed for the Plan's own payment purposes, and PHI may be disclosed to another covered entity for the payment purposes of that covered entity.

**Payment.** Payment includes activities undertaken to obtain Plan contributions or to determine or fulfill the Plan's responsibility for provision of benefits under the Plan, or to obtain or provide reimbursement for health care. Payment also includes:

- eligibility and coverage determinations including coordination of benefits and adjudication (e.g. claim administration) or subrogation of health benefit claims;
- risk adjusting based on enrollee status and demographic characteristics; and
- billing, claims management, collection activities, obtaining payment under a contract for reinsurance (including stop-loss insurance and excess loss insurance) and related health care data processing.

Except to the extent provided in 45 CFR §164.508(a)(2) and (3), PHI may be disclosed for purposes of the Plan's own health care operations. PHI may be disclosed to another covered entity for purposes of the other covered entity's quality assessment and improvement, case management, or health care fraud and abuse detection programs, if the other covered entity has (or had) a relationship with the participant and the PHI requested pertains to that relationship.

**Health Care Operations.** Health care operations means any of the following activities to the extent that they are related to Plan administration:

- conducting quality assessment and improvement activities; reviewing health plan performance;
- underwriting and premium rating;
- conducting or arranging for medical review, legal services and auditing functions;
- business planning and development; and
- business management and general administrative activities.

Notwithstanding these provisions, PHI which is genetic information will not be used for underwriting purposes.

#### **5. No Disclosure of PHI for Non-Health Plan Purposes**

PHI may not be used or disclosed for the payment or operations of the District's "non-health" benefits (e.g. disability, workers' compensation, life insurance, etc.), unless the participant has provided an authorization for such use or disclosure (as discussed in "Disclosures Pursuant to an Authorization") or such use or disclosure is required by applicable state law and particular requirements under HIPAA are met. Further, the Plan may not disclose PHI to the District for the purpose of employment-related actions or decisions unless the participant has provided an authorization for such use or disclosure.

#### **6. Mandatory Disclosures of PHI: to Individual and DHHS**

A participant's PHI must be disclosed as required by HIPAA in two situations:

- The disclosure is to the individual who is the subject of the information (see the policy for "Access to Protected Information and Request for Amendment" that follows); and
- The disclosure is made to DHHS for purposes of enforcing of HIPAA.

#### **7. Permissive Disclosures of PHI: for Legal and Public Policy Purposes**

PHI may be disclosed in the following situations without a participant's authorization, when specific requirements are satisfied. The District's use and disclosure procedures describe specific requirements that must be met before these types of disclosures may be made. The requirements include prior approval of the District's Privacy Officer. Permitted are disclosures:

- about victims of abuse;
- neglect or domestic violence;
- for judicial and administrative proceedings;
- for law enforcement purposes;
- for public health activities, for health oversight activities;



- about decedents;
- for cadaver organ, eye or tissue donation purposes;
- for certain limited research purposes;
- to avert a serious threat to health or safety;
- for specialized government functions, and
- that relate to workers' compensation programs.

## **8. Disclosures of PHI Pursuant to an Authorization**

PHI may be disclosed for any purpose if an authorization, that satisfies all of HIPAA's requirements for a valid authorization, is provided by the participant. All uses and disclosures made pursuant to a signed authorization must be consistent with the terms and conditions of the authorization.

## **9. Complying With the "Minimum-Necessary" Standard**

HIPAA requires that when PHI is used or disclosed, the amount disclosed generally must be limited to the "minimum necessary" to accomplish the purpose of the use or disclosure. The "minimum necessary" is defined as either (a) a "limited data set" as defined in 45 CFR §514.(e)(2); or (b) if needed by the Plan, the "minimum necessary" to accomplish the intended purpose of the use, disclosure or request. The definition of "minimum necessary" shall be revised to the extent required by applicable regulations issued by the Department of Health and Human Services.

The "minimum-necessary" standard does not apply to any of the following:

- uses or disclosures made to the individual;
- uses or disclosures made pursuant to a valid authorization,
- disclosures made to the DOL;
- uses or disclosures required by law; and
- uses or disclosures required to comply with HIPAA.

*Minimum-Necessary When Disclosing PHI.* For making *disclosures* of PHI for purposes that are routine and/or recurring in the course of the District's business on behalf of the Plan, the extent of the disclosure is limited to the minimum amount necessary.

All other disclosures must be reviewed on an individual basis with the Privacy Officer to ensure that the amount of information disclosed is the minimum necessary to accomplish the purpose of the disclosure.

*Minimum-Necessary When Requesting PHI.* For making *requests* for disclosure of PHI from other entities for purposes that are routine and/or recurring in the course of the District's business on behalf of the Plan, the extent of the amount requested is limited to the "minimum necessary" as defined above.

All other requests must be reviewed on an individual basis with the Privacy Officer to ensure that the amount of information requested is the minimum necessary to accomplish the purpose of the disclosure.

## **10. Disclosures of PHI to Business Associates**

Employees may disclose PHI to the Plan's Business Associates and allow the Plan's Business Associates to create or receive PHI on the Plan's behalf. A Business Associate is a person or entity other than a District employee who, on behalf of the Plan, creates, receives, maintains, or transmits PHI for a function or activity regulated by HIPAA, HITECH or the regulations thereunder, including: claims processing or administration, data analysis, processing or administration, utilization review, quality assurance, billing, benefit management. A Business Associate also includes a person or entity that provides, other than in the capacity of a District employee, legal, accounting, actuarial, consulting, data aggregation, management, administration, accreditation, or financial services to the Plan, where the performance of such services involves giving the service provider access to PHI. An organization that provides data transmission of PHI to the Plan (or the Plan's Business Associate) and that requires access on a routine basis to such PHI is also a Business Associate, as is any other entity identified in 42 USC §17938, to the extent applicable to the Plan. A subcontractor that creates, receives, maintains or transmits PHI on behalf of a Business Associate in performing any of the functions described above on behalf of the Plan is also included within the definition of Business Associate. Third parties with only inadvertent access to PHI, such as janitorial staff, are not Business Associates.

The Plan will obtain satisfactory assurance of HIPAA compliance from the Plan's Business Associates by requiring them to enter into Business Associate Agreements. Such agreements shall satisfy the requirements

of 45 CFR §§164.314 and 164.504(e)(2). If the Plan has knowledge that a Business Associate has violated a material term or obligation of its Business Associate Agreement, the Plan will immediately require the Business Associate to remedy the breach. If the violation cannot be remedied, the Plan will terminate the business associate Agreement and immediately stop further disclosure of PHI to the Business Associate. If termination is not possible, the Plan will immediately report the violation to the Secretary of the Department of Health and Human Services.

#### **11. Disclosures of De-Identified Information**

The Plan may freely use and disclose to de-identified information. De-identified information is health information that does not identify an individual and with respect to which there is no reasonable basis to believe that the information can be used to identify an individual. There are two ways a covered entity can determine that information is de-identified: either by professional statistical analysis, or by removing the following identifiers:

- ? names;
- ? all geographic subdivisions smaller than a state, including a street address, city, county, precinct, zip code, and their equivalent geocodes, except for the initial three digits of a zip code if, according to the current publicly available data from the Bureau of the Census the geographic unit formed by combining all zip codes with the same three initial digits contains more than 20,000 people and the initial three digits of a zip code for all such geographic units containing 20,000 or fewer people is changed to 000;
- ? all elements of dates for dates directly related to an individual, including birth date, admission date, discharge date, date of death, and all ages over 89 and all elements of dates indicative of such age, except that such ages and elements may be aggregated into a single category of age 90 or older;
- ? telephone numbers;
- ? fax numbers;
- ? electronic mail addresses;
- ? social security numbers;
- ? medical record numbers;
- ? health plan beneficiary numbers;
- ? account numbers;
- ? certificate/license numbers;
- ? vehicle identifiers and serial numbers, including license plate numbers;
- ? device identifiers and serial numbers;
- ? web universal resource locators (URLs);
- ? internet protocol (IP) address numbers;
- ? biometric identifiers, including finger and voice prints;
- ? full face photographic images and any comparable images; and
- ? any other unique identifying number, characteristic, or code.

If an employee has actual knowledge that the information could be used alone or in combination with other information to identify an individual who is the subject of information, then the information is individually identifiable and may not be used or disclosed without an authorization, even if identifiers have been removed, except as otherwise provided in these Procedures and/or as permitted or required by law.

#### **Policies on Individual Rights**

##### **1. Access to Protected Health Information and Requests for Amendment**

HIPAA gives participants the right to access and obtain copies of their PHI that the Plan or its Business Associates maintain in designated record sets. HIPAA also provides that participants may request to have their PHI amended. The Plan will provide access to PHI and it will consider requests for amendment that are submitted in writing by participants.

**Designated Record Set** is a group of records maintained by or for the Company that includes:

- the enrollment, payment, and claims adjudication record of an individual maintained by or for the Plan, or
- other PHI used, in whole or in part, by or for the Plan to make coverage decisions about an individual.

## **2. Accounting**

An individual has the right to obtain an accounting of certain disclosures of his or her own PHI. This right to an accounting of certain disclosures made in the last six years, other than disclosures:

- to carry out treatment, payment or health care operations;
- to individuals about their own PHI;
- incident to an otherwise permitted use or disclosure;
- pursuant to an authorization;
- for purposes of creation of a facility directory or to persons involved in the patient's care or other notification purposes;
- as part of a limited data set; or
- for other national security or law enforcement purposes.

The Plan will respond to an accounting request within 60 days. If the Plan is unable to provide the accounting within 60 days, it may extend the period by 30 days, provided that it gives the participant notice (including the reason for the delay and the date the information will be provided) within the original 60-day period.

The accounting must include the date of the disclosure, the name and address of the receiving party, a brief description of the information disclosed, and a brief statement of the purpose of the disclosure or a copy of the written request for disclosure, if any.

The first accounting in any 12-month period shall be provided free of charge. The Privacy Officer may impose reasonable production and mailing costs for subsequent accountings.

Notwithstanding these provisions, effective January 1, 2014, an individual has the right to receive an accounting of disclosures made for payment, treatment or health care operations during the three (3) years prior to the date of the request, provided that the disclosure was made via an electronic health record. As to disclosures made by Business Associates, the Plan may either provide an accounting of such disclosures or the contact information for the Plan's Business Associates, who must then provide an accounting of their disclosures. For purposes of this provision, "electronic health record" means an electronic record of health-related information on an individual that is created, gathered, managed, and consulted by authorized health care clinicians and staff.

## **3. Requests for Alternative Communication Means or Locations**

Participants may request to receive communications regarding their PHI by alternative means or at alternative locations. For example, participants may ask to be called only at work rather than at home. Such requests may be honored if, in the sole discretion of the District, the requests are reasonable.

However, the District shall accommodate such a request if the participant clearly provides information that the disclosure of all or part of that information could endanger the participant. The Privacy Officer has responsibility for administering requests for confidential communications.

## **4. Requests for Restrictions on Uses and Disclosures of Protected Health Information**

A participant may request restrictions on the use and disclosure of the participant's PHI. It is the District's policy to attempt to honor such requests if, in the sole discretion of the District, the requests are reasonable. The Personnel/Human Resources Department is charged with responsibility for administering requests for restrictions. HIPAA does not require a plan to honor such requests.

## **Use and Disclosure Procedures**

### **1. Procedure for Use and Disclosure of PHI**

#### **Procedure**

**Uses and Disclosures for Plan's Own Payment Activities or Health Care Operations. Except to the extent provided in 45 CFR §164.508(a)(2) and (3),** an employee may use and disclose a Plan participant's PHI to perform the Plan's own payment activities or health care operations.

- Disclosures must comply with the "Minimum-Necessary Standard". (Under that procedure, if the disclosure is not recurring, the disclosure must be approved by the Privacy Official).
- Disclosures must be documented in accordance with the procedure for "Documentation Requirements".

**Disclosures for Another Entity's Payment Activities. Except to the extent provided in 45 CFR §164.508(a)(2) and (3),** an employee may disclose a Plan participant's PHI to another covered entity or health care provider to perform the other entity's payment activities. Disclosures may be made under the following procedures:

- Disclosures must comply with the "Minimum-Necessary Standard". (Under that procedure, if the disclosure is not recurring, the disclosure must be approved by the Privacy Official).
- Disclosures must be documented in accordance with the procedure for "Documentation Requirements".

**Disclosures for Certain Health Care Operations of the Receiving Entity. Except to the extent provided in 45 CFR §164.508(a)(2) and (3),** an employee may disclose PHI for purposes of the other covered entity's quality assessment and improvement, case management, or health care fraud and abuse detection programs, if the other covered entity has (or had) a relationship with the individual and the PHI requested pertains to that relationship. Such disclosures are subject to the following:

- Disclosures must comply with the "Minimum-Necessary Standard".
- Disclosures must be documented in accordance with the procedure for "Documentation Requirements".

**Use or Disclosure for Purposes of Non-Health Benefits.** Unless an authorization from the individual (as discussed in "Disclosures Pursuant to an Authorization") has been received, an employee may not use a participant's PHI for the payment or operations of the District's "non-health" benefits (e.g. disability, workers' compensation, and life insurance). If an employee required a participant's PHI for the payment or health care operations of non-plan benefits, follow these steps:

- Obtain an Authorization. First, contact the Privacy Official to determine whether an authorization for this type of use or disclosure is on file. If no form is on file, request an appropriate form from the Privacy Official. ***Employees shall not attempt to draft authorization forms.*** All authorizations for use or disclosure for non-plan purposes must be on a form provided by (or approved by) the Privacy Official.
- Disclosures must comply with the "Minimum-Necessary Standard".
- Disclosures must be documented in accordance with the procedure for "Documentation Requirements".

**Questions?** Any employee who is unsure as to whether a task he or she is asked to perform qualifies as a payment activity or a health care operation of the Plan should contact the Privacy Official.

## **2. Mandatory Disclosures of PHI: to Individuals and DHHS**

### **Procedure**

- **Request from Individual.** Upon receiving a request from an individual (or an individual's representative) for disclosure of the individual's own PHI, the employee must follow the procedure for "Disclosures to Individuals Under Right to Access Own PHI".
- **Request from DHHS.** Upon receiving a request from a DHHS official for disclosure of PHI, the employee must take the following steps:
  - ◆ Follow the procedures for verifying the identity of a public official set forth in "Verification of Identity of Those Requesting Protected Health Information".
  - ◆ Disclosures must be documented in accordance with the procedure for "Documentation Requirements".

## **3. Permissive Disclosures of PHI: for Legal and Public Policy Purposes**

## **Procedure**

• **Disclosures for Legal or Public Policy Purposes.** An employee who receives a request for disclosure of an individual's PHI that appears to fall within one of the categories described below under "Legal and Public Policy Disclosures Covered" must contact the Privacy Official. Disclosures may be made under the following procedures:

- ◆ The disclosure must be approved by the Privacy Official.
- ◆ Disclosures must comply with the "Minimum-Necessary Standard".
- ◆ Disclosures must be documented in accordance with the procedure for "Documentation Requirements".

### **Legal and Public Policy Disclosures Covered**

**A. Disclosures about victims of abuse, neglect or domestic violence,** if the following conditions are met:

- The individual agrees with the disclosure; or
- The disclosure is expressly authorized by statute or regulation and the disclosure prevents harm to the individual (or other victim) or the individual is incapacitated and unable to agree and information will not be used against the individual and is necessary for an imminent enforcement activity. In this case, the individual must be promptly informed of the disclosure unless this would place the individual at risk or if informing would involve a personal representative who is believed to be responsible for the abuse, neglect or violence.

**B. For Judicial and Administrative Proceedings,** in response to:

- An order of a court or administrative tribunal (disclosure must be limited to PHI expressly authorized by the order); and
- A subpoena, discovery request or other lawful process, not accompanied by a court order or administrative tribunal, upon receipt of assurances that the individual has been given notice of the request, or that the party seeking the information has made reasonable efforts to receive a qualified protective order.

**C. To a Law Enforcement Official for Law Enforcement Purposes,** under the following conditions:

- Pursuant to a process and as otherwise required by law, but only if the information sought is relevant and material, the request is specific and limited to amounts reasonably necessary, and it is not possible to use de-identified information.
- Information requested is limited information to identify or locate a suspect, fugitive, material witness or missing person.
- Information about a suspected victim of a crime (1) if the individual agrees to disclosure; or (2) without agreement from the individual, if the information is not to be used against the victim, if need for information is urgent, and if disclosure is in the best interest of the individual.
- Information about a deceased individual upon suspicion that the individual's death resulted from criminal conduct.
- Information that constitutes evidence of criminal conduct that occurred on the Company's premises.

**D. To Appropriate Public Health Authorities for Public Health Activities.**

**E. To a Health Oversight Agency for Health Oversight Activities,** as authorized by law.

**F. To a Coroner or Medical Examiner about Decedents,** for the purpose of identifying a deceased person, determining the cause of death or other duties as authorized by law.

**G. For Cadaveric Organ, Eye or Tissue Donation Purposes,** to organ procurement organizations or other entities engaged in the procurement, banking, or transplantation of organs, eyes or tissue for the purpose of facilitating transplantation.

**H. For Certain Limited Research Purposes,** provided that a waiver of the authorization required by HIPAA has been approved by an appropriate privacy board.

**I. To Avert a Serious Threat to Health or Safety**, upon a belief in good faith that the use or disclosure is necessary to prevent a serious and imminent threat to the health or safety of a person or the public.

**J. For Specialized Government Functions**, including disclosures of an inmate's PHI to correctional institutions and disclosures of an individual's PHI to authorized federal official for the conduct of national security activities.

**K. For Workers' Compensation Programs**, only to the extent necessary to comply with laws relating to workers' compensation or other similar programs.

#### **4. Disclosures of PHI Pursuant to an Authorization**

##### **Procedure**

**Disclosure Pursuant to Individual Authorization.** Any requested disclosure to a third party (i.e. not the individual to whom the PHI pertains) that does not fall within one of the categories for which disclosure is permitted or required under these Use and Disclosure Procedures may be made pursuant to an individual authorization. If disclosure pursuant to an authorization is requested, the following procedures should be followed:

- Follow the procedures for verifying the identity of the individual (or individual's representative) set forth in "verification of Identity of Those Requesting Protected Health Information".
- Verify that the authorization form is valid. Valid authorization forms are those that:
  - Are properly signed and dated by the individual or the individual's representative;
  - Are not expired or revoked [the expiration date of the authorization form must be a specific date (such as July 1, 2003) or a specific time period (e.g. one year from the date of signature), or an event directly relevant to the individual or the purpose of the use or disclosure (e.g. for the duration of the individual's coverage)];
  - Contain a description of the information to be used or disclosed;
  - Contain the name of the entity or person authorized to use or disclose the PHI;
  - Contain the name of the recipient of the PHI;
  - Contain a statement regarding the individual's right to revoke the authorization and the procedures for revoking authorizations; and
  - Contain a statement regarding the possibility for a subsequent re-disclosure of the information.
- All uses and disclosures made pursuant to an authorization must be consistent with the terms and conditions of the authorization.
- Disclosures must be documented in accordance with the procedure for "Documentation Requirements".

#### **5. Disclosure of PHI to Business Associates**

##### **Procedure**

**Use and Disclosure of PHI by Business Associate.** All uses and disclosures by a "business associate" must be made in accordance with a valid business associate agreement. Before providing PHI to a business associate, employees must contact the Privacy Official and verify that a business associate contract is in place. The following additional procedures must be satisfied:

- Disclosures must be consistent with the terms of the business associate contract.
- Disclosures must comply with the "Minimum-Necessary Standard". (Under that procedure, each recurring disclosure will be subject to a separate policy to address the minimum-necessary requirement, and each non-recurring disclosure must be approved by the Privacy Official).
- Disclosures must be documented in accordance with the procedure for "Documentation Requirements".

#### **6. Requests for Disclosure of PHI from Spouse, Family Member or Friend**

The Plan and District will not disclose PHI to family and Friends of an individual except as required or permitted by HIPAA. Generally, an authorization is required before another party, including spouse, family

member or friend, will be able to access PHI:

- If an employee receives a request for disclosure of an individual's PHI from a spouse, family member, or personal friend of an individual, and the spouse, family member or personal friend is either (1) the parent of the individual and the individual is a minor child, or (2) the personal representative of the individual, then follow the procedure for "Verification of Identity of Those Requesting Protected Health Information".
- Once the identity of a parent or personal representative is verified, then follow the procedure for "Individual's Request for Access".
- All other requests from spouses, family members, and friends must be authorized by the individual whose PHI is involved. See the procedures for "Disclosures Pursuant to Individual Authorization".

## **7. Disclosures of De-Identified Information**

**De-identified information** is health information that does not identify an individual and with respect to which there is no reasonable basis to believe that the information can be used to identify an individual. There are two ways a covered entity can determine that information is de-identified: either by professional statistical analysis, or by removing the specific identifiers as outlined in HIPAA regulations.

### **Procedure**

- Obtain approval from Privacy Official for the disclosure. The Privacy Official will verify that the information is de-identified.
- The Plan may freely use and disclose de-identified information. De-identified information is not PHI.

## **8. Verification of Identity of Those Requesting Protected Health Information**

**Verifying Identity and Authority of Requesting Party.** Employees must take steps to verify the identity of individuals who request access to PHI. They must also verify the authority of any person to have access to PHI, if the identity or authority of such person is not known. Separate procedures are set forth below for verifying the identity and authority, depending on whether the request is made by the individual, a parent seeking access to the PHI of his or her minor child, a personal representative, or a public official seeking access.

**Request Made by Individual.** When an individual requests access to his or her own PHI, the following steps should be followed:

- Request a form of identification from the individual. Employees may rely on a valid driver's license, passport or other photo identification issued by a government agency.
- Verify that the identification matches the identity of the individual requesting access to the PHI. If you have any doubts as to the validity or authenticity of the identification provided or the identity of the individual requesting access to the PHI, contact the Privacy Official.
- Make a copy of the identification provided by the individual and file it with the individual's designated record set.
- If the individual requests PHI over the telephone, the social security number and date of birth will be used to verify identity.
- Disclosures must be documented in accordance with the procedure for "Documentation Requirements".

**Request Made by Parent Seeking PHI of Minor Child.** When a parent requests access to the PHI of the parent's minor child, the following steps should be followed:

- Seek verification of the person's relationship with the child. Such verification may take the form of confirming enrollment of the child in the parent's plan as a dependent.
- Disclosures must be documented in accordance with the procedure "Documentation Requirements".

**Request Made by Personal Representative.** When a personal representative requests access to an individual's PHI, the following steps should be followed:

- Require a copy of appropriate documentation such as a valid power of attorney. If there are any questions about the validity of this document, seek review by the Privacy Official.
- Make a copy of the documentation provided and file it with the individual's designated

record set.

- Disclosures must be documented in accordance with the procedure for "Documentation Requirements".

**Request Made by Public Official.** If a public official requests access to PHI, and if the request is for one of the purposes set forth above in "Mandatory Disclosures of PHI" or "Permissive Disclosures of PHI", the following steps should be followed to verify the official's identity and authority:

- If the request is made in person, request presentation of an agency identification badge, other official credentials, or other proof of government status. Make a copy of the identification provided and file it with the individual's designated record set.
- If the request is in writing, verify that the request is on the appropriate government letterhead.
- If the request is by a person purporting to act on behalf of a public official, request a written statement on appropriate government letterhead that the person is acting under the government's authority or other evidence or documentation of agency, such as a contract for services, memorandum of understanding, or purchase order, that establishes that the person is acting on behalf of the public official.
- Request a written statement of legal authority under which the information is requested, or, if a written statement would be impracticable, an oral statement of such legal authority. If the individual's request is made pursuant to legal process, warrant, subpoena, order, or other legal process issued by a grand jury or a judicial or administrative tribunal, contact the Assistant Superintendent for Personnel.
- Obtain approval for the disclosure from the Privacy Official.
- Disclosures must be documented in accordance with the procedure for "Documentation Requirements".

## **9. Complying with the "Minimum-Necessary" Standard**

### **Procedures for Disclosures of PHI**

The following reflects the recurring disclosure of PHI information:

- Group Associates – names, social security number, address, birth dates and dependent information.
- Blue Cross Blue Shield of Michigan – individually identifiable treatment and payment/claim information.
- Next Generation Enrollment – names, social security number, address, birth dates, dependent information and payment/claim information.
- Specific claim information may also be provided to District employees' representatives if requested by the employee to assist with claims issues. An Authorization for Release of Health Information may be required.

It is understood that the minimum amount of information necessary will be disclosed.

### **Procedures for Requests of PHI**

- Specific claims information may be requested by District employees' representatives to assist with employee claim issues/concerns.
- Specific claims information may be requested by the District's third party administrators (Next Generation Enrollment or Group Associates) to assist with employee claims issues/concerns.

### **Exceptions**

The "minimum-necessary" standard does not apply to any of the following:

- Uses or disclosures made to the individual;
- Uses or disclosures made pursuant to an individual authorization;
- Disclosures made to DHHS;



- Uses or disclosures required by law; and
- Uses or disclosures required to comply with HIPAA.

## **10. Documentation**

### **Procedure**

**Documentation.** Employees shall maintain copies of all of the following items for a period of at least six years from the date the documents were created or were last in effect, whichever is later:

- "Notices of Privacy Practices" that are issued to participants.
- When a disclosure of PHI is made;
  - ◆ the date of the disclosure;
  - ◆ the name of the entity or person who received the PHI and, if known, the address of such entity or person;
  - ◆ a brief description of the PHI disclosed;
  - ◆ a brief statement of the purpose of the disclosure; and
  - ◆ any other documentation required under these Use and Disclosure Procedures.
  - ◆ Individual authorizations.

## **11. Mitigation of Inadvertent Disclosures of PHI**

**Mitigation: Reporting Required.** HIPAA requires that a covered entity mitigate, to the extent possible, any harmful effects that become known to us of a use or disclosure of an individual's PHI in violation of the policies and procedures set forth in this manual. As a result, if you become aware of a disclosure of PHI, either by an employee of Plan or an outside consultant/contractor, that is not in compliance with the policies and procedures set forth in this manual, immediately contact the Privacy Official so that the appropriate steps to mitigate any potential harm to the individual can be taken.

## **12. Breach Notification**

### **Policy**

It is the Plan's policy to notify affected individuals of a privacy or security breach involving their unsecured <st1:stockticker w:st="on">PHI. For purposes of this policy, <st1:stockticker w:st="on">PHI is considered "unsecured" if it is not secured through the use of a technology or methodology (such as encryption or destruction) specified in guidance issued by the Secretary of Health and Human Services.

### **Procedure**

In the event of a privacy or security breach involving an individual's unsecured <st1:stockticker w:st="on">PHI, the Plan will, within sixty (60) calendar days after discovery of the breach, provide notice to the affected individuals by First Class Mail (or electronic mail, if so specified by the individual). If there is incomplete or out-of-date contact information for ten (10) or more affected individuals, substitute notice will be provided via the District's web page and/or notice to the broadcast media in the geographic area in which the affected individuals likely reside. The substitute notice will include a toll-free number which may be used to learn whether an individual's unsecured <st1:stockticker w:st="on">PHI may have been involved in the breach. If the breach involves the unsecured <st1:stockticker w:st="on">PHI of five hundred (500) or more affected individuals within a state or jurisdiction, notice will be provided to prominent media outlets serving that state or jurisdiction.

The notice provided to affected individuals will include:

- ? a brief description of the breach, including the dates of the breach and discovery of the breach;
- ? a description of the types of unsecured <st1:stockticker w:st="on">PHI involved in the breach;
- ? any steps individuals should take to protect themselves from potential harm resulting from the breach;
- ? a brief description of the Plan's efforts to investigate the breach, mitigate the harm to affected individuals and protect against further breaches; and
- ? contact procedures to obtain further information.

The Plan will maintain a breach notification log, which will be submitted annually to the Secretary of Health and Human Services. Immediate notice will be provided to the Secretary of Health and Human Services of a breach that involves 500 or more persons.

For purposes of this policy, a "breach" of unsecured <st1:stockticker w:st="on">PHI is defined as the acquisition, access, use or disclosure of unsecured <st1:stockticker w:st="on">PHI in a manner not permitted by the Privacy Standard and which compromises the security or privacy of the unsecured <st1:stockticker w:st="on">PHI. A "breach" of unsecured <st1:stockticker w:st="on">PHI does not include:

- ? an unintentional access, acquisition or use of <st1:stockticker w:st="on">PHI by a workforce member or agent if the access, acquisition or use was within the scope of the individual's authority, was made in good faith and did not result in further prohibited use or disclosure of the <st1:stockticker w:st="on">PHI;
- ? an inadvertent disclosure by a person at the Plan or a Business Associate who is authorized to access <st1:stockticker w:st="on">PHI to another person authorized to access <st1:stockticker w:st="on">PHI at the same entity when the information is not further used or disclosed in a prohibited manner; and
- ? a disclosure of <st1:stockticker w:st="on">PHI where the Plan or its Business Associate has a good faith belief that an unauthorized person to whom the disclosure was made would not reasonably have been able to retain the <st1:stockticker w:st="on">PHI.

Except as described in the paragraph above, the acquisition, access, use or disclosure of unsecured PHI in a manner not permitted by the privacy standard is presumed to be a breach unless, after the performance of the risk assessment required by the privacy standard, it is determined that there is a low probability that the unsecured PHI has been compromised. The risk assessment shall consider at least the following factors:

- ? the nature and extent of the PHI involved, including the types of identifiers and likelihood of re-identification;
- ? the unauthorized person who used the PHI or to whom the disclosure was made;
- ? whether the PHI was actually acquired or viewed; and
- ? the extent to which the risk to the PHI has been mitigated.

The risk assessment described in this Section shall be documented and such documentation shall be retained by the Plan.

## **Procedures for Complying With Individual Rights**

### **1. Individual's Request for Access**

#### **"Designated Record Set" Defined**

**Designated Record Set** is a group of records maintained by or for the District that includes:

- the enrollment, payment, and claims adjudication record of an individual maintained by or for the Plan; or
- other protected health information used, in whole or in part, by or for the Plan to make coverage decisions about an individual.

### **Procedure**

**Request from Individual, Parent of Minor Child, or Personal Representative.** Upon receiving a request from an individual (or from a minor's parent or an individual's personal representative) for disclosure of an individual's PHI, the employee must take the following steps:

- Follow the procedures for verifying the identity of the individual (or parent or personal representative) set forth in "Verification of Identity of Those Requesting Protected Health Information".
- Review the disclosure request to determine whether the PHI requested is held in the individual's designated record set. See the Privacy Official if it appears that the requested information is not held in the individual's designated record set. ***No request for access may be denied without approval from the Privacy Official.***
- Review the disclosure request to determine whether an exception to the disclosure requirement might exist; for example, disclosure may be denied for requests to access psychotherapy notes, documents compiled for a legal proceeding, certain requests by inmates, information compiled during research when the individual has agreed to denial of access, information obtained under a promise of confidentiality, and other disclosures that are determined by a health care professional to be likely to cause harm. ***See the Privacy Official if there is any question about whether one of these exceptions applies. No request for access may be denied without approval from the Privacy Official.***
- Respond to the request by providing the information or denying the request within 30 days (60 days if the information is maintained off-site). If the requested PHI cannot be accessed within the 30 day (or 60 day) period, the deadline may be extended for 30 days by providing written notice to the individual within the original 30 or 60 day period of the reasons for the extension and the date by which the District will respond. A Denial Notice must contain: (1) the basis for the denial, (2) a statement of the individual's right to request a review of the denial, if applicable; and (3) a statement of how the individual may file a complaint concerning the denial. All notices of denial must be prepared or approved by the Privacy Official. *{Note: Denial of access in inappropriate circumstances could lead to liability. For this reason, this Plan requires all denials to be approved by the Privacy Official. This is not explicitly required by HIPAA.}*
- Provide the information requested in the form of format requested by the individual, if readily producible in such form. Otherwise, provide the information in a readable hard copy or such other form as is agreed to be the individual. If, however, the Plan maintains or uses ePHI with respect to an individual's PHI, the individual has the right to obtain his/her ePHI in an electronic format and, if elected by the individual, to direct the Plan to transmit the ePHI directly to a person or entity designated by the individual. If the ePHI is not readily reproducible, the Plan will provide the requested PHI in a readable electronic form or format as agreed by the Plan and the individual.
- Individuals have the right to receive a copy by mail or by e-mail or can come in and pick up a copy. Individuals also have the right to come in and inspect the information.
- If the individual has requested a summary and explanation of the requested information in lieu of, or in addition to, the full information, prepare such summary and explanation of the information requested by the individual.
- The District reserves the right to charge a Protected Health Information Access Fee for each request of Protected Health Information, plus a per page fee for each requested copy of such Protected Health Information, any postage or accounting fee for attaining this information from our health plan provider. If the copy of the requested PHI is in electronic form, the Access Fee

may not be greater than the District's labor cost in responding to the request.

- Disclosures must be documented in accordance with the procedure "Documentation Requirements".

## **2. Individual's Request for Amendment**

### **Procedure**

**Request From Individual, Parent or Minor Child, or Personal Representative.** Upon receiving a request from an individual (or a minor's parent or an individual's personal representative) for amendment of an individual's PHI held in a designated record set, the employee must take the following steps:

- Follow the procedures for verifying the identity of the individual (or parent or personal representative) set forth in "Verification of Identity of Those Requesting Protected Health Information".
- Review the disclosure request to determine whether the PHI at issue is held in the individual's designated record set. See the Privacy Official if it appears that the requested information is not held in the individual's designated record set. ***No request for amendment may be denied without approval from the Privacy Official.***
- Review the request for amendment to determine whether the information would be accessible under HIPAA's right to access (see the access procedures on page 24). See the Privacy Official if there is any question about whether one of these exceptions applies. ***No request for amendment may be denied without approval from the Privacy Official.***
- Review the request for amendment to determine whether the amendment is appropriate, that is, determine whether the information in the designated record set is accurate and complete without the amendment.
- Respond to the request within 60 days by informing the individual in writing that the amendment will be made or that the request is denied. If the determination cannot be made within the 60 day period, the deadline may be extended for 30 days by providing written notice to the individual within the original 60 day period of the reasons for the extension and the date by which the District will respond.
- When an amendment is accepted, make the change in the designated record set, and provide appropriate notice to the individual and all persons or entities listed on the individual's amendment request form, if any, and also provide notice of the amendment to any persons/entities who are known to have the particular record and who may rely on the uncorrected information to the detriment of the individual.
- When an amendment request is denied, the following procedures apply:
  - ◆ All notices of denial must be prepared or approved by the Privacy Official. A Denial Notice must contain: (1) the basis for the denial; (2) information about the individual's right to submit a written statement disagreeing with the denial and how to file such a statement; (3) an explanation that the individual may (if he or she does not file a statement of disagreement) request that the request for amendment and its denial be included in future disclosures of the information; and (4) a statement of how the individual may file a complaint concerning the denial.
  - ◆ If, following the denial, the individual files a statement of disagreement, include the individual's request for an amendment; the denial notice of the request; the individual's statement of disagreement, if any, and the rebuttal/response to such statement of disagreement, if any, with any subsequent disclosure of the record to which the request for amendment relates. If the individual has not submitted a written statement of disagreement, include the individual's request for amendment and its denial with any subsequent disclosure of the

protected health information only if the individual has requested such action.

## **3. Processing Requests for an Accounting of Disclosures of PHI**

### **Procedure**

**Request from Individual, Parent of Minor Child, or Personal Representative.** Upon receiving a

request from an individual (or a minor's parent or an individual's personal representative) for an accounting of disclosures, the employee must take the following steps:

- Follow the procedures for verifying the identity of the individual (or parent or personal representative) set forth in "Verification of Identity of Those Requesting Protected Health Information".
- If the individual requesting the accounting has already received one accounting within the 12 month period immediately preceding the date of receipt of the current request, prepare a notice to the individual informing him or her that a fee for processing will be charged and providing the individual with a chance to withdraw the request.
- Respond to the request within 60 days by providing the accounting (as described in more detail below), or informing the individual that there have been no disclosures that must be included in an accounting (see the list of exceptions to the accounting requirement below). If the accounting cannot be provided within the 60 day period, the deadline may be extended for 30 days by providing written notice to the individual within the original 60 day period of the reasons for the extension and the date by which the District will respond.
- The accounting must include disclosures (but not uses) of the requesting individual's PHI made by Plan and any of its Business Associates during the period requested by the individual up to six years prior to the request. *{Note: The plan is not required to account for any disclosures made prior to April 14, 2003}*. The accounting does not have to include disclosures made:
  - ◆ to carry out treatment, payment and health care operations;
  - ◆ to the individual about his or her own PHI;
  - ◆ incident to an otherwise permitted use or disclosure;
  - ◆ pursuant to an individual authorization;
  - ◆ for specific national security or intelligence purposes;
  - ◆ to correctional institutions or law enforcement when the disclosure was permitted without an authorization; and
  - ◆ as part of a limited data set.

Notwithstanding this provision, effective January 1, 2014, an individual has the right to receive an accounting of disclosures for payment, treatment or health care operations during the three (3) years prior to the date of the request, provided that the disclosure was made via an electronic health record. As to disclosures made by Business Associates, the Plan may either provide an accounting of such disclosures or the contact information for the Plan's Business Associates, who must then provide an accounting of their disclosures. For purposes of this provision, "electronic health record" means an electronic record of health-related information on an individual that is created, gathered, managed, and consulted by authorized health care clinicians and staff.

- The accounting must include the following information for each reportable disclosure of the individual's PHI:
  - ◆ the date of disclosure;
  - ◆ the name (and, if known, the address) of the entity or person to whom the information was disclosed;
  - ◆ a brief description of the PHI disclosed; and
  - ◆ a brief statement explaining the purpose for the disclosure. (The statement of purpose may be accomplished by providing a copy of the written request for disclosure, when applicable).
- If the Plan has received a temporary suspension statement from a health oversight agency or law enforcement official indicating that notice to the individual of disclosures of PHI would be reasonably likely to impede the agency's activities, disclosure may not be required. If an employee receives such a statement, either orally or in writing, the employee must contact the Privacy Official for more guidance.
- Accountings must be documented in accordance with the procedure for "Documentation Requirements".

#### **4. Processing Requests for Restrictions on Uses and Disclosures of PHI**

**Request from Individual, Parent of Minor Child, or Personal Representative.** Upon receiving a request from an individual (or a minor's parent or an individual's personal representative) to restrict access

to an individual's PHI, the employee must take the following steps:

*{Note: Individuals are advised through the Plan's Notice of Privacy Practices of their right to request a restriction on uses and disclosures of their PHI to treatment, payment, or health care operations. Plan may require the requests to be in writing.}*

- Follow the procedures for verifying the identity of the individual (or parent or personal representative) set forth in "Verification of Identity of Those Requesting Protected Health Information".
- The employee should take steps to honor requests that are deemed reasonable by the District.
- If a request will not be accommodated, the employee must contact the individual in person, in writing, or by telephone to explain why the request cannot be accommodated.
- All requests for limitations on use or disclosure of PHI that are approved must be recorded and added to the employee file.
- All Business Associates that may have access the individual's PHI must be notified of any agreed-to restrictions via fax.
- Requests and their dispositions must be documented in accordance with the procedure for "Documentation Requirements".

### **Security Procedures**

It is the Plan's policy to ensure the confidentiality, integrity, and availability of all PHI and ePHI that is created, received, maintained or transmitted on behalf of the Plan and to protect such information from reasonably anticipated threats and reasonably anticipated uses and disclosures that are not permitted. The Plan has established appropriate administrative, technical and physical safeguards to prevent PHI and ePHI from being used or disclosed in violation of the HIPAA/HITECH privacy and security standards.

**Security Official.** The Executive Manager of Human Resources and Personnel is the Security Officer for the Plan. The Security Officer is responsible for the development and implementation of policies and procedures relating to Security, including but not limited to these Policies and Procedures. The Security Officer will also serve as the contact person for individuals who have questions, concerns, or complaints about the privacy of their ePHI.

### **Administrative Safeguards**

It is the Plan's policy to impose reasonable administrative safeguards to provide for the security and privacy of PHI.

1. Privacy and Security Policies and Procedures will be maintained.
2. Access to PHI will be limited to relevant members of the workforce who have a need to access such information to perform a function or activity on behalf of the Plan required by their jobs. Upon termination of employment or a change in the duties of a workforce member such that he/she no longer has a need to access PHI, the workforce member shall be removed from authorized access to PHI.
3. Designated Record Sets will be maintained for at least six years and then disposed of by a secure means in compliance with the HIPAA privacy and security standard.
4. Conversations regarding PHI will be held in locations to avoid being overheard.
5. Security management policies and procedures will be maintained and implemented.
  - a. Risk Analysis. An assessment of potential risks and vulnerabilities to the

confidentiality, integrity and availability of ePHI held by the Plan will be conducted, either by the Plan or a Business Associate.

- b. Risk Management. Proper measures will be deployed to sufficiently reduce the risk that have been identified to comply with 45 CFR §164.306(a).
  - c. Sanctions. Proper sanctions will be implemented when a member of the workforce fails to comply with these Policies and Procedures.
  - d. Information System Activity Review. Proper access reports and audit logs will be maintained and reviewed for compliance with these policies and procedures.
6. Assigned Security Responsibility. The Plan has identified an individual who is responsible for the development of security policies and procedures.
  7. Workforce Security. The Plan will ensure that access to ePHI is within the security policies described in these Policies and Procedures, and that such access is in compliance with HIPAA. Under this security policy, access and termination of access rights will be reviewed regularly.
  8. Information Access Management. The Plan will authorize access to workstations and programs based on appropriate clearance procedures.
  9. The Plan will have regular security awareness and training for new end-users of systems that fall within the scope of these security policies and procedures.
  10. The Plan will have specified security incident procedures for breaches to the systems that fall within the scope of these policies.
  11. The Plan has contingency plans in place for data backup and disaster recovery.
  12. The Plan has testing and data analysis procedures for testing new applications and/or upgrades for modifications to existing applications.
  13. The Plan performs periodic technical and non-technical evaluations to ensure that the Plan meets the security requirements of HIPAA.
  14. The Plan will permit a Business Associate to create, receive, maintain or transmit ePHI on its behalf only if the Plan obtains satisfactory assurances from the Business Associate, in the form of a written business associate agreement that complies with the HIPAA Security Standard, that the Business Associate will appropriately safeguard the ePHI and report any security incident of which it becomes aware..
  15. The Plan has been amended: (i) to provide that the plan sponsor will reasonably and appropriately safeguard ePHI created, received, maintained or transmitted to or by the plan sponsor on behalf of the Plan; and (ii) to satisfy the requirements of 45 CFR §164.314(b)(2).

## **Physical Safeguards**

It is the Plan's policy to impose reasonable physical safeguards to provide for the security and privacy of PHI and ePHI.

1. PHI will be kept separate from other human resources records.
2. PHI will be kept in locked file cabinets or in a secure location.
3. Workstations, desks and copier machines will be clear of PHI when not supervised.

4. Fax machines, copiers and printers will be located in secure areas.
5. Facility Access Controls. The plan ensures that it has suitable controls to restrict access to PHI. The Plan ensures that there are restoration procedures in the event data is lost. The Plan ensures that there are adequate procedures to safeguard against unauthorized physical access, theft or tampering with facilities. The Plan ensures that there are validation procedures in place to confirm a person's access based on their role or function within the workforce.
6. Maintenance Records. The Plan will keep maintenance records of repairs and modifications to the physical components of the facility which are related to security.
7. Workstation Use and Security. As to any workstations which may be used to send, receive and/or store ePHI, the Plan has established procedures specifying the functions to be performed, the manner in which they will be performed and the physical attributes of the surroundings of such workstations and the methods used to secure the workstation from unauthorized users.
8. Device and Media Controls. The Plan will use proper methods to dispose of ePHI and the media on which it is stored, and have proper methods to remove ePHI in the event the media is re-used for another purpose. The Plan will monitor and restrict the movement of hardware and electronic media containing ePHI both within and outside of the Company's facility.
9. The Plan, or a designated Business Associate of the Plan, will maintain a retrievable, exact copy of the Plan's ePHI and will retrieve ePHI upon request when needed, in compliance with the requirements of the HIPAA privacy and security regulations.

## **Technical Safeguards**

It is the Plan's policy to impose reasonable technical safeguards to provide for the security and privacy of PHI.

1. Access Controls – the Plan will ensure that access rights to systems with ePHI will require each user to have a unique user access. In the event that ePHI must be accessed for emergency purposes, the Plan will provide access to authorized persons. Access controls will include encryption when reasonable and appropriate. Automatic logoff processes will terminate abandoned ePHI sessions.
2. Audit Controls – The Plan will ensure that wherever possible, mechanisms are in place to examine and record ePHI activity.
3. Integrity – The Plan will ensure that wherever possible, there are proper programs and procedures in place to prevent the improper alteration or destruction of ePHI.
4. Authentication – The Plan will ensure that wherever possible, there are proper authentication procedures in place that verify a user of ePHI systems.
5. Transmission Security – The Plan will ensure that there are suitable technical security measures to protect against unauthorized access to ePHI that is transmitted over each network. Such measures will ensure that detection methods are in place to determine when ePHI is modified or altered, and implement encryption when reasonable and appropriate.



Approved: May 4, 2004

Reviewed by Policy Committee: June 20, 2007

Restated Effective September 23, 2013

Approved: December 19, 2013

## **Family and Medical Leave**

In 1993, the United States Congress passed the Family and Medical Leave Act (29 USC 2601 et. seq.). The stated purpose of the Family and Medical Leave Act (FMLA) is "to balance the demands of the workplace with the needs of families, and to promote national interests in preserving family integrity." The Family and Medical Leave Act requires Bloomfield Hills Schools to provide eligible employees with up to twelve weeks of job protected, unpaid leave each year for family medical or personal medical purposes.

The Board of Education and its employees will comply with the Family and Medical Leave Act and its implementing regulations. The administration is authorized to develop a regulation which implements the Family and Medical Leave Act.

Adopted: 4/25/95

Reviewed by Policy Committee: 6/20/07

# Family and Medical Leave Act Regulation

## 1. PURPOSE

**Basic Leave Entitlement.** Bloomfield Hills Schools Family and Medical Leave Policy allows eligible employees to take up to 12 work weeks of unpaid leave per year for their own serious health condition, childbirth, or to provide care for the employee's newborn child, newly-adopted child, newly-placed foster child, or a child, parent or spouse with a serious health condition. Further, certain eligible employees may receive up to 12 work weeks of unpaid leave for military exigencies, and up to a total of 26 work weeks of unpaid leave to care for a covered military service member.

Additional information and forms relating to Family and Medical Leaves are available from the Human Resources Department.

## 2. DEFINITIONS

- A. **"Leave Year".** The District has selected the following method for determining the "12-month period" for non-military related leave

The 12-month rolling backwards period. The 12-month rolling period is calculated backwards from the date the requested leave commences. This method determines FMLA leave entitlement based upon how much FMLA leave an employee has taken the preceding 12 months, measured backwards from the date the leave is to commence.

For "Military Caregiver Leave," the leave period begins the first day the leave begins, regardless of past non-military leave taken and regardless of the leave period for other FMLA qualifying leave.

- B. **"Spouse"** means a husband or wife, but does not include unmarried domestic partners. If both spouses work for the school district, their total leave in any 12-month period may be limited to an aggregate of 12-weeks if the leave is taken for either the birth or placement for adoption or foster care of a child or to care for a sick parent. The aggregated amount of leave in a 12-month period is 26 weeks in situations where the leave is based on the care for a covered service member.
- C. **"Parent"** means biological, adoptive, step or foster parent, or any other individual who stood *in loco parentis* to the employee when the employee was a child. A parent-in-law does not meet this definition.
- D. **"Child"** means a son or daughter under age 18, or 18 years or older who is incapable of self-care due to mental or physical disability. Employees who are *in loco parentis* include those with day-to-day responsibility for care and financially supports the "child". A biological or legal relationship is not necessary.

"Incapable of self-care due to a mental or physical disability" means when an adult son or daughter "requires active assistance or supervision to provide daily self-care in three or more of the 'activities of daily living' or 'instrumental activities of daily living.'" A parent will be entitled to take FMLA leave to care for a son or daughter 18 years of age or older, if the adult son or daughter meets the following four requirements:

1. Has a disability as defined by the ADA;
2. Is incapable of self-care due to that disability;
3. Has a serious health condition; and
4. Is in need of care due to the serious health condition

E . **"Next of Kin of a Covered Service Member"** means the nearest blood relative *other* than a spouse, parent, son, or daughter, in the following order: blood relatives who have been granted legal custody of the covered service member by court decree or statutory provision, brother and sister, grandparent, aunt and uncle, and first cousin, unless the covered service member designated in writing another blood family member as his or her nearest blood relative for purposes of military caregiver leave.

F. **"Military Family Leave"** means either "Military Caregiver Leave" or "Qualifying Exigency" Leave as set forth below:

(1) **"Military Caregiver Leave."** An eligible employee may take up to 26 weeks of leave to care for a covered service member during a single 12-month period. The covered service member must be a current member of the Armed Forces, which includes membership in the National Guard or Reserves. The covered service member must have sustained the serious injury or illness in the line of duty while on active duty which may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

( 2 ) **"Qualifying Exigency Leave."** An eligible employee with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may also use their 12-week leave entitlement to address certain qualifying exigencies. The Department of Labor defines qualifying exigencies as: (1) short-notice deployment (up to seven days from date of notification), (2) military events and related activities, (3) childcare and school activities, (4) financial and legal arrangements, (5) counseling, (6) rest and recuperation (up to five days for each instance), (7) post-deployment activities occurring within 90 days following the termination of active duty status, and (8) additional activities arising from the service member's active duty or call to active duty not encompassed in the other categories, but agreed to by the employer and employee.

G. **"Serious Health Condition"** means an illness, injury, impairment, or physical or mental condition that makes the employee unable to perform the essential functions of his/her job

and involves:

- (1) inpatient care (an overnight stay);
- (2) a period of incapacity from work requiring "continuing treatment" by a healthcare provider;  
  
"Continuing treatment" by a healthcare provider must involve a period of incapacity of more than 3 *full* consecutive calendar days (including subsequent treatments or periods of incapacity relating to the same condition) that also involves either: (1) treatment of two or more times within 30 days of the first day of incapacity by a healthcare provider; or (2) treatment on at least one occasion by a healthcare provider which results in a "regimen of continuing treatment under the supervision of the a healthcare provider." (*e.g.*, a course of prescription drugs, physical therapy). The first (or only) in-person treatment visit to the healthcare provider must occur within 7 days of the first day of incapacity.
- (3) a period of incapacity from work due to pregnancy or for prenatal care;
- (4) a period of incapacity from work requiring treatment for chronic or permanent/long-term conditions (*e.g.*, asthma, diabetes, epilepsy, cancer); or
- (5) a period of absence to receive multiple treatments by a healthcare provider for a non-chronic condition that, if left untreated, could result in a period of incapacity of more than 3 consecutive calendar days (*e.g.*, dialysis for kidney disease or chemotherapy for cancer).

Unless complications arise, the common cold, flu, upset stomach, headache, routine dental problems and cosmetic treatments do not meet the definition of "serious health condition."

Please contact the Human Resources Department for a more complete definition of "serious health condition."

- H . "Instructional Employee" means a person whose principle function is to teach and instruct students in a class, a small group or an individual setting. This term includes teachers or auxiliary personnel principally engaged in direct delivery of instruction (*e.g.*, signers for hearing impaired). This definition **does not include** auxiliary personnel such as counselors, teacher assistants, aides, psychologists, social workers, and non-instructional support personnel.
- I. "District" means the Bloomfield Hills Schools. This regulation shall be implemented by the Superintendent or his/her designee.

### 3. GENERAL

- A . **Eligibility.** An employee who has worked at least 1,250 hours during the 12-month period before commencement of the leave is eligible for FMLA leave after having completed at least 12 months of service, including previous service with the District up to 7 years before commencement of the leave. Instructional employees will not be eligible if it is clearly demonstrated that the employee did not work the requisite hours during the 12-month period.

B. Eligible employees may use FMLA leave for one or more of the following reasons:

- (1) The birth of a child and care for a newborn;
- (2) The care for a newly-adopted child or child recently placed in an employee's home for foster care;
- (3) To care for a spouse, child (who is less than age 18, or 18 but incapable of self-care) or a parent (but not parent-in-law) who has a serious health condition;
- (4) An employee's own serious health condition that makes the employee unable to perform one or more of the essential functions of his or her job; or
- (5) To address certain qualifying exigencies or care giving associated with a covered service member. The employee may be required to provide information supporting the need for military family leave.

C. An eligible employee may take up to 12 weeks of unpaid leave during any 12-month period for a purpose which qualifies for a leave under the FMLA policy. As identified in Section 2.F.(1), an eligible employee may take up to 26 weeks "Military Caregiver Leave" measured from the first day the military-related leave commences during a single 12-month period.

An eligible part-time employee is entitled to leave on a pro-rata basis.

If spouses are both employed by the District and both are eligible for FMLA leave, spouses may take up to a combined total of 12 weeks of leave for the birth and care of a newborn child, the placement of a child in the spouse's home for adoption or foster care, or the care of a seriously ill parent. This limitation does not apply to the care of a spouse or child with a serious health condition or to the employee's own serious health condition. For example, if spouses each take 4 weeks to care for a newborn child, each spouse will have eight weeks remaining within the 12-month period to use for other kinds of FMLA leaves, if necessary.

Family leave to care for a newborn child or for adoption or foster care placement of a child must be completed within 12 months of the birth, adoption, or placement of the child.

#### 4. **NOTICE**

A . ***Notice by Employee.*** The employee shall give notice for FMLA leave according to the following:

- (1) When the need for FMLA is *foreseeable* (i.e., for birth of a child, adoption, foster placement, or planned medical treatment for yourself or a family member or to care for a covered service member) 30-days notice is required. If the employee fails to give 30-days notice with no reasonable excuse, the District reserves the right to delay the employee's FMLA leave until at least 30-days after the leave request is made.
- (2) When the need for FMLA leave is *unexpected*, absent unusual circumstances, the employee must provide notice to the Employer either the same business

day or the next business day after the employee learns of the need for the FMLA leave.

With respect to both foreseeable and unexpected leave, employees must comply with District policies, work rules, collective bargaining provisions, and customary time off or call-in notice procedures.

At the time of requesting leave from work, the employee is required to complete District-approved forms for leave utilization. The District will provide District-approved forms which advise the employee of his/her FMLA rights and responsibilities. When any leave from work is requested, the District will inquire about the circumstances to determine if the requested leave appears to qualify as FMLA leave. Any leave request determined by the District to qualify as FMLA leave will be credited against the employee's FMLA leave for the 12-month period described in Section 2.A. of this policy.

- B . ***District Notification of FMLA Leave.*** Once the District receives sufficient notice that leave qualifies for FMLA leave, the District will (within 5 business days, absent extenuating circumstances) notify the employee, in writing, whether the employee is eligible for leave.

## 5. **SUBSTITUTION OF PAID LEAVE TIME**

Although FMLA leave is **unpaid**, there are several ways in which the District's policies or collective bargaining agreement (regarding salary continuation, sick days and vacation pay) may operate in conjunction with certain kinds of FMLA leaves to provide the employee with some income during the leave. If paid leave is available, and applicable, it shall run concurrently with the FMLA leave.

- ***Use of earned and/or accrued paid time off.*** When leave from work qualifies as FMLA leave is taken, an employee must first concurrently exhaust earned and/or accrued paid time off which will be credited against the FMLA leave. For example, if an employee has earned and/or accrued paid vacation or personal leave, the District may require that the employee first concurrently apply that leave time to his/her FMLA leave until the earned or accrued paid leave time is exhausted. The District may also require that any earned or accrued paid vacation or personal/sick leave be exhausted concurrently with the FMLA leave before the unpaid portion of the FMLA leave to care for the employee's own serious health condition or that of a spouse, child or parent (where permitted for the latter purpose under the contract or policy governing the employee). Any remaining FMLA leave to which the employee is entitled will then be taken on an unpaid basis.

## 6. **MEDICAL CERTIFICATION**

- A. If an employee requests FMLA leave due to a serious health condition or to care for a parent, child, or spouse with a serious health condition, or to attend to specific matters concerning covered service member, the employee may be required to provide medical certification from a healthcare provider of the serious health condition involved and, if applicable, verification that the employee is needed to care for the ill family member and for how long.
- B. The employee may be required to provide supporting information concerning military family leave. Forms for this purpose will be provided by the Administration when the employee

notifies the District of the need for the leave. Employees must provide the requested medical certification within 15 days of being supplied with the necessary certification form from the Administration or a request for FMLA leave may be delayed or denied.

- C. After an employee submits the required medical certification, the District may require, at its option and expense that a medical certification be obtained from a healthcare provider of the District's own choosing to verify the need for the requested FMLA leave. If the first and second certifications differ, the District may require (at its option and expense) that a third certification be obtained from a third healthcare provider who is jointly selected by the prior two healthcare providers. The third medical certification will be final and binding on both parties. If the employee refuses to be examined by the third healthcare provider or refuses to cooperate in the examination, the employee will be bound by the second certification.
- D. The District may request medical recertification for leave taken because of an employee's own serious medical condition or the serious medical condition of a family member. Recertification may be requested pursuant to the following:
  - (1) The District may request recertification no more often than every 30 days and only in connection with the absence by the employee, unless paragraphs 2 or 3 below apply.
  - (2) If the initial medical certification indicates that the minimum duration of the condition is more than 30 days, the District will wait until the minimum duration expires or 6 months, whichever is less, before requesting a recertification, unless paragraph 3 applies.
  - (3) The District may request recertification in less than 30 days if: (a) an employee requests an extension of leave; (b) circumstances described by the previous certification have changed significantly; or (c) the District receives information that cast doubt upon the employee's stated reason for the absence or the continuing validity of the certification.

The employee must provide the requested recertification to the District within 15 calendar days unless it is not practicable under the particular circumstances to do so despite the employee's diligent good faith efforts. The District may ask for the same information as that permitted for the original certification. The employee has the same obligations to participate and cooperate in the recertification process as in the initial certification process. Any recertification requested by the employer shall be at the employee's expense.

## **7. INTERMITTENT/REDUCED LEAVE SCHEDULE**

- A. If an employee requests intermittent leave or a reduced leave schedule, the District may require the employee to explain why the intermittent/reduced leave schedule is necessary. An employee must meet with the District and attempt to work out a leave schedule which meets the employee's needs for leave without unduly disrupting the District's operations. The employee should meet with the District before treatment is scheduled. If the meeting takes place after treatment has been scheduled, the District may, in certain instances, require an employee to attempt to reschedule treatment.



- B. The District may assign an employee to an alternative position with equivalent pay and benefits, but not necessarily equivalent job duties that better accommodate the employee's intermittent or reduced leave schedule. The District may also transfer the employee to a part-time job with the same rate of pay and benefits. A "light-duty" assignment, however, will not be considered FMLA leave. Where benefits (*e.g.*, vacation) are based on the number of hours worked, the employee will receive appropriate benefits, based upon hours worked. When a transfer to a part-time position has been made to accommodate an intermittent or reduced-leave schedule, the District will continue group health benefits on the same basis as provided for full-time employees until the 12 (or 26 weeks for the care of a covered service member) weeks of FMLA leave are used.
- C. An intermittent and/or reduced leave schedule is available for an eligible employee to attend to a serious health condition requiring periodic treatment by a healthcare provider, or because the employee (or family member) is incapacitated due to a chronic serious health condition. An employee on pregnancy leave (unless a serious health condition is involved) or leave for care of an adopted, foster, or newborn child is not eligible for intermittent leave.
- D. If an eligible instructional employee requests intermittent or a reduced leave schedule to care for a family member having a serious health condition, or for the employee's own serious health condition, which is foreseeable based on planned medical treatment, and the instructional employee would be on leave for more than 20% of the total number of working days over the leave period, the District may require the instructional employee to choose either to:
- (1) take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or
  - (2) transfer temporarily to an available alternative position for which the instructional employee is qualified, which has equivalent pay and benefits and which better accommodates recurring leave periods than does the instructional employee's regular assignment.

## **8. BENEFITS**

- A. During the period of an approved FMLA leave, the District will continue the employee's health insurance premium uninterrupted. If the employee makes a contribution toward coverage, the employee must make arrangements to continue his or her contributions during the leave to continue the basic health insurance coverage at its existing level. An employee's failure to pay his or her share of health insurance premium during FMLA leave may result in loss of coverage if the employee's contribution is more than 30 days late. If the employee's premiums are in arrears, the District will provide the employee at least 15 days written notice that coverage will be dropped prior to cancelling coverage.
- (1) Except as required under COBRA, the District's obligation to maintain health benefit premium contributions for an employee on FMLA leave ceases when:  
a) the employment relationship would have terminated, irrespective of the FMLA leave (*e.g.*, reduction in force); b) when the employee advises the District of his or her intent not to return from leave; or c) when the FMLA leave expires and the employee has not returned from leave.

- (2) Employee contributions will be required either through payroll deduction or by direct payment to the District. The employee will be advised in writing at the beginning of the leave as to the amount and method of payment. Employee contribution amounts are subject to any change in premium rates that occur while the employee is on leave.
- (3) If the District remits any employee premium contributions in arrears from the employee while on FMLA leave, the employee will be required to reimburse the District for delinquent payments (through authorized payroll deduction or otherwise) upon return from leave. If the employee fails to return from unpaid leave for reasons other than: a) the continuation, recurrence, or onset of a serious health condition of the employee or a covered family member, or b) circumstances beyond the employee's control, the District may seek reimbursement from the employee for the portion of the premiums paid by the District on behalf of that employee (also known as the "employer contribution") during the leave period, excluding the period where the District or the employee has substituted paid leave for FMLA leave.
- (4) An employee is not entitled to seniority or benefits accrual (e.g., holidays, vacations) during the unpaid leave, unless otherwise specified by the collective bargaining agreement or individual employment contract. An employee who takes FMLA leave will not lose any seniority or employment benefits that accrued before the date leave began.

B. ***Disability Plans and FMLA Leave:***

- (1) ***Workers' Compensation Leave.*** If the employee has a work-related illness or injury that qualifies as a "serious health condition" under this policy, leave from the job for which the employee receives workers' compensation payments will be considered FMLA leave. The employer and employee may agree to have paid leave supplement worker's compensation benefits, i.e., where worker's disability compensation benefits provide replacement income for only a portion of the employee's salary.
- ( 2 ) ***Disability Plan Leave.*** The District may designate any employer-sponsored disability plan leave as FMLA leave.

## 9. **RETURN TO WORK**

- A. Upon conclusion of FMLA leave, an employee will be returned to the same position the employee held when leave began or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment, provided the position remains.
- B. **Periods Near the Conclusion of an Academic Term**
  1. **Leave five weeks before end of term:** An instructional employee who begins a leave more than five weeks before the end of an academic term (semester) may be required to continue on leave until the end of the term if the leave will last at least three weeks, and the return to

work would occur within the last three weeks of the term.

2. Leave five weeks before the end of term for reasons other than employee's serious health condition: An instructional employee who begins a leave for a purpose other than his/her own serious health condition during the five-week period before the end of a term may be required to continue on leave until the end of the term if the leave will last more than two weeks, and the return to work would occur within the last two weeks of the term.
  3. Leave three weeks before end of term for reasons other than employee's serious health condition: An instructional employee who begins a leave for a purpose other than his/her own serious health condition during the three-week period before the end of the term and the duration of the leave is more than five working days may be required to continue on leave until the end of the term.
- C. ***Fitness-for-Duty Certification.*** An employee shall submit a written statement from a physician which addresses the employee's ability to return to work and perform the essential functions of the position, consistent with District policy or collective bargaining agreement at least one (1) day prior to the scheduled return. In the case of intermittent or reduced schedule leave, where reasonable job safety concerns exist, the District may require the employee to provide a fitness-for-duty certification up to once every 30 days before he or she may return to work.

## 10. **KEY EMPLOYEES**

- A. ***Definition.*** A "key" employee is an eligible salaried FMLA-eligible employee who is among the highest paid 10% of District employees.
- B. ***Job Restoration.*** While the District will not deny FMLA leave to an eligible key employee, the District may deny job restoration to a key employee when the restoration to employment will cause the District substantial and grievous economic injury or substantial, long-term economic injury.
- C. ***Qualifications.*** Each employee who is designated as a "key" employee will be notified of that fact when he/she requests FMLA leave, or at the commencement of such leave, whichever occurs first; or if the notice cannot be given then because of the need to determine whether the employee is a key employee, as soon thereafter as practical.

In any situation in which the District determines that it will deny restoration or employment to a key employee, the District will issue a hand-delivered or certified letter to the key employee explaining the finding that the required injury to the District exists. Additionally, the District will inform the key employee of the potential consequences with respect to reinstatement and maintenance of health benefits should employment restoration be denied. When practical, the District will communicate this determination before the commencement of the FMLA leave; the key employee may then take FMLA leave or forego it. If the FMLA leave has already begun, the key employee will be provided a reasonable time in which to return to work after being notified of the District's intention – the decision cannot be made until the employee seeks to return to deny reinstatement.

- D. ***Timelines.*** If a key employee does not return to work in response to the District's notification

of its decision to deny restoration of employment, the District will continue to provide the key employee with health benefits (to the extent of the FMLA leave period) and the District will not seek to recover its cost of health benefit premiums. A key employee's FMLA rights will continue until the employee gives notice that he/she no longer wishes to return to work or until the District denies reinstatement at the end of the leave. The key employee has the right, at the end of the FMLA leave, to request reinstatement and the District will reevaluate the extent of its injury due to the requested reinstatement based on the facts at that time.

If the District again determines that the reinstatement will still cause the injury, the key employee will be notified in writing by hand-delivered or certified letter of the denial of his/her reinstatement to employment. If the District finds that reinstatement will not result in the required injury, the key employee will be granted reinstatement.

#### **11. FAILURE TO RETURN FROM LEAVE**

An employee's failure to return to work upon expiration of FMLA leave will subject the employee to termination unless an extension is granted, as required by law or under a collective bargaining agreement. An employee who requests an extension of FMLA leave due to the continuation, recurrence, or onset of her or his own serious health condition, or of the serious health condition of the employee's spouse, child, or parent, must submit a written request for an extension to the Assistant Superintendent for Human Resources and Labor Relations. This written request should be made as soon as the employee realizes that she or he will not be able to return at the expiration of the leave period. Medical certification or recertification will be required to support any request for leave extension.

#### **12. FORMS**

The following forms, where applicable, must be filed with the Administration in accord with District policies and procedures:

WH-380-E Certification of Health Care Provider for Employee's Serious Health Condition

WH-380-F Certification of Health Care Provider for Family Member's Serious Health Condition

WH-381 Notice of Eligibility and Rights & Responsibilities

WH-382 Designation Notice

WH-384 Certification of Qualifying Exigency For Military Family Leave

WH-385 Certification for Serious Injury or Illness of Covered Service Member For Military Family Leave

WH-385-V Certification for Serious Injury or Illness of a Veteran for Military Caregiver  
Leave

Legal Authority: Family and Medical Leave Act of 1993, 29 USC § 2601 et. seq.; Americans with Disabilities Act of 1990, as amended, 42 USC § 12101, et. seq.

Date Adopted: April 24, 2009

Revised: March 15, 2013

## Sabbatical Leaves

Professional Growth Leave will be granted upon the terms and conditions hereinafter set forth:

### Eligibility

1. Any professional employee of the Bloomfield Hills School District who has been employed at least seven (7) consecutive years by the Board as a full-time professional employee of the School District may be granted by the Board a sabbatical leave for professional growth not to exceed two (2) semesters, provided, however, that the employee, to be eligible, must hold a permanent or continuing certificate.

A sabbatical leave may be granted an employee for a period of not less than one (1) full semester nor for more than two (2) full consecutive semesters only upon recommendation of the Evaluation Committee and approval of the Board.

2. Absence from service in the school for a period of not more than one (1) year under a leave of absence without pay by said Board for restoration of health or, if the Board so determines, for professional improvement, shall not be deemed a break in the continuity of service required by this program and shall be included as a year of service in computing the eligibility requirements.
3. A sabbatical leave will be granted to an instructional staff member of the Bloomfield Hills Schools only once during the individual's employment career with the District.
4. As a condition to receiving final approval for professional growth leave, the individual shall file with the Secretary of the Board a written agreement that the individual will remain in the service of the School District for a period of two (2) years subsequent to the expiration of the leave.

### Procedure for Application for Professional Growth Leave

1. Application for sabbatical leave must be filed in writing with the Assistant Superintendent for Personnel on or before the last Friday of January of the school year immediately previous to the school year for which the professional growth leave is requested. The application as submitted shall include the following information:

For Formal Study: A program of work shall be outlined which will qualify the applicant for a higher credential in their profession or a program of recognized courses relating to the present or prospective service of the applicant in the profession.

For Other Educational Study: A program shall be outlined which will enhance the quality of the present or prospective service of the applicant in the profession. Examples may include research and/or writing and educational travel.

2. Upon receipt of any such application, the Assistant Superintendent for Personnel shall refer the application to an Evaluation Committee for preliminary study and consideration. It shall be the

duty of the Committee to make recommendations to the Superintendent or designee concerning all applications for professional leave. In recommending approval or denial of any application, the Committee shall consider the following factors:

- a. Date of filing application.
  - b. Purpose of the leave.
  - c. Length of service in the school.
  - d. Positive relationship between nature and extent of requested leave and professional growth of the staff member within the appropriate educational specialty.
  - e. Uniqueness of opportunity.
  - f. Other factors deemed important.
3. The Superintendent of Schools shall report and make a recommendation to the Board. The Board shall duly approve or reject the request for the leave and the Superintendent should give notice to the application of the decision of the Board within thirty (30) days.
  4. The Board reserves the right to reject any or all requests for sabbatical leave.

#### Requirements and Status While on Sabbatical Leave

1. Upon acceptance by said Board of any application for sabbatical leave and before the leave shall commence, the individual shall duly execute an agreement whereby, in consideration of the granting of said leave by the Board, the individual agrees to perform the duties as required herein and shall thereafter, for at least a period of two (2) years, remain in the employ of the Board.  
  
The individual shall therewith execute a demand promissory note (form attached) in the total amount of compensation to be received during leave from the school, which said note shall represent liquidated damages to the School District for inability, default, misperformance or non-performance of any or all of the duties of the individual hereunder.
2. During the term of sabbatical leave, the individual shall have a contract, shall be considered to be in the employ of said Board, and shall receive compensation in the full amount of the base salary that he/she would have received had the individual been on active staff status during the period in which said leave is effective. The Board shall also pay for life insurance and hospitalization insurance premiums during the sabbatical leave.
3. Payment of salary shall be made in accordance with the provisions of the Board for payment of salary to other instructional staff.
4. A term of sabbatical leave shall entitle the individual to an automatic salary schedule increment at the beginning of the next full year of school following his return to service in the system.
5. The regular sick leave policy shall apply to an individual on sabbatical leave.
6. A sabbatical leave will be considered as a leave of absence without pay from all other school activities.
7. A sabbatical growth leave, once granted by the Board, may not be terminated before the

termination date of said leave except as otherwise provided herein or as otherwise determined by the Board.

8. During the term of sabbatical leave, the individual shall report to the Superintendent of Schools as follows:
  - a. The individual shall immediately request approval from the Superintendent of Schools for any substantial changes to the planned program of leave as outlined in said individual application.
  - b. An interim report shall be filed with the Superintendent by said individual at the mid-point of the period for which leave is taken. The report shall contain sufficient information to enable the Superintendent to determine that the leave is being utilized in the appropriate manner.
  - c. The individual shall file with the Superintendent a final report of said activities at the expiration of the leave period. The Superintendent may require proof that the program presented by the applicant (with appropriate changes as subsequently approved) has been followed. An individual shall not be considered as having completed the duties and requirements of the sabbatical leave until the final report has been submitted, and the subsequent two-year period of service completed. Furthermore, the compensation received during sabbatical may be reclaimed by the Board if the Superintendent determines that the sabbatical plan was not followed or that the leave was otherwise substantially abused.
9. An individual granted sabbatical leave may be required to perform such services and to engage in such activities during said leave as the Superintendent of Schools, with the approval of the Board, and the individual may agree to in writing provided, however, that the individual on leave shall, in any event, furnish such and as many reports as the Superintendent deems necessary and reasonable to determine that the individual is fulfilling his agreement and all of the requirements of said leave.
10. The Board shall not be held liable for death or injury sustained by any individual while on sabbatical growth leave.

#### Termination of Said Leave

If, during the term of said leave, the Board, upon recommendation of the Superintendent, determines that the individual on such leave is not fulfilling the agreement, or is dilatory in any respect, the entire compensation paid to said individual during the leave period shall become immediately due to the school and all future payments, if any, shall be canceled and the individual's contract shall, with good cause shown, be rescinded.

#### Status Upon Returning From Sabbatical Leave

1. Individuals on such leave shall be allowed credit toward retirement for time spent on such leave in accordance with rules and regulations established by the board of control of public school employees' retirement funds.



2. Any individual upon returning from such leave, shall be restored to the original position or to a position of like nature, seniority, status, and pay. Said individual shall be entitled to participate in any other benefits that may be provided for by rules and regulations of the Board made pursuant to the law.
3. If an individual completes the planned program of said leave but does not return to the employ of the school, the employee shall, within two (2) years, repay said Board the amount received by said individual for the leave. This obligation shall, as herein before provided, be evidenced by a Demand promissory note. In the event that said individual does return to the school after completing the leave but does not remain in the employ of the school for two (2) years following said leave, the individual shall, within three (3) years after termination of employment repay said school for compensation received during such leave period, pro rata as the subsequent period of service unexpired bears to said two- (2) year period. The Board may waive the provisions of this paragraph at its discretion. In the event of death or total disability of the employee, the demand promissory note shall be void.
4. Upon the completion of employment for a period of two (2) years subsequent to the expiration of said leave and said individual having performed his duties with respect thereto, the Demand Promissory Note filed with the Board shall be voided by the Board.

8/13/91 (Revised)

## **Extended Medical Leaves of Absence**

1. The employee, upon learning of the need for an extended medical leave of absence, must notify the Human Resources Department. The required leave forms will then be forwarded to the employee. The employee and the physician must complete the forms verifying the estimated date the leave will commence and the employee's ability to continue employment prior to the leave. Statements from the employee's physician will be provided by the employee to the Human Resources Department on a monthly basis, on the district's form, regarding the employee's ability to continue employment prior to the leave.
2. An employee who desires to remain on the job must maintain a satisfactory attendance record and must provide verification from the physician of the ability to perform the functions of the job. If these conditions are not met, the administration will initiate the leave. The extended medical leave (or short-term disability leave) shall begin as soon as the physician complete the appropriate forms certifying the employee is unable to perform the functions of the job.

Revised: 8/13/91

Revised: 4/2/07

Revised: 6/20/07

Revised: 4/23/13

## **Non-Compensable Leaves**

Non-compensable leaves of absence are strictly discretionary and can only be approved by the Assistant Superintendent for Human Resources and Labor Relations upon the recommendation of the immediate supervisor. A non-compensable leave of absence may be granted only when the absence does not cause a problem in the continued operation of the function in which the individual is assigned.

Leaves of absence on a non-compensable basis will be considered only for unique or emergency situations and will not be extended beyond five (5) working days. Requests made for reason of vacations may not be honored as legitimate reason for non-compensable leave.

Consideration for such a leave will not be given on a yearly basis, and, as indicated above, the leaves are given for unique or emergency situations only. Any request for such leave considerations must be made in writing at least two weeks prior to the date requested for initiation of the leave.

Revised: 8/13/91

Revised: 4/2/07

Revised: 6/20/07

## **Military Call-Up**

Bloomfield Hills Schools will comply with applicable laws concerning employees who are called upon to perform military service, including the Uniformed Services Employment and Re-Employment Rights Act (USERRA) and Michigan law which provides for military leaves and re-employment protection (Act 133 of 1955). The USERRA provides for the granting of military leaves and requires employers to re-employ returning service members, prohibits discrimination on the basis of military leave, preserves seniority and benefits, and provides enhanced protection for returning veterans with disabilities. The Michigan law provides similar protection.

Legal References: 38 USC 4301 et. seq.  
MCL 32.271 et. seq.

Approved: 12/3/02

Reviewed by Policy Committee: 6/20/07

## **Military Call-Up Compensation and Benefits**

Bloomfield Hills Schools may continue salary and benefits to employees who request a military leave of absence because they have been called to active military duty. The continuation of salary and benefits does not apply to employees who enlist in military service. The continuation of salary and benefits applies to regular instructional and support staff employed by Bloomfield Hills Schools as follows:

The District may, for a period of up to six months, provide compensation and insurance benefits subject to carrier provisions and benefits provided by other sources.

The employee may be paid a salary differential to provide total salary from all sources equal to that paid by the District at the time the employee was called to active duty. Payment of the salary differential is contingent on written confirmation of salary received from other sources.

Payment from all sources will not exceed one hundred percent (100%) of the salary paid by the District at the time the employee was called to active duty from reserve status.

Insurance benefits may be coordinated with benefits received from other sources and will normally be comparable to those for which the employee was eligible at the effective date of active duty.

The District reserves the right to discontinue or extend salary and insurance benefits and to determine which insurance will be offered and the terms on which salary and insurance benefits are provided.

## **Personal Absences**

Personal absences for employees, who are members of a recognized bargaining unit, with a negotiated master agreement in effect, will follow the appropriate provisions as defined in the master contract for their respective employee group. Those employees who are non-bargaining unit employees will follow the provisions for personal absence as provided in the conditions of employment established by the Board of Education.

Approved: 4/16/74

Revised: 10/8/91

Reviewed by Policy Committee: 6/20/07

## **Communicable Diseases**

In order to protect the health and welfare of all the members of the school community, the Superintendent or designee may exclude from school any student, staff member or other person reasonably suspected of having a reportable communicable disease.

The Superintendent or designee may consult the Oakland County Department of Health regarding policies for exclusion or readmission for specific health conditions. It shall be the District's prerogative to require a physician's statement indicating the student, staff member or other person is free of the communicable disease and may return to school premises without restrictions.

The District may require an examination by a physician of its choice at District expense to confirm freedom from communicable disease of the individual wishing to return.

The District will consider district policy/regulation and procedure and current recommended county, state and federal rules and guidelines on a case-by-case basis in reaching a decision regarding attendance at school or work.

For definition purposes as it concerns reportable and non-reportable diseases, the District will apply the administrative rules as developed by the Department of Public Health.

6/3/86 (Approved)

10/8/91 (Approved)

## **Regulations Regarding Communicable Diseases**

### Purpose

The purpose of these regulations is to provide a safe school environment for all students and employees of the Bloomfield Hills School District and to ensure that proper procedures are taken to assure that both the rights of the individual and the concerns of the community are addressed.

Therefore, the District will assure that staff members or students who have contracted a communicable disease, which is of a serious nature, will be able to have their individual situation reviewed by a Review Committee and have that Committee recommend whether they may continue to be involved in the public school setting.

### Identification

It is the practice of the Bloomfield Hills Schools to respond to individuals experiencing the more common communicable diseases in a manner consistent with the recommended procedures of the Oakland County Health Division.

When it is suspected that an individual may be infected by a serious communicable disease such as Hepatitis B, AIDS (Acquired Immune Deficiency Syndrome), Pre-AIDS (Lymphadenopathy Associated Virus), ARC (AIDS Related Complex), HTLV III (Human T-Cell, Lymphotropic Virus type III) and other like diseases that are transmissible, the Superintendent or designee shall be informed immediately. Upon this information being received, the following action may be initiated by either the individual or the District, in addition to the required reporting procedures of appropriate public health agencies.

A consultation with the Deputy Superintendent and the affected student with his or her parent or guardian or the affected staff member and appropriate union representative if requested. The consultation shall include:

- A. A review of the individual's personal physician's statement, if any.
- B. A review of the affected student's educational placement or the affected employee's work assignment.

Findings of the consultation and individual review of the matter will be discussed with local, state or federal health authorities and a district selected physician for the purpose of making a recommendation to the Superintendent.

Privacy in all matters will be required, and only individuals with a need to know for the purpose of making decisions or recommendations under this regulation will be informed.

A decision with respect to continued attendance of a student or work of a staff member will be made by the Superintendent based upon the information provided. The Superintendent may appoint a review committee if deemed necessary.

Should a student be excluded and homebound instruction is determined appropriate, such will be provided per state guidelines.



Staff members salary and insurance benefits will be determined by applicable law and pursuant to the terms of the collective bargaining agreement or employee handbook, whichever is applicable.

#### Review Committee

Upon request of an affected individual (or the parent or guardian if the affected individual is a minor) who has been excluded from school or work, or who has been permitted to continue to attend school or work but with restrictions, a team will be appointed to review the Superintendent's decision and the relevant facts. The team shall be referred to as the Review Committee and it shall be chaired by the Deputy Superintendent.

The Review Committee shall normally consist of the following individuals:

Student is	Staff Member is
<u>Affected Individual</u>	<u>Affected Individual</u>
Parent/Guardian	Staff Members Union Rep.
Director of Spec. Ed.	Oakland County Health Dept. Reps.
Oakland County Health	District appointed physical at
Rep(s) District's option and expense	
District appointed	Director of Personnel
physician (at District's	
option and expense)	
Bldg. Principal or designee	Individual's personal physician
Individual's personal physician	(at individual's option and
(at individual's option and	expense)
expense)	

Other individuals may be invited to participate as agreed upon by the chairperson and the subject individual.

#### Review Committee Considerations

Any individual who may be excluded due to a serious communicable disease will have the facts of the matter considered privately and separately from other similar cases.

Included in the consideration will be the stated health condition as indicated by all physician(s) statements, and local, state and federal laws or guidelines. Additionally, the committee will consider the following health aspects.:

- Behavioral characteristics of the individual
- Physical condition of the person
- Expected normal type of interaction with others
- Current recommendations of health agencies
- Compliance with applicable laws

Should a student be excluded and homebound instruction is determined appropriate, such will be provided per state guidelines.

Staff members salary and insurance benefits will be determined by applicable law and pursuant to the terms of the collected bargaining agreement or employee handbook, whichever is applicable.

#### Return to School of Work

Excluded individuals or individuals who have been permitted to remain in school or at work, but with restrictions, will be returned to school or work or have the restrictions removed upon occurrence of the following:

- A. Receipt by the District of a written release from the individual's personal physician which confirms that the individual does not pose a health risk to the individual, staff or students, or,
- B. A recommendation by the Review Committee which is accepted and concurred in by the Superintendent that return of the individual does not present a substantial risk to the individual, staff or students.
- C. As an additional condition, the Superintendent may request a written statement from public health authorities confirming that the individual may return without substantial risk to the individual, staff or students.
- D. In the event the District has not previously sought an opinion of a physician of its own selection, it may, at its own expense, retain a physician to confirm that the ability to return to school or work does not pose a substantial health risk to the individual, staff or students. In the event that the individual has an objection to the selected physician, an option to select a physician from a list of three to six physicians approved by the District will be available.

#### Return to School of Work - Continued

- E. The Superintendent shall have the discretion to establish such conditions of return to school or work as deemed necessary to avoid risk to the individual, staff or students.

## **Education/Business Partnerships**

The initiation and development of partnerships between the schools and other public or private organizations are encouraged. The objective of such a relationship is to expand and enhance the educational opportunities for students and staff; and to develop an open communication between schools and business to ensure support and participation in the activities of public education. The duration of an individual leave for participation in a partnership may be up to one academic year subject to the recommendation of the Superintendent or a designee and approval of the Board of Education.

Approved: 4/28/92

## **Eligibility/Application Procedures Leave Conditions/Leave Continuations**

### **ELIGIBILITY**

Instructional and administrative staff members who have been employed in the Bloomfield Hills School District for a minimum of three years will be eligible to apply for an education/business partnership leave.

Approval of leaves will be contingent on staffing to assume assignment responsibilities.

### **APPLICATION PROCEDURES**

Applications shall be made in writing to the personnel office and shall include:

- A cover letter defining the purpose

- Written, well-defined program explanation

- Written confirmation of an opportunity to participate in an education/business partnership

- Final determination of staffing assignments is subject to the Superintendent's approval.

### **LEAVE CONDITIONS**

Individuals approved for a leave will receive compensation and benefits as defined in the partnership for which application is made.

Leave recipients are expected to return to employment with Bloomfield Hills School upon completion of the partnership leave.

Individuals who take partnership leaves of less than a full school year shall be required to complete the remainder of the school year in which the leave was taken with the District unless otherwise determined by the District.

If an individual who has been granted a leave does not return, repayment of district compensation and benefits provided on a prorated schedule may be required.

In the event of unforeseen circumstances on the part of the District or the leave recipient, and subject to the Superintendent's approval, a portion or all of the salary and benefits may be modified or forgiven for payment purposes.

### **LEAVE CONTINUATION**

If the leave is interrupted for any reason, including non-performance, the leave may be terminated by either party and subject to repayment as determined by the Superintendent. The decision shall be final and not subject to any further consideration.

4/29/92

## **Unauthorized Release of Information from the Michigan Department of State, Bureau of Driver and Vehicle Records**

Certain Bloomfield Hills Schools Employees have opportunity to access confidential information or records that are only available to the general public on a limited review or purchase basis. Driver record and vehicle registration information, provided to Bloomfield Hills Schools by the Michigan Department of State, Bureau of Driver and Vehicle Records, is confidential and release of the information is governed by state law. Employees must not divulge such information contained in the records and files of Bloomfield Hills Schools, except to other employees who may need such information in connection with their duties and to authorized parties in accordance with proper departmental procedures.

If an employee is approached to provide information inappropriately, the employee must refuse to release the requested information and/or refer the requestor to the employee's immediate supervisor.

It is a serious offense for an employee to release or use for personal purposes, confidential information obtained in the course of employment from the Michigan Department of State, Bureau of Driver and Vehicle Records. Any employee who inappropriately releases such information, or uses confidential information for personal reasons, will be disciplined up to and including termination.

Approved:12/18/01

## **Social Security Number Confidentiality**

It is the policy of Bloomfield Hills Schools to comply with the Social Security Number Privacy Act which restricts certain uses of Social Security numbers and is designed to combat identity theft.

Administration is authorized to establish regulations to implement this policy. It is the purpose of this policy to ensure that:

1. The confidentiality of Social Security numbers is maintained to the extent practicable;
2. The unlawful disclosure of Social Security numbers is prohibited;
3. Access to information or documents containing Social Security numbers is limited; and
4. Documents containing Social Security numbers are disposed of properly.

This policy and its rules shall be published in the Employee Handbook, and in the Board Policy section on the Bloomfield Hills Schools website.

Persons who violate this policy, or the rules that implement it, may be subject to disciplinary action up to and including suspension or expulsion for students and termination for employees.

LEGAL REF: MCL 445.81 *et seq.*

Approved: 11/29/05

## **Social Security Number Confidentiality**

### **Public Records**

Where a Social Security number is contained within a document subject to disclosure through the Freedom of Information Act, the Social Security number shall be redacted.

### **Information Collected**

Social Security numbers should only be collected where required by federal or state law. The District will not use all or more than four (4) sequential digits of the Social Security number as a district-created student identification number or employee identification or account number.

### **Public Display**

The District will not visibly print all or more than four (4) sequential digits of the Social Security number on identification cards, badges, employee rosters, bulletin boards, or any other materials or documents seen by others widely.

Documents, materials or computer screens that display Social Security numbers or other sensitive information shall be kept out of public view at all times.

No more than four (4) sequential digits of a Social Security number shall be required for a District employee, student, or staff member to gain access to the Internet or network, unless the connection is secure, the transmission is encrypted, or a password or other unique personal identification number or other authentication device is also required to gain access to the internet or network.

### **Mailed or Transmitted Documents**

Documents containing Social Security numbers shall only be sent where permitted by state law. 3 Documents containing all or more than four (4) sequential digits of the Social Security number, that are sent through the mail, shall not reveal the number through the envelope window or otherwise be visible from outside the envelope or package.

All of more than four (4) sequential digits of Social Security numbers shall not be sent through email unless the connection is secure or the transmission is encrypted.

No individual shall be required to send all or more than four (4) sequential digits of his or her Social Security number through email unless the connection is secure or the transmission is encrypted.

### **Telefaxed Communications**



If a Social Security number must be faxed, the Fax message shall be accompanied by a transmittal sheet, which includes the District's name, a "Confidential Notice" stating that the information included is intended to be privileged and confidential, and that it is only intended for the use of the individual or entity named on the transmittal sheet.

### **Access to Social Security Numbers**

Only those persons authorized by the Superintendent, Assistant Superintendent for Personnel, Assistant Superintendent for Business Services or building Principal shall have access to Social Security numbers or other sensitive information. Students will not have access to Social Security number information for either students or staff.

### **Storage and Disposal**

All documents or files that contain Social Security numbers or other sensitive material shall be stored in a physically secure manner. Social Security numbers shall not be stored on computers or other electronic devices that are not secured against unauthorized access.

Documents or other materials that contain Social Security numbers or other sensitive information shall not be thrown away in the trash; they shall be discarded or destroyed only in a manner that protects their confidentiality, such as shredding.

When erasing Social Security numbers or sensitive information from computers, it shall be ensured that the information is erased completely.

### **Improper Disclosures**

Any individual who suspects that an improper disclosure of a Social Security number has been made shall inform the Superintendent or designee.

If the Superintendent or designee suspects that an improper disclosure has been made, he/she shall contact the appropriate authorities.

### **Accountability**

Any person who fails to comply with the District's Privacy Policy shall be subject to appropriate discipline as determined by the Superintendent or designee.

### **Exceptions**

This policy and regulation shall not apply to any of the following:

1. A use of all or more than four (4) sequential digits of a Social Security number that is authorized or required by state, or federal statute, rule, or regulation, by court order or rule, or pursuant to legal discovery or process.
2. A use of all or more than four (4) sequential digits of a Social Security number if the use is any of the following:
  - i. Verifying an individual's identity, identify an individual, or do another similar administrative purpose related to an account, transaction, product, service, or

employment or proposed account, transaction, product, service, or employment.

ii. Investigating an individual's claim credit, criminal, or driving history.

iii. Detecting, preventing, or deterring identity theft or another crime.

iv. Lawfully pursuing or enforcing a person's legal rights, including, but not limited to, an audit, collection, investigation, or transfer of

a tax, employee benefit, debt, claim, receivable, or account or an interest in a receivable or account.

v. Lawfully investigating, collecting, or enforcing a child or spousal support obligation or tax liability.

vi. Providing or administering employee or health insurance or membership benefits, claims, or retirement programs or to administer the ownership of shares of stock or other investments.

3. A use of all or more than four (4) sequential digits of a Social Security number as a primary account number that meets both of the following:

i. The use began before March 1, 2005.

ii. The use is ongoing, continuous, and in the ordinary course of business. If the use is stopped for any reason, this subdivision no longer applies.

LEGAL REF: MCL 445.81 *et seq.* Approved: 11/29/05

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3 Permissible state law includes the following: A Social Security number may be included in a mailed document where: 1) It is sent as part of an application or enrollment process initiated by the individual. 2) It is sent to establish, confirm the status of, service, amend, or terminate an account, contract, employee, or health insurance benefit – or to confirm the accuracy of a Social Security number of an individual who has an account, contract, policy, or employee or health insurance benefit. 3) It is contained in a public record and is mailed in compliance with the Freedom of Information Act. 4) It is a copy of a vital record, which was recorded according to law, and is mailed to a person entitled to receive that record. 5) It is mailed by, or at the request of, an individual whose Social Security number appears in the document or information or his or her parent or legal guardian. 6) It is mailed consistent with the Health Insurance Portability and Accountability Act of 1996. 7) State or federal law, rule, regulation, or court order or rule authorizes, permits or requires that a Social Security number appear in the document (such as payroll and tax related documents).

## **Staff Political Activities**

The Board of Education recognizes that staff members of the Bloomfield Hills Schools have the same fundamental civic responsibilities and privileges as other citizens. Among these are campaigning for an elective public office and holding an elective or appointive public office.

A staff member who is campaigning as a candidate for, or holding a public office, shall not use school district facilities, equipment, or supplies or involve the District or District personnel during the work day; or to encroach on the work day.

10/8/91 REV (Approved)

Revised: 9/98

## **Non-School Activities of School District Personnel**

The personal life of staff members shall be the concern of, and warrant the attention of, the Board of Education only as it may directly prevent the employee from properly performing assigned functions during duty hours or violate local, state, national or common law, or be prejudicial to effective performance on the job.

Employees shall not at any time engage in any employment that would make time and/or energy demands upon the individuals which could interfere with their effectiveness in performing their regular assigned duties, would compromise the school system, would adversely affect their employment status or professional standing, or would in any way conflict with assigned duties.

Employees shall not engage in any other employment or in any private business during the hours necessary to fulfill appropriate assigned duties.

Staff members shall not participate in any activity for which they receive financial remuneration wherein their position as an employee of the Bloomfield Hills Schools is used or could be interpreted as being used to sell or promote the sale of goods or services to the pupils or patrons of the Bloomfield Hills Schools.

Employees shall not engage in work of any type wherein the source of information concerning customer, client, or employer originates from any information obtained through the Bloomfield Hills Schools.

4/16/74 (Approved)

10/8/91 (Approved)

## Sexual Harassment

The Bloomfield Hills Schools is committed to providing equal opportunity for all staff and Board of Education members and creating an environment which is without sexual harassment, as defined by law. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct or communication of a sexual nature. In the employment and educational context, such actions are prohibited when:

1. Submission to such conduct is made an expressed or implied condition of obtaining employment or educational benefit.
2. Submission to or rejection of such conduct is used as a basis for decisions affecting the employment or educational benefit of the individual who submits or rejects; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's employment or education or creating an intimidating, hostile, or offensive working or learning environment. Examples of such conduct might include: off-color language, jokes, cartoons, or nicknames, propositions, repeated unwanted social invitations, gestures, touching, sexually oriented posters, suggestive or insulting sounds.

Behavior by any individual that results in the sexual harassment of a staff member or a Board of Education member will not be tolerated. Such conduct may result in disciplinary actions including verbal or written warnings, suspension without pay, or more severe discipline including immediate discharge or removal from office. Students who engage in sexual harassment of staff or Board of Education members are subject to discipline, including suspension or expulsion per the Student Code of Conduct.

Each individual has a special responsibility to assure the success of the District's commitment and to take positive steps to comply with equal employment policies. Any individual who engages in sexual harassment or who fails to comply with the equal employment policies of the District is acting without authority and outside the scope of his or her responsibilities.

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If an individual has reason to believe that he or she has been subjected to discrimination in the form of sexual harassment, or that such exists, it shall be reported immediately to the Assistant Superintendent for Human Resources and Labor Relations, 7273 Wing Lake Road Bloomfield Hills, 48301, (248) 341-5428. As an alternative, an individual may report such discrimination to the superintendent.

When an individual wishes to make a sexual harassment charge, the investigative procedure defined in Regulation 4503(1) will be initiated.

## **Sexual Harassment Claims Procedure**

### **A. Complaint Initiation**

An individual who believes that sexual harassment has been practiced toward him or her or another individual shall report the claim to the Assistant Superintendent for Personnel or the Superintendent.

Upon receiving a report, a meeting will be scheduled immediately with the claimant.

### **B. Procedural Conditions**

Confidentiality is imperative. Only those individuals who have a legitimate need to know will be advised, and they will be advised only of specific facts.

The District may elect to temporarily reassign the parties until the matter is resolved. One or both parties may be given time off with/without pay pending resolution of the claim. The claimant may request reassignment or time off.

The investigation will be conducted by the Assistant Superintendent for Personnel, or designee, hereafter known as "investigator."

The parties will be advised that detailed notes will be taken from which a summary of the meeting will be prepared, which the claimant will be asked to sign in order to verify the accuracy of the report.

The charged party will be instructed to desist from contact with the claimant, and the claimant will be instructed to report any contact from the charged party.

The parties will be instructed not to discuss the matter with any other members of the District. If either party wants other persons contacted to assist in corroborating the allegations, he or she shall provide the name, address and telephone number of each person to the Assistant Superintendent for Personnel or Superintendent who will interview as required.

Advice and service of legal counsel may be sought and implemented as determined by the District.

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### **C. Complaint Investigation**

The initial meeting will be attended by the claimant, the claimant's union representative, upon request (if any), the Assistant Superintendent for Personnel, and one other administrative representative. Upon request, the administrative representatives will include one male and one female.

A second meeting will be scheduled with the same individuals present, at which time the claimant will be asked to review and sign the report to confirm its accuracy. Copies of the report will be given to the claimant and the Assistant Superintendent for Personnel. The claimant will be informed that a copy may be provided to the person against whom the charges were made.

Within two (2) working days following the meeting at which the report is signed, a meeting will take place attended by the Assistant Superintendent for Personnel, another administrative representative,

the charged individual, and the charged individual's union representative (if any), upon request.

The charged party will be provided a copy of the signed report.

The charged party will be given an opportunity to respond at that time, or at the charged party's option, in a reasonable amount of time not to exceed five (5) days, to prepare a written or oral response. The charged party shall not have contact with the claimant pending resolution of the matter and shall be so instructed by the administration.

D. Review and Recommendation

Upon conclusion of the investigation, a determination will be made and a report prepared which includes any penalties to be imposed.

Within five (5) working days, each of the parties will be provided with a written response reflecting the final determination. The charged party may appeal a determination.

Hearing and appeal rights shall be determined by applicable grievance procedure. If there is no grievance process, appeal may be made to the Superintendent. A final determination will be made in accordance with the applicable procedure.

Appr: 5/3/94 REV

## **Use of District Property**

Use of District equipment or property for personal purposes is prohibited. However, instructional and administrative staff members may remove district equipment or property from district premises when the removal is for a legitimate District purpose and provided that the individual removing the property has received written permission for removal signed by the administrator or designee in charge of the building or department in which the equipment is located.

In the event a building or department administrator requests the use of district property off District premises, written approval shall be requested of the individual's immediate supervisor.

1/21/86 (Approved)

10/8/91 (Approved)

Revised 9/98



## **Violation Reporting**

Any employee of the Bloomfield Hills School District desiring to report a violation or suspected violation of a law, Board Policy/Regulation or rule of the District, may make an oral report and within five days confirm the report in writing to his/her immediate supervisor, the Superintendent of Schools or the Secretary of the Board of Education.

Any person, not an employee of the District, desiring to report a violation or suspected violation of a law, Board Policy/Regulation or rule of the District, may make an oral report and within five days confirm the report in writing to the Superintendent of Schools or the Secretary of the Board of Education.

1/26/86 (Approved)

10/8/91 (Approved)

## **Drug-Free Workplace**

In compliance with the federal government Drug-Free Workplace Act of 1988, the Bloomfield Hills Schools Board of Education hereby confirms that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited anywhere in the district workplace. As a condition of employment staff members working under federal grants will be expected to abide by this statement and notify the Superintendent of any criminal drug statute conviction for a violation occurring in the workplace within, and not later than, five days after such conviction. For staff in federal grants the Bloomfield Hills Board of Education will notify the appropriate federal agency of such conviction within 10 days of receipt of notification as required by the Act.

A staff member convicted of a drug violation in the workplace as defined by the Drug-Free Workplace Act of 1988 will be subject to disciplinary action in accordance with state and federal statutes, applicable labor contracts and the District's policies and procedures, or be required to satisfactorily participate in a substance abuse assistance or rehabilitation program. Disciplinary action may result in penalties up to, and including, discharge.

Generally, controlled substances are those substances which, due to their potential deleterious or harmful effect on human life, have been regulated by the state with regard to their manufacture, delivery and possession. For purposes of this policy, controlled substance shall mean an imitation of, similar substance to, or controlled substance as defined in the Michigan Public Health Code MCL 333.7104, which is commonly referred to as the Uniform Controlled Substances Act or any subsequent modification thereof.

The Bloomfield Hills Schools Board of Education will sponsor and encourage staff participation in a variety of in-service programs including programs that are intended to inform employees of drug-free awareness and the dangers of drug abuse.

Legal Reference: Drug Free Workplace Act of 1988, 41 U.S. Code 8101 et. seq.

2/20/90 (Approved)

10/8/91 (Approved)

Revised & Approved: 11/20/14

## **Tobacco-Free Environment**

The Bloomfield Hills Schools are dedicated to providing a healthy and productive environment for staff, students and other members of the school community. In the interest of assuring a safe and healthy environment for students, staff and visitors, and in compliance with Michigan laws, the use and/or sale of any tobacco products, is prohibited in vehicles, buildings, facilities, structures or other real estate owned, leased or otherwise controlled by the Bloomfield Hills School District with the following exception. Persons who are 18 years of age or older and who are not Bloomfield Hills School students will be permitted to smoke in outdoor areas specifically designated as "Smoking Permitted" on days when school is not in session and after 6 p.m. on school days. Persons under age 18 and all Bloomfield Hills Schools students are absolutely prohibited from using or selling tobacco products as set forth above.

The success of this policy is contingent upon the thoughtfulness and cooperation of tobacco users. All staff, students and visitors share in the responsibility for compliance with policy provisions.

Concerns about compliance with this policy shall be brought to the attention of the appropriate supervisory personnel and, if necessary, referred to the Superintendent or designee. District commitment to assure health and comfort will take precedence over another person's desire to smoke.

Approved: 8/24/93

## **Tobacco - Free Environment**

In the interest of providing a safe and healthy environment for all district staff, students and visitors, the following Regulation details enactment of tobacco-free environment policy.

A person observing a violation of this policy is encouraged to discuss such one-on-one with the violator or, if necessary, to bring it to the attention of the violator's supervisor or the building supervisor. Supervisors or building supervisors, upon receipt of a complaint, will investigate and take appropriate action to resolve the issue within seven (7) working days unless circumstances require additional time. An individual who violates this policy may be subject to a fine as provided by applicable law, and disciplinary action.

Approved: 8/24/93

## **Drug and Alcohol Testing for Safety Sensitive Positions**

The Board of Education and its employees will comply with the Federal Omnibus Transportation Employee Testing Act of 1991 and its implementing regulations. The Administration shall develop and implement a drug and alcohol testing program and, at a minimum, take whatever actions are necessary and appropriate in order to comply with the Act and implementing regulations.

The unlawful manufacture, distribution, possession, sale or use of a controlled or illegal substance, or alcoholic beverage, is prohibited on or at all school district buildings and properties, work areas, school-owned or school-approved vehicles, including those used to transport students to or from school or school activities, and at school-sponsored or school-approved activities, events or functions, such as field trips or athletic events, which occur off school property. Violation of this policy shall result in disciplinary action, up to and including discharge.

Adopted 12/20/94

# **Implementation of Department of Transportation, Federal Highway Administration, Controlled Substances and Alcohol Use and Testing**

## **GENERAL PURPOSE OF DOT RULES & REGULATIONS**

The purpose of these rules is to establish programs designed to help prevent accidents and injuries resulting from the misuse of alcohol or use of controlled substances by drivers of commercial motor vehicles.

Except as expressly provided in these rules, nothing shall be construed to affect the authority of employers, or the rights of employees, with respect to the use or possession of alcohol, or the use of controlled substances, including authority and rights with respect to testing and rehabilitation. An employer is not prohibited with authority independent of this act from taking any action otherwise consistent Bloomfield Hills School District

Implementation of  
Department of Transportation/Federal Highway Administration  
Controlled Substances and Alcohol Use and Testing

### **I. Policy 4508 B Drug & Alcohol Testing for Safety Sensitive Positions**

The Omnibus Transportation Employee Testing Act of 1991 requires employers to test employees holding a Commercial Driver's License (CDL), as a condition of their employment, for the illegal use of alcohol and controlled substances. To implement the Act, the following Policy was adopted by the Bloomfield Hills Board of Education on December 20, 1994:

The Board of Education and its employees will comply with the federal Omnibus Transportation Employee Testing Act of 1991 and its implementing regulations. The Administration shall develop and implement a drug and alcohol-testing program and, at a minimum, take whatever actions are necessary and appropriate in order to comply with the Act and implementing regulations.

The unlawful manufacture, distribution, possession, sale or use of a controlled or illegal substance or alcoholic beverage, is prohibited on or at all school district buildings and properties, work areas, school owned or school approved vehicles, including those used to transport students to or from school or school activities, and at school sponsored or school approved activities, events or functions, such as field trips or athletic events, which occur off school property. Violation of this policy shall result in disciplinary action up to and including discharge.

### **II. Implementation**

#### **A. Requirement:**

The Bloomfield Hills School District will apply the following requirements for the purpose of implementing the Act:

1. The Omnibus Transportation Employee Testing Act of 1991 considers employees holding a Commercial Driver's License (CDL) and operating commercial motor vehicles to be in safety sensitive positions. Such employees are required to undergo drug and alcohol testing as a condition of employment. To implement the Act and Policy 4508, every employee who is required to have a CDL shall comply with alcohol and controlled substances testing discussed in this regulation.
2. Before performing an alcohol or controlled substances test, the Bloomfield Hills School District shall notify an employee that the test is required. Bloomfield Hills Schools shall not falsely represent that a test is being administered under the Act.

#### B. Starting Dates

By law, employers with fifty or more employees holding Commercial Driver's licenses as a condition of employment, as of March 17, 1994, shall implement these rules beginning January 1, 1995.

Employers with fewer than fifty of such employees on March 17, 1994, shall implement these rules beginning on January 1, 1996. Bloomfield Hills Schools had more than 50 of such employees on March 17, 1994, therefore, the implementation shall begin on January 1, 1995.

#### C. Alcohol

In the Bloomfield Hills School District, no employee shall:

1. Use alcohol or be under the influence of alcohol within four hours before going on duty or operating, or having physical control of, a commercial motor vehicle; or
2. Use alcohol, be under the influence of alcohol, or have any measured alcohol concentration or detected presence of alcohol of .02 or more, while on duty, or operating, or in physical control of, a commercial motor vehicle; or
3. Be on duty or operate a commercial motor vehicle while the driver possesses an alcoholic beverage.
4. Be on duty or operate a commercial motor vehicle, if, by general appearance or conduct or by other substantiating evidence, the driver appears to have used alcohol within the preceding four hours.

#### D. Controlled Substances

In the Bloomfield Hills School District, no employee shall:

1. Report or remain on duty or be allowed to report or remain on duty requiring the performance of safety sensitive functions if the driver tests positive for controlled substances.
2. Perform or be allowed to perform safety sensitive functions when the driver uses any controlled substances, except where pursuant to the instructions of a physician who has advised the employee that the substance does not adversely affect the driver's ability to safely operate a motor vehicle
3. All substance abuse testing will be done according to the guidelines established by the U. S. Department of Health and Human Services and the Department of Transportation.
4. The controlled substances tested are for:

Marijuana (THCabolite)  
Cocaine  
Amphetamines

Opiates (including heroin)  
Phencyclidine (PCP)

#### E. Condition of Employment

All affected employees will abide by this regulation and related policy as a condition of continued employment. The Bloomfield Hills School District shall not permit an employee who refuses or fails to cooperate with required alcohol or controlled substances tests or perform or continue to perform safety sensitive functions. Failure to cooperate may result in disciplinary action up to and including immediate suspension without pay and discharge.

#### F. Safety Sensitive Function

A safety sensitive position or function is a job that requires the employee to drive a commercial motor vehicle and have a CDL in order to perform that job. At this time, the following employees are considered to be in safety sensitive positions: (a) all grounds employees; (b) transportation employees (excluding secretarial staff and bus aides), including bus drivers, all mechanics, garage service attendants, dispatchers and the Transportation Director. However, Bloomfield Hills Schools may, at its discretion, also designate other job functions or positions as safety sensitive.

### III. TESTS REQUIRED

There are six situations under which employees in safety sensitive positions will be subject to drug and alcohol testing. Those situations are: (1) pre-employment; (2) post-accident; (3) random testing; (4) reasonable suspicion; (5) return to work following absence and (6) return to work following a positive drug or alcohol test. These situations will be discussed below.

#### A. Pre-Employment



1. No employee shall perform safety-sensitive functions unless he/she has been administered an alcohol test with a measured alcohol concentration of less than .02% and has received a verified negative test for controlled substances. Applicants for positions with Bloomfield Hills Schools will pay for any pre-employment tests.

a. Controlled Substance Testing

All applicants for safety sensitive positions will submit to and pass a urine drug screening test as part of the application process.

b. Alcohol Tests

Safety sensitive applicants will also submit to an alcohol test as a condition of accepting employment with the Bloomfield Hills Schools. Applicants testing at a level of .02 percent breath alcohol, or above, will be considered disqualified from employment, and any offer of employment will be withdrawn.

2. Exceptions to Pre-Employment Testing

(a) Alcohol

No alcohol test is required if, within the previous six months, (i.) the employee has undergone an alcohol test in conformance with these regulations, and (ii.) Bloomfield Hills Schools determines that no prior employer has records of a violation of these regulations (or the alcohol misuse rule of another Department of Transportation Agency) within the previous six months.

(b) Controlled Substance Testing

No controlled substance testing is required if the employee has participated in DOT approved drug testing program within the previous 30 days, and was tested for controlled substances within the past six months (from the date of application), or participated in a random controlled substance testing program. Bloomfield Hills Schools must determine that no prior employer has records of a violation of these regulations (or the controlled substance rule of another agency) within the previous six months.

3. Written Authorization Required

As part of the application process, all applicants shall sign a written authorization permitting Bloomfield Hills Schools to obtain information from previous employers concerning alcohol and controlled substance testing, and the results of such tests. If the applicant fails to sign the authorization, no further consideration will be given to the applicant. If Bloomfield Hills Schools is unable to obtain the above information within 14 calendar days after the first time an employee performs a safety sensitive function, Bloomfield Hills Schools is prohibited from allowing the employee to continue performing the safety sensitive function. The employee will be suspended, without pay, until the information is available.

The offer of employment will be withdrawn if Bloomfield Hills Schools obtains information that the

employee had an alcohol test of 0.02% or greater, a verified positive controlled substances test or refusal to be tested.

## B. Post Accident

Employees must be tested for alcohol and controlled substances as soon as possible after an accident if:

1. the accident results in personal injury requiring medical attention away from the scene or, within 30 days of the accident, the loss of a human life was involved, or

2. within 32 hours of the accident, the employee received a citation by the investigating law enforcement agency, or

3. any of the vehicles involved in the accident is unable to be driven away from the scene under its own power.

### 4. Alcohol:

(a) Unless the employee is injured, the employee should not leave the scene before an alcohol test is administered. The employee shall have an alcohol test within two (2) hours of the accident or present justification as to why not.

(b) The employer will accept the results of a breathalyzer administered by the investigating law enforcement agency.

(c) No employee required to take a post-accident alcohol test shall use alcohol for eight (8) hours following the accident, or until he/she undergoes a post-accident alcohol test, whichever occurs first.

(d) If the test is not administered within eight hours, employer shall cease efforts to administer the test and maintain a record of same.

(e) Failure to remain available for testing shall be deemed as a refusal.

### 2. Controlled Substances:

(a) The employee shall submit to tests for controlled substances as soon within two (2) hours of the accident or present justification as to why not. If the test is not administered within 32 hours, Bloomfield Hills Schools shall cease efforts to administer the test and maintain record of same.

(b) Employees subject to post-accident testing must be provided information relative to this law and must remain readily available for testing.

(c) Failure to remain available for testing shall be deemed as a refusal.

### 3. Procedures After Accident

In the event of an accident, the employee will contact his/her immediate supervisor in the Transportation Department for instructions.

#### C. Random Testing

Alcohol and controlled substances tests will be unannounced and will be spread reasonably throughout calendar year. Employees must proceed to test site immediately upon notification.

#### Number of Tests

Alcohol: A minimum of 25 percent of average number of safety sensitive positions must be tested annually.

Controlled Substances: A minimum of 50 percent of average number of safety sensitive positions must be tested annually.

Variation: Numbers for alcohol testing may be increased or decreased by the Federal High Way Administration based on reported violation rate for the entire industry.

Selection: The selection of employees for random testing will be made by a scientifically rated method. Under the selection process, each employee has an equal chance of being tested each time selections are made.

#### D. Reasonable Suspicion

Employees are subject to alcohol and/or controlled substances testing when the Bloomfield Hills School District has reasonable suspicion to believe that he/she has violated the alcohol and/or controlled substance regulations noted in this document. Decision to test will be based on specific observations by a supervisor or administrator who is trained in accordance with law (60 minutes on alcohol misuse and 60 minutes on controlled substance abuse). Reasonable suspicion must be based upon specific, contemporaneous, articulable observations concerning such factors as the appearance, behavior, speech or body odors of the employee. The observations may also include indications of the chronic and withdrawal effects of controlled substances. A written record shall be made of the observations leading to a reasonable suspicion test.

Tests must be administered as soon as possible (and within two (2) hours for alcohol tests) or justification as to why not will be required. If not done within eight hours, Bloomfield Hills Schools shall cease attempts to administer the tests and maintain a record as to the reasons the tests were not performed.

#### E. Return Following Absence

If an employee has been absent for sixty (60) calendar days or more, the employee must submit to alcohol and controlled substance testing prior to performing a safety sensitive function.

#### F. Return to Work Following a Positive Drug or Alcohol Test

If an employee who has violated the law and Board policies is retained or returned to his/her position, the following Department of Transportation regulations will apply:

##### 1. Return to Duty

(a) Employee shall undergo return-to-duty alcohol test with negative results (an alcohol concentration of less than .02%).

(b) Employee shall undergo return-to-duty controlled substances test with negative result.

##### 2. Follow--Up Testing

Each driver testing positive is subject to unannounced follow-up alcohol and/or controlled substances test at least six times in first 12 months. Follow-up testing may continue for up to 60 months.

#### G. On Duty Time

Employees will be paid for all time spent providing a breath sample or urine specimen, including travel time to and from the collection site, for the purposes of random, reasonable suspicion, post accident or follow up testing.

### IV. CONFIDENTIALITY

All actions taken by Bloomfield Hills Schools under the authority of the regulation will be taken to insure the confidentiality of the employees. Information related to investigations, possible employee violations, or drug or alcohol screening test results will be communicated only on a need-to-know basis. Any other release of this information will only be with the employee's consent.

#### A. Need to Know

For the purposes of our regulations, need to know includes, but is not limited to, the following:

- a.) Assistant Superintendent for Personnel, Bloomfield Hills Schools, or his/her designee
- b.) Human Resources Manager, Bloomfield Hills Schools
- c.) Transportation Manager, Bloomfield Hills Schools, and Supervisors acting on behalf of the

Transportation Manager

d.) Director of Plant, Facility & Operations

e.) Superintendent of Bloomfield Hills Schools, or his/her designee

f.) Auditors or Enforcement Officials of the U. S. Department of Transportation, Michigan Department of Transportation, Motor Carrier Division of the Michigan State Police.

g.) Authorized staff of Kingswood Urgent Medical Center, or other medical facility used by Bloomfield Hills Schools to implement this regulation.

h.) Authorized staff of any third party administrator used by Bloomfield Hills Schools to implement this regulation.

i.) The Drug Testing Laboratory.

j.) Medical Review Officer (MRO)

k.) The Substance Abuse Professional (SAP)

l.) The Breath Alcohol Tester

m.) Necessary Union officials

n.) A subsequent employer (upon receipt of written authorization by the employee).

## B. Confidential Discussions

All discussions with employees will be conducted as privately as circumstances permit. The employee may exercise his/her rights under the terms of the collective bargaining agreement to have his/her steward (or other Union officials) present if so desired. The Union officials are also subject to the same rules of confidentiality.

Exceptions to the above are may include a decision maker in arbitration, litigation or administrative proceedings arising from a violation of these rules. Statistical records and reports are maintained by the Bloomfield Hills School District and laboratories. This is aggregated data and is used to monitor compliance with the rules and to assess the effectiveness of the drug testing programs.

## V. METHODS OF TESTING FOR ALCOHOL AND CONTROLLED SUBSTANCES

### A. Breath Alcohol Testing

#### 1. Summary:

Rules require breath testing using evidential breath testing (EBT) devices approved by the National Highway Traffic Safety Association. Two breath tests may be required to determine if a person has a prohibited alcohol concentration. A screening or preliminary breath test (PBT) is conducted first. Any result less than 0.02 alcohol concentration is considered a "negative" test. If 0.02 or greater, a second confirmation test must be conducted. The employee and the individual conducting the breath test (called a breath alcohol technician (BAT) complete the alcohol testing form to ensure that results are properly recorded. The confirmation test, if required, must be conducted using an evidential breath-testing device (EBT) that prints out the results, date and time, a sequential test number to ensure the reliability of the results.

Alcohol testing will be performed while the employee is performing safety sensitive functions, or just before the employee is to perform safety-sensitive functions, or just after the employee has ceased performing such functions. Exceptions to these times are (a) pre-employment testing, (b)

as specified in the requirements for post-accident testing, and (c) testing upon return to work following an absence of sixty (60) days or more.

## 2. Breath Alcohol Testing

### (a) Less than 0.02%

Any result less than 0.02% is considered a negative test.

### (b) Refusal to Take Test

Any employee who refuses to submit to a breath alcohol test will be considered to have a positive test result. The employee shall be immediately suspended, without pay, and subject to further discipline, up to and including discharge.

(1) The employee who refuses to submit to a breath alcohol test and was operating a commercial motor vehicle will be considered to have a Blood Alcohol Level (BAL) of above .04 percent and is to be disqualified from operating a commercial motor vehicle until such time as they can successfully pass a chemical analysis of breath. Michigan's motor carrier safety regulations require that a driver refusing to submit to a chemical test will have their CDL suspended for a period of one (1) year.

(2) Under the terms of the Act (49 CFR, Part 382, Subpart A, 382.211), no employer shall permit a driver who refuses to submit to a required alcohol or controlled substance test to perform or continue to perform safety sensitive functions.

## 3. Breath Alcohol Level of 0.02% to 0.04%

Any employee whose breath alcohol level measures .02 percent or more, but less than .04 percent as measured by a PBT and confirmed by an Evidential Breath Test (EBT) will be immediately removed from his/her safety-sensitive position and will be suspended, without pay, for a period of at least 24 hours and until the person can successfully pass an alcohol breath test. An employee who meets these criteria will be considered on a mandatory 24 hour stand down order.

(a) According to Federal Motor Carrier Safety Regulation (FMCSR) 392.5, a person, whether licensed or not, whose breath contains .02 percent or more but less than .04 percent by weight of alcohol shall not operate a commercial motor vehicle within the state of Michigan.

(b) Any vehicle or equipment being operated by an employee testing positive for alcohol use to these levels will be shut down until such time as a designated representative of the District can retrieve the students, vehicle and/or equipment. (This situation is likely to occur if there is an accident.) "Shut down" means that the employee who has tested positive for alcohol (or controlled substances) is prohibited from operating the commercial motor vehicle.

(c) Any employee determined to have violated the mandatory twenty-four (24) hour stand down

order or who operates a Bloomfield Hills vehicle which has been shut down will be considered to be in violation of these regulations and will be subject to disciplinary action up to and including discharge.

(d) Any employee who operates a commercial motor vehicle in violation of a law enforcement imposed out-of-service order can be presumed guilty of a misdemeanor and may have their CDL suspended for a period of one (1) year. Such an action would disqualify that employee from continued employment in a position requiring a CDL. (Michigan law imposes a 24-hour out-of-service order if an employee (1) refuses to take a PBT, (2) consumes alcohol within four hours prior to operating a commercial motor vehicle (CMV), (3) consumes alcohol while operating a CMV, or (4) has a blood alcohol concentration of .015% or higher.)

#### 4.) Breath Alcohol Level of .041 to .07 percent

A positive PBT confirmed by an EBT for the presence of alcohol in the body at .041 to .07 percent by weight of alcohol while on duty, will be suspended, without pay, from duty and the following actions will be taken:

(a) Any vehicle or equipment being operated by an employee testing positive for alcohol use to these levels will be shut down until such time as a designated representative of the District can retrieve the students, vehicle and/or equipment.

(b) Following the evidentiary breath test, the employee will be transported to his/her home or place of residence by the District, or the District will make arrangements to transport the employee to his/her home or place of residence.

(c) The employee will be suspended, without pay, relieved of his/her driving duties and referred to a qualified and licensed substance abuse professional (SAP) to determine the extent of dependence and treatment required. The employee is responsible for payment of the SAP's services. An employee may use his/her medical insurance for this purpose if such coverage is available to the employee.

(d) State regulations indicate a person found guilty under this provision may face penalties of \$300 fine and/or 90 days in jail and a suspension of their CDL for a period of one (1) year.

#### 5.) Breath Alcohol Level of .07 percent or higher

In the state of Michigan, a commercial driver found operating a commercial motor vehicle with a breath alcohol level of .07 to .10 percent by weight of alcohol is to be presumed to be substantially impaired. As a result, any employees with a breath alcohol level of .07 or higher will

(a) be suspended without pay,

(b) be referred to a substance abuse professional for an assessment of his/her condition. The employee is responsible for payment of the SAP's services. An employee may use his/her medical insurance for this purpose if such coverage is available to the employee.

(c) be relieved from driving duties, disqualified from further employment as a commercial driver until a disposition of his/her case is reached by the District and considering the recommendations of the SAP. The employee will face disciplinary action and be subject to termination at a disciplinary hearing.

## B. Drugs

### 1. Substance Testing

Testing is conducted by analyzing a urine specimen. The analysis is performed at laboratories certified and monitored by the Department of Health and Human Services (DHHS). All substance testing collections will be performed by trained employees of:

Kingswood Urgent Medical Center Specialists Limited  
1996-A Woodward Avenue 6484 Faust  
Bloomfield Hills, MI 48302 Detroit, MI 48228  
(810) 334-6850 (313) 271-9194

The Bloomfield Hills Schools may, at its discretion, change the clinic or agency which will perform the testing. If a change occurs, Bloomfield Hills Schools will immediately notify the union.

2. At the discretion of Bloomfield Hills Schools, the collection of urine may be performed at Kingswood Urgent Medical Center or Specialists Limited, or may be performed on site. However, an employee will be transported to and from the collection site in all cases involving reasonable suspicion (for cause) or post-accident testing. Should the test prove negative, the employee will be returned to work without discipline or loss of pay. Positive testing of drug or alcohol use or abuse or refusal to submit to this testing can be grounds for discipline, up to and including termination, according to section VI of this regulation.

3. The analysis is performed at laboratories certified and monitored by the Department of Health and Human Services (DHHS).

### 4. Procedures

(a) The employee will provide a urine specimen in accordance with clinic regulations.

(b) Test Use: Any urine specimens collected may only be used to test for controlled substances designated or approved for testing and shall not be used to conduct any other analysis or test unless otherwise specifically authorized by the Federal Highway Administration regulations.

(c) Split Samples: The specimen will consist of not less than 45 milliliters of urine; 30 of which will be poured into a container for initial testing and 15 ml of which will be poured into a second container for storage by the testing laboratory for a period of not less than 60 days from receipt of both specimens by the lab. (Note: these are the present requirements of the DOT. Bloomfield Hills Schools will modify this requirement in accordance with any changes by the DOT.)



(d) The clinician will then seal and label the specimen in the presence of the employee. The clinician will also complete a chain of custody document and prepare the specimen and accompanying paperwork for shipment to a DHHS certified laboratory. The specimen collection procedures and chain of custody ensure that the specimen's security, proper identification and integrity are not compromised.

Only the primary specimen is opened and used for the urinalysis. The split specimen remains sealed and stored. If the analysis of the primary specimen confirms the presence of illegal, controlled substances, the employee has 72 hours to request the split specimen to be sent to another DHHS certified laboratory for analysis. This split specimen procedure essentially provides the employee with an opportunity for a second opinion.

#### 5. Failure to Provide Adequate Urine

An employee must provide at least 45 milliliters of urine. Failure to provide an adequate amount of urine is considered a refusal to submit to a controlled substance test, and the employee is considered to have engaged in actions prohibited by this regulation and can result in discipline including suspension without pay, up to and including discharge.

If an employee is unable to provide the minimum amount of urine, the clinician will have the employee drink up to 24 ounces of fluid and try to provide a sample within two (2) hours. If the employee is still unable to provide sufficient urine, the test is stopped, and the employee is sent for a medical evaluation to determine if there is a legitimate reason for failure to provide a specimen or if there is a refusal to submit a specimen.

#### 6. Failure to Submit to a Controlled Substance Test

An employee who fails to submit to a controlled substance test as required by this regulation, is considered to have engaged in actions prohibited by this regulation. The employee will be immediately suspended, without pay, and at a disciplinary hearing, the employee will be subject to discharge.

#### C. Review and Interpretation

All drug test results are reviewed and interpreted by a physician, called the medical review officer (MRO), before they are reported to the employer. If the lab reports a positive result to the MRO, the MRO will contact the employee (in person or by telephone) and conduct an interview to determine if there is an alternative medical explanation for the drugs found in the employee's urine specimen. For all the drugs except PCP, there are some limited, legitimate medical uses that may explain the positive test result. If the employee provides appropriate documentation and the MRO determines that it is legitimate medical use of the prohibited drug, the drug test result is reported as negative to the employer. (If the MRO is unable to reach the employee within 72 hours, the

employer is notified.) If no medical explanation is satisfactory regarding the positive test, then the employee may request that the sealed split specimen be sent to another Department of Health and Human Services laboratory of his/her choosing at his/her expense for confirmation testing. Should the results then be negative, the employee will be reimbursed by the District for the expense of that second testing.

## VI. ZERO TOLERANCE PROVISION

It is not the intent of Bloomfield Hills Schools to cause undue hardships, prolong suffering caused by addiction or dependence to controlled substances or alcohol, or invoke unreasonable disciplinary action. We are, however, responsible for the actions of our employees during the scope of their employment. For us to allow employees with positive drug or alcohol tests to continue to work in safety sensitive capacities places us in the position of having potential liability for negligent retention. This means that Bloomfield Hills Schools knew about the positive test but allowed the employee to continue working in a safety sensitive position.

### A. Last Chance Probation

As a result, any of our employees who test positive within the lower levels of alcohol use (.02 to .04 percent breath alcohol) as determined by an evidential breath-testing device will be placed on last chance probation. Last chance probation requires:

1.) frequent unannounced alcohol and drug tests administered to last-chance employees in accordance with the following provisions:

(a) random alcohol breath testing and drug testing will be administered at least six times in the succeeding twelve month period following assignment of last-chance status, and

(b) any employee on last chance probation testing .02 or higher as confirmed by an evidential breath testing device, or testing positive for illegal drugs will be terminated from employment.

### 2.) Exclusions

There will be no last chance probation for employees who have positive controlled substance test results. The use and misuse of controlled substances is not only inconsistent with the safety of our drivers, employees, students and administrators, it is also illegal. As a result, any employee testing positive for the use of any of the substances identified in Section II (D) of this policy, or who refuses to submit to a test, will be suspended without pay, will be referred to a substance abuse professional and, at a disciplinary hearing, the employee will be subject to termination from employment.

### B. Breath Alcohol Level of .041 to .07 percent

1.) An employee covered by this regulation who has a confirmed presence of alcohol in his/her body at .041 to .07 percent by weight of alcohol while on duty, while reporting to duty or within eight (8) hours of a reportable accident, is disqualified from driving a commercial motor vehicle for

Bloomfield Hills Schools.

2.) An employee testing in this range will be immediately suspended without pay.

3.) Such employee may be considered for reinstatement under certain considerations, however, such employee will not be reinstated to a position requiring a CDL. In order to be considered for reinstatement to another position within the bargaining unit, the employee must successfully complete the treatment plan outlined by the SAP and agree to submit to and pay for follow-up testing consisting of not less than six (6) unannounced alcohol and controlled substances tests in the 12 months following completion of treatment. The cost of any treatment shall be paid by the employee.

4.) The employee will continue be considered on suspension, without pay, until such time as the results of the assessment are reviewed by the District and/or the employee enrolls in and completes a supervised treatment program. Return to work following a first offense of this kind of violation is dependent upon successfully completing a supervised treatment program. The employee shall provide all information necessary for the District to make an accurate assessment whether the employee has successfully completed the program. While the employee is enrolled in a treatment program, the employee may use his/her available leave or vacation days according to Article XV of the contract.

5.) Return to work is also dependent upon a position being available for the employee that does not require a CDL. Until such a position becomes available, the employee shall continue to be suspended without pay. Placement in another position is contingent upon agreement by the Union, shall not be subject to the grievance process by the Union or any member of the bargaining unit.

6.) Any employee reinstated under this provision is subject to the frequent unannounced random drug and alcohol tests as provided in Section E (a) above. Any such employee who tests 0.02% or higher, as confirmed by an evidential breath testing device, or who tests positive for illegal drugs, will be terminated from employment.

#### C. Breath Alcohol Level of .07 percent or higher

Any employee covered by this regulation with a confirmed breath alcohol level of 0.07% or higher shall be suspended without pay, shall not be reinstated to any position in Bloomfield Hills Schools and, at a disciplinary hearing, the employee will be subject to termination.

#### D. Referral to a Substance Abuse Professional

1.) Each employee who engages in conduct prohibited by this regulation shall be evaluated by a Substance Abuse Professional (SAP) as discussed above.

2.) Before the employee returns to duty under the conditions described above, the employee will undergo a return-to-duty alcohol test with a result indicating an alcohol concentration of less than .02 or a controlled-substance test with a verified negative result.

3.) Such employee shall be subject to unannounced follow up alcohol and controlled substances testing as directed by the SAP, which consists of at least six tests in the first 12 months following the employee's return to duty. The follow-up testing shall not exceed 60 months from the date of the employee's return to duty. The SAP may terminate the requirement for follow-up testing at any time after the first 6 tests have been administered, if the SAP determines that follow-up testing is no longer necessary.

## VII. NOTIFICATION OF CRIMINAL ARREST

As a condition of employment, and in accordance with the Drug Free Workplace Act of 1988 and Board Policy 4506: Regulating a Drug Free Workplace, all employees will notify Bloomfield Hills Schools of any criminal drug statute arrest for a drug violation or related offense occurring on any property owned or operated by Bloomfield Hills Schools, including any site where work is performed by the employee and where any vehicles are owned or operated by Bloomfield Hills Schools.

1. A drug violation is any offense that is considered to be in violation of the Controlled Substance Act (CSA) or any applicable state or local law or ordinance controlling the use, possession, distribution, sale, manufacturing or dispensation of any substance listed within the CSA.
2. This provision also includes any other locations or modes of transportation to and from those locations while in the course and scope of employment.
3. The employee must notify his/her immediate supervisor of any such arrest within five (5) days of the conviction. The immediate supervisor will report the incident to the Assistant Superintendent for Personnel of the Bloomfield Hills Schools.
4. No later than 30 days following a conviction of a drug violation in the workplace, employees will be subject to termination.

## VIII. RECORDS RETENTION

### REQUIREMENTS:

Bloomfield Hills School District shall maintain records of its alcohol misuse and controlled substances use prevention programs. Records shall be maintained in a secure location with controlled access.

Records shall be maintained in accordance with rules:

- a. One Year: Negative and canceled controlled substances test results and alcohol test results with less than 0.02.

b. Two Years: Records related to process and training.

c. Five Years: Alcohol test results of 0.02 or greater; verified positive controlled substances; refusals; calibration documentation; evaluation and referrals; annual calendar summary.

d. Maintained: All other records.

The Bloomfield Hills School District shall prepare and maintain an annual calendar year summary of test results. If notified by the Federal Highway Administration in January, this annual summary of the previous year must be sent to them by March 15.

## IX. EDUCATION AND TRAINING

Prior to testing, the Bloomfield Hills School District will provide new and existing employees with educational materials, which explain the requirements of the law and the employer's policies. Representatives of employee organizations will also be given this information.

## X. WHAT IS SUBSTANCE ABUSE

It's the harmful or dangerous use of alcohol or other drugs.

Affects all types of workers:

Male and female, young and old -- anyone can have a problem with substance abuse.

Can be prevented or treated:

Professionals can treat problems that exist now -- and people working together can prevent problems from occurring in the future.

Everyone pays for substance abuse at work!

Abusers

often have legal and health problems, conflicts at home, accidents on and off the job.

Their families

may be affected by divorce, domestic violence, child abuse, and sexual abuse.

Other workers

find working with abusers can be unpleasant and dangerous, affecting safety, efficiency, satisfaction and enjoyment.

Employers

are affected through safety, production, attitude and much more.

Alcohol is the most commonly abused drug. Even moderate use greatly increases the risk of a

motor vehicle or other accident.

Cocaine is an addictive stimulant with unpredictable effects. It may cause coma -- or even death.

Marijuana affects coordination, short-term memory, visual tracking, and heart rate.

Prescription drugs include stimulants, depressants, and some narcotics. Used illegally or improperly, they can even cause coma and death.

Other drugs, such as PCP, LSD, heroin, mescaline and morphine cause a variety of health effects -- from hallucinations and mental confusion to convulsions and death.

Combining drugs make physical and mental effects unpredictable and often much more severe.

Substance Abuse can cause:

- Impaired Eyesight
- Slower Reaction Time
- Lessened Concentration

- Poor Judgment
- Poor Coordination

which in turn, cause:

- Motor Vehicle Accident
- Injuries from Hazardous Materials
- Fires
- Injuries from Improper Use of Tools or Machinery
- Other Injuries

GET THE HELP YOU NEED! STOP SUBSTANCE ABUSE BEFORE IT CONTROLS YOUR LIFE.  
ENCOURAGE OTHERS TO GET HELP AND SEEK HELP FOR YOURSELF BY SPEAKING WITH  
YOUR SUPERVISOR OR BY CALLING THE EMPLOYEE ASSISTANCE SERVICE (EAS) AT 1-800-  
327-6353. YOU MAY ALSO CALL OAKLAND PSYCHOLOGICAL CLINIC AT 810-335-6670 OR  
334-9210.

#### CERTIFICATE OF TRAINING AND EDUCATION

I have carefully and thoroughly read the Bloomfield Hills School District/Employee Policy regarding alcohol and substance abuse testing and agree to comply with requirements. I also understand that questions are to be directed to the Director of Transportation, the Director of Plant Facility &

Operations, or the Assistant Superintendent for Personnel or his/her designee.

Employee's  
Printed Name:

Employee's  
Signature: Date:

Administrator: Date:

Approved 1/17/95with law.

January 18, 1995

Regulation 4508.1

## **Implementation of Department of Transportation, Federal Highway Administration, Controlled Substances and Alcohol Use and Testing**

### **GENERAL PURPOSE OF DOT RULES & REGULATIONS**

The purpose of these rules is to establish programs designed to help prevent accidents and injuries resulting from the misuse of alcohol or use of controlled substances by drivers of commercial motor vehicles.

Except as expressly provided in these rules, nothing shall be construed to affect the authority of employers, or the rights of employees, with respect to the use or possession of alcohol, or the use of controlled substances, including authority and rights with respect to testing and rehabilitation. An employer is not prohibited with authority independent of this act from taking any action otherwise consistent with law.

January 18, 1995



## **Bloomfield Hills School District**

### **Implementation of Department of Transportation/Federal Highway Administration Controlled Substances and Alcohol Use and Testing**

#### **I. Policy 4508 B Drug & Alcohol Testing for Safety Sensitive Positions**

The Omnibus Transportation Employee Testing Act of 1991 requires employers to test employees holding a Commercial Driver's License (CDL), as a condition of their employment, for the illegal use of alcohol and controlled substances. To implement the Act, the following Policy was adopted by the Bloomfield Hills Board of Education on December 20, 1994:

The Board of Education and its employees will comply with the federal Omnibus Transportation Employee Testing Act of 1991 and its implementing regulations. The Administration shall develop and implement a drug and alcohol-testing program and, at a minimum, take whatever actions are necessary and appropriate in order to comply with the Act and implementing regulations.

The unlawful manufacture, distribution, possession, sale or use of a controlled or illegal substance or alcoholic beverage, is prohibited on or at all school district buildings and properties, work areas, school owned or school approved vehicles, including those used to transport students to or from school or school activities, and at school sponsored or school approved activities, events or functions, such as field trips or athletic events, which occur off school property. Violation of this policy shall result in disciplinary action up to and including discharge.

#### **II. Implementation**

##### **A. Requirement:**

The Bloomfield Hills School District will apply the following requirements for the purpose of implementing the Act:

1. The Omnibus Transportation Employee Testing Act of 1991 considers employees holding a Commercial Driver's License (CDL) and operating commercial motor vehicles to be in safety sensitive positions. Such employees are required to undergo drug and alcohol testing as a condition of employment. To implement the Act and Policy 4508, every employee who is required to have a CDL shall comply with alcohol and controlled substances testing discussed in this regulation.

2. Before performing an alcohol or controlled substances test, the Bloomfield Hills School District shall notify an employee that the test is required. Bloomfield Hills Schools shall not falsely represent that a test is being administered under the Act.

B. Starting Dates

By law, employers with fifty or more employees holding Commercial Driver's licenses as a condition of employment, as of March 17, 1994, shall implement these rules beginning January 1, 1995. Employers with fewer than fifty of such employees on March 17, 1994, shall implement these rules beginning on January 1, 1996. Bloomfield Hills Schools had more than 50 of such employees on March 17, 1994, therefore, the implementation shall begin on January 1, 1995.

C. Alcohol

In the Bloomfield Hills School District, no employee shall:

1. Use alcohol or be under the influence of alcohol within four hours before going on duty or operating, or having physical control of, a commercial motor vehicle; or
2. Use alcohol, be under the influence of alcohol, or have any measured alcohol concentration or detected presence of alcohol of .02 or more, while on duty, or operating, or in physical control of, a commercial motor vehicle; or
3. Be on duty or operate a commercial motor vehicle while the driver possesses an alcoholic beverage.
4. Be on duty or operate a commercial motor vehicle, if, by general appearance or conduct or by other substantiating evidence, the driver appears to have used alcohol within the preceding four hours.

D. Controlled Substances

In the Bloomfield Hills School District, no employee shall:

1. Report or remain on duty or be allowed to report or remain on duty requiring the performance of safety sensitive functions if the driver tests positive for controlled substances.
2. Perform or be allowed to perform safety sensitive functions when the driver uses any controlled substances, except where pursuant to the instructions of a physician who has advised the employee that the substance does not adversely affect the driver's ability to safely operate a motor vehicle

3. All substance abuse testing will be done according to the guidelines established by the U. S. Department of Health and Human Services and the Department of Transportation.
4. The controlled substances tested are for:

Marijuana (THC abolite)		Opiates (including
Cocaine	heroin)	
Amphetamines		Phencyclidine (PCP)

E. Condition of Employment

All affected employees will abide by this regulation and related policy as a condition of continued employment. The Bloomfield Hills School District shall not permit an employee who refuses or fails to cooperate with required alcohol or controlled substances tests or perform or continue to perform safety sensitive functions. Failure to cooperate may result in disciplinary action up to and including immediate suspension without pay and discharge.

F. Safety Sensitive Function

A safety sensitive position or function is a job that requires the employee to drive a commercial motor vehicle and have a CDL in order to perform that job. At this time, the following employees are considered to be in safety sensitive positions: (a) all grounds employees; (b) transportation employees (excluding secretarial staff and bus aides), including bus drivers, all mechanics, garage service attendants, dispatchers and the Transportation Director. However, Bloomfield Hills Schools may, at its discretion, also designate other job functions or positions as safety sensitive.

III. TESTS REQUIRED

There are six situations under which employees in safety sensitive positions will be subject to drug and alcohol testing. Those situations are: (1) pre-employment; (2) post-accident; (3) random testing; (4) reasonable suspicion; (5) return to work following absence and (6) return to work following a positive drug or alcohol test. These situations will be discussed below.

A. Pre-Employment

1. No employee shall perform safety-sensitive functions unless he/she has been administered an alcohol test with a measured alcohol concentration of less than .02% and has received a verified negative test for controlled substances. Applicants for positions with Bloomfield Hills Schools will pay for any pre-employment tests.

a. Controlled Substance Testing

All applicants for safety sensitive positions will submit to and pass a urine

drug screening test as part of the application process.

b. Alcohol Tests

Safety sensitive applicants will also submit to an alcohol test as a condition of accepting employment with the Bloomfield Hills Schools. Applicants testing at a level of .02 percent breath alcohol, or above, will be considered disqualified from employment, and any offer of employment will be withdrawn.

2. Exceptions to Pre-Employment Testing

(a) Alcohol

No alcohol test is required if, within the previous six months, (i.) the employee has undergone an alcohol test in conformance with these regulations, and (ii.) Bloomfield Hills Schools determines that no prior employer has records of a violation of these regulations (or the alcohol misuse rule of another Department of Transportation Agency) within the previous six months.

(b) Controlled Substance Testing

No controlled substance testing is required if the employee has participated in DOT approved drug testing program within the previous 30 days, and was tested for controlled substances within the past six months (from the date of application), or participated in a random controlled substance testing program. Bloomfield Hills Schools must determine that no prior employer has records of a violation of these regulations (or the controlled substance rule of another agency) within the previous six months.

3. Written Authorization Required

As part of the application process, all applicants shall sign a written authorization permitting Bloomfield Hills Schools to obtain information from previous employers concerning alcohol and controlled substance testing, and the results of such tests. If the applicant fails to sign the authorization, no further consideration will be given to the applicant. If Bloomfield Hills Schools is unable to obtain the above information within 14 calendar days after the first time an employee performs a safety sensitive function, Bloomfield Hills Schools is prohibited from allowing the employee to continue performing the safety sensitive function. The employee will be suspended, without pay, until the information is available.

The offer of employment will be withdrawn if Bloomfield Hills Schools obtains information that the employee had an alcohol test of 0.02% or greater, a verified positive controlled substances test or refusal to be tested.

B. Post Accident

Employees must be tested for alcohol and controlled substances as soon as possible after an accident if:

1. the accident results in personal injury requiring medical attention away from the scene or, within 30 days of the accident, the loss of a human life was involved, or
2. within 32 hours of the accident, the employee received a citation by the investigating law enforcement agency, or
3. any of the vehicles involved in the accident is unable to be driven away from the scene under its own power.

4. Alcohol:

- (a) Unless the employee is injured, the employee should not leave the scene before an alcohol test is administered. The employee shall have an alcohol test within two (2) hours of the accident or present justification as to why not.
- (b) The employer will accept the results of a breathalyzer administered by the investigating law enforcement agency.
- (c) No employee required to take a post-accident alcohol test shall use alcohol for eight (8) hours following the accident, or until he/she undergoes a post-accident alcohol test, whichever occurs first.
- (d) If the test is not administered within eight hours, employer shall cease efforts to administer the test and maintain a record of same.
- (e) Failure to remain available for testing shall be deemed as a refusal.

2. Controlled Substances:

- (a) The employee shall submit to tests for controlled substances as soon within two (2) hours of the accident or present justification as to why not. If the test is not administered within 32 hours, Bloomfield Hills Schools shall cease efforts to administer the test and maintain record of same.

- (b) Employees subject to post-accident testing must be provided information relative to this law and must remain readily available for testing.
- (c) Failure to remain available for testing shall be deemed as a refusal.

### 3. Procedures After Accident

In the event of an accident, the employee will contact his/her immediate supervisor in the Transportation Department for instructions.

#### C. Random Testing

Alcohol and controlled substances tests will be unannounced and will be spread reasonably throughout calendar year. Employees must proceed to test site immediately upon notification.

##### Number of Tests

Alcohol: A minimum of 25 percent of average number of safety sensitive positions must be tested annually.

Controlled Substances: A minimum of 50 percent of average number of safety sensitive positions must be tested annually.

Variation: Numbers for alcohol testing may be increased or decreased by the Federal High Way Administration based on reported violation rate for the entire industry.

Selection: The selection of employees for random testing will be made by a scientifically rated method. Under the selection process, each employee has an equal chance of being tested each time selections are made.

#### D. Reasonable Suspicion

Employees are subject to alcohol and/or controlled substances testing when the Bloomfield Hills School District has reasonable suspicion to believe that he/she has violated the alcohol and/or controlled substance regulations noted in this document. Decision to test will be based on specific observations by a supervisor or administrator who is trained in accordance with law (60 minutes on alcohol misuse and 60 minutes on controlled substance abuse). Reasonable suspicion must be based upon specific, contemporaneous, articulable observations concerning

such factors as the appearance, behavior, speech or body odors of the employee. The observations may also include indications of the chronic and withdrawal effects of controlled substances. A written record shall be made of the observations leading to a reasonable suspicion test.

Tests must be administered as soon as possible (and within two (2) hours for alcohol tests) or justification as to why not will be required. If not done within eight hours, Bloomfield Hills Schools shall cease attempts to administer the tests and maintain a record as to the reasons the tests were not performed.

#### E. Return Following Absence

If an employee has been absent for sixty (60) calendar days or more, the employee must submit to alcohol and controlled substance testing prior to performing a safety sensitive function.

#### F. Return to Work Following a Positive Drug or Alcohol Test

If an employee who has violated the law and Board policies is retained or returned to his/her position, the following Department of Transportation regulations will apply:

##### 1. Return to Duty

- (a) Employee shall undergo return-to-duty alcohol test with negative results (an alcohol concentration of less than .02%).
- (b) Employee shall undergo return-to-duty controlled substances test with negative result.

##### 2. Follow--Up Testing

Each driver testing positive is subject to unannounced follow-up alcohol and/or controlled substances test at least six times in first 12 months. Follow-up testing may continue for up to 60 months.

#### G. On Duty Time

Employees will be paid for all time spent providing a breath sample or urine specimen, including travel time to and from the collection site, for the purposes of random, reasonable suspicion, post accident or follow up testing.

#### IV. CONFIDENTIALITY

All actions taken by Bloomfield Hills Schools under the authority of the regulation will be taken to insure the confidentiality of the employees. Information related to investigations, possible employee violations, or drug or alcohol screening test results will be communicated only on a need-to-know basis. Any other release of this information will only be with the employee's consent.

##### A. Need to Know

For the purposes of our regulations, need to know includes, but is not limited to, the following:

- a.) Assistant Superintendent for Personnel, Bloomfield Hills Schools, or his/her designee
- b.) Human Resources Manager, Bloomfield Hills Schools
- c.) Transportation Manager, Bloomfield Hills Schools, and Supervisors acting on behalf of the Transportation Manager
- d.) Director of Plant, Facility & Operations
- e.) Superintendent of Bloomfield Hills Schools, or his/her designee
- f.) Auditors or Enforcement Officials of the U. S. Department of Transportation, Michigan Department of Transportation, Motor Carrier Division of the Michigan State Police.
- g.) Authorized staff of Kingswood Urgent Medical Center, or other medical facility used by Bloomfield Hills Schools to implement this regulation.
- h.) Authorized staff of any third party administrator used by Bloomfield Hills Schools to implement this regulation.
- i.) The Drug Testing Laboratory.
- j.) Medical Review Officer (MRO)
- k.) The Substance Abuse Professional (SAP)
- l.) The Breath Alcohol Tester
- m.) Necessary Union officials
- n.) A subsequent employer (upon receipt of written authorization by the employee).

##### B. Confidential Discussions

All discussions with employees will be conducted as privately as circumstances permit. The employee may exercise his/her rights under the terms of the collective bargaining agreement to have his/her steward (or other Union officials) present if so desired. The Union officials are also subject to the same rules of confidentiality.

Exceptions to the above are may include a decision maker in arbitration, litigation or administrative proceedings arising from a violation of these rules. Statistical records and reports are maintained by the Bloomfield Hills School District and laboratories. This is aggregated data and is used to monitor compliance with the rules and to assess the effectiveness of the drug testing programs.



## V. METHODS OF TESTING FOR ALCOHOL AND CONTROLLED SUBSTANCES

### A. Breath Alcohol Testing

#### 1. Summary:

Rules require breath testing using evidential breath testing (EBT) devices approved by the National Highway Traffic Safety Association. Two breath tests may be required to determine if a person has a prohibited alcohol concentration. A screening or preliminary breath test (PBT) is conducted first. Any result less than 0.02 alcohol concentration is considered a "negative" test. If 0.02 or greater, a second confirmation test must be conducted. The employee and the individual conducting the breath test (called a breath alcohol technician (BAT) complete the alcohol testing form to ensure that results are properly recorded. The confirmation test, if required, must be conducted using an evidential breath-testing device (EBT) that prints out the results, date and time, a sequential test number to ensure the reliability of the results.

Alcohol testing will be performed while the employee is performing safety sensitive functions, or just before the employee is to perform safety-sensitive functions, or just after the employee has ceased performing such functions. Exceptions to these times are (a) pre-employment testing, (b) as specified in the requirements for post-accident testing, and (c) testing upon return to work following an absence of sixty (60) days or more.

#### 2. Breath Alcohol Testing

##### (a) Less than 0.02%

Any result less than 0.02% is considered a negative test.

##### (b) Refusal to Take Test

Any employee who refuses to submit to a breath alcohol test will be considered to have a positive test result. The employee shall be immediately suspended, without pay, and subject to further discipline, up to and including discharge.

- (1) The employee who refuses to submit to a breath alcohol test and was operating a commercial motor vehicle will be considered to have a Blood Alcohol Level (BAL) of above .04 percent and is to be disqualified from operating a commercial motor vehicle until such time as they can successfully pass a chemical analysis of breath. Michigan's motor carrier safety regulations require that a driver refusing to submit to a chemical test will have their CDL suspended for a period of one (1) year.

- (2) Under the terms of the Act (49 CFR, Part 382, Subpart A, 382.211), no employer shall permit a driver who refuses to submit to a required alcohol or controlled substance test to perform or continue to perform safety sensitive functions.

3. Breath Alcohol Level of 0.02% to 0.04%

Any employee whose breath alcohol level measures .02 percent or more, but less than .04 percent as measured by a PBT and confirmed by an Evidential Breath Test (EBT) will be immediately removed from his/her safety-sensitive position and will be suspended, without pay, for a period of at least 24 hours and until the person can successfully pass an alcohol breath test. An employee who meets these criteria will be considered on a mandatory 24 hour stand down order.

- (a) According to Federal Motor Carrier Safety Regulation (FMCSR) 392.5, a person, whether licensed or not, whose breath contains .02 percent or more but less than .04 percent by weight of alcohol shall not operate a commercial motor vehicle within the state of Michigan.
- (b) Any vehicle or equipment being operated by an employee testing positive for alcohol use to these levels will be shut down until such time as a designated representative of the District can retrieve the students, vehicle and/or equipment. (This situation is likely to occur if there is an accident.) "Shut down" means that the employee who has tested positive for alcohol (or controlled substances) is prohibited from operating the commercial motor vehicle.
- (c) Any employee determined to have violated the mandatory twenty-four (24) hour stand down order or who operates a Bloomfield Hills vehicle which has been shut down will be considered to be in violation of these regulations and will be subject to disciplinary action up to and including discharge.
- (d) Any employee who operates a commercial motor vehicle in violation of a law enforcement imposed out-of-service order can be presumed guilty of a misdemeanor and may have their CDL suspended for a period of one (1) year. Such an action would disqualify that employee from continued employment in a position requiring a CDL. (Michigan law imposes a 24-hour out-of-service order if an employee (1) refuses to take a PBT, (2) consumes alcohol within four hours prior to operating a commercial motor vehicle (CMV), (3) consumes alcohol while operating a CMV, or (4) has a blood alcohol concentration of .015% or higher.)

4.) Breath Alcohol Level of .041 to .07 percent

A positive PBT confirmed by an EBT for the presence of alcohol in the body at .041 to .07 percent by weight of alcohol while on duty, will be suspended, without pay, from duty and the following actions will be taken:

- (a) Any vehicle or equipment being operated by an employee testing positive for alcohol use to these levels will be shut down until such time as a designated representative of the District can retrieve the students, vehicle and/or equipment.
- (b) Following the evidentiary breath test, the employee will be transported to his/her home or place of residence by the District, or the District will make arrangements to transport the employee to his/her home or place of residence.
- (c) The employee will be suspended, without pay, relieved of his/her driving duties and referred to a qualified and licensed substance abuse professional (SAP) to determine the extent of dependence and treatment required. The employee is responsible for payment of the SAP's services. An employee may use his/her medical insurance for this purpose if such coverage is available to the employee.
- (d) State regulations indicate a person found guilty under this provision may face penalties of \$300 fine and/or 90 days in jail and a suspension of their CDL for a period of one (1) year.

5.) Breath Alcohol Level of .07 percent or higher

In the state of Michigan, a commercial driver found operating a commercial motor vehicle with a breath alcohol level of .07 to .10 percent by weight of alcohol is to be presumed to be substantially impaired. As a result, any employees with a breath alcohol level of .07 or higher will

- (a) be suspended without pay,
- (b) be referred to a substance abuse professional for an assessment of his/her condition. The employee is responsible for payment of the SAP's services. An employee may use his/her medical insurance for this purpose if such coverage is available to the employee.
- (c) be relieved from driving duties, disqualified from further employment as a commercial driver until a disposition of his/her case is reached by the District and considering the recommendations of the SAP. The employee will face disciplinary action and be subject to termination at a disciplinary hearing.

B. Drugs

1. Substance Testing

Testing is conducted by analyzing a urine specimen. The analysis is performed at laboratories certified and monitored by the Department of Health and Human Services (DHHS). All substance testing collections will be performed by trained employees of:

Kingswood Urgent Medical Center  
1996-A Woodward Avenue  
Bloomfield Hills, MI 48302  
(810) 334-6850

Specialists Limited  
6484 Faust  
Detroit, MI 48228  
(313) 271-9194

The Bloomfield Hills Schools may, at its discretion, change the clinic or agency which will perform the testing. If a change occurs, Bloomfield Hills Schools will immediately notify the union.

2. At the discretion of Bloomfield Hills Schools, the collection of urine may be performed at Kingswood Urgent Medical Center or Specialists Limited, or may be performed on site. However, an employee will be transported to and from the collection site in all cases involving reasonable suspicion (for cause) or post-accident testing. Should the test prove negative, the employee will be returned to work without discipline or loss of pay. Positive testing of drug or alcohol use or abuse or refusal to submit to this testing can be grounds for discipline, up to and including termination, according to section VI of this regulation.
3. The analysis is performed at laboratories certified and monitored by the Department of Health and Human Services (DHHS).
4. Procedures
  - (a) The employee will provide a urine specimen in accordance with clinic regulations.
  - (b) Test Use: Any urine specimens collected may only be used to test for controlled substances designated or approved for testing and shall not be used to conduct any other analysis or test unless otherwise specifically authorized by the Federal Highway Administration regulations.
  - (c) Split Samples: The specimen will consist of not less than 45 milliliters of urine; 30 of which will be poured into a container for initial testing and 15 ml of which will be poured into a second container for storage by the testing laboratory for a period of not less than 60 days from receipt of both specimens by the lab. (Note: these are the present requirements of the DOT. Bloomfield Hills Schools will modify this requirement in accordance with any changes by the DOT.)

- (d) The clinician will then seal and label the specimen in the presence of the employee. The clinician will also complete a chain of custody document and prepare the specimen and accompanying paperwork for shipment to a DHHS certified laboratory. The specimen collection procedures and chain of custody ensure that the specimen's security, proper identification and integrity are not compromised.

Only the primary specimen is opened and used for the urinalysis. The split specimen remains sealed and stored. If the analysis of the primary specimen confirms the presence of illegal, controlled substances, the employee has 72 hours to request the split specimen to be sent to another DHHS certified laboratory for analysis. This split specimen procedure essentially provides the employee with an opportunity for a second opinion.

#### 5. Failure to Provide Adequate Urine

An employee must provide at least 45 milliliters of urine. Failure to provide an adequate amount of urine is considered a refusal to submit to a controlled substance test, and the employee is considered to have engaged in actions prohibited by this regulation and can result in discipline including suspension without pay, up to and including discharge.

If an employee is unable to provide the minimum amount of urine, the clinician will have the employee drink up to 24 ounces of fluid and try to provide a sample within two (2) hours. If the employee is still unable to provide sufficient urine, the test is stopped, and the employee is sent for a medical evaluation to determine if there is a legitimate reason for failure to provide a specimen or if there is a refusal to submit a specimen.

#### 6. Failure to Submit to a Controlled Substance Test

An employee who fails to submit to a controlled substance test as required by this regulation, is considered to have engaged in actions prohibited by this regulation. The employee will be immediately suspended, without pay, and at a disciplinary hearing, the employee will be subject to discharge.

### C. Review and Interpretation

All drug test results are reviewed and interpreted by a physician, called the medical review officer (MRO), before they are reported to the employer. If the lab reports a positive result to the MRO, the MRO will contact the employee (in person or by telephone) and conduct an interview to determine if there is an alternative medical explanation for the drugs found in the employee's urine specimen. For all the drugs except PCP, there are some limited, legitimate

medical uses that may explain the positive test result. If the employee provides appropriate documentation and the MRO determines that it is legitimate medical use of the prohibited drug, the drug test result is reported as negative to the employer. (If the MRO is unable to reach the employee within 72 hours, the employer is notified.) If no medical explanation is satisfactory regarding the positive test, then the employee may request that the sealed split specimen be sent to another Department of Health and Human Services laboratory of his/her choosing at his/her expense for confirmation testing. Should the results then be negative, the employee will be reimbursed by the District for the expense of that second testing.

#### VI. ZERO TOLERANCE PROVISION

It is not the intent of Bloomfield Hills Schools to cause undue hardships, prolong suffering caused by addiction or dependence to controlled substances or alcohol, or invoke unreasonable disciplinary action. We are, however, responsible for the actions of our employees during the scope of their employment. For us to allow employees with positive drug or alcohol tests to continue to work in safety sensitive capacities places us in the position of having potential liability for negligent retention. This means that Bloomfield Hills Schools knew about the positive test but allowed the employee to continue working in a safety sensitive position.

##### A. Last Chance Probation

As a result, any of our employees who test positive within the lower levels of alcohol use (.02 to .04 percent breath alcohol) as determined by an evidential breath-testing device will be placed on last chance probation. Last chance probation requires:

- 1.) frequent unannounced alcohol and drug tests administered to last-chance employees in accordance with the following provisions:
  - (a) random alcohol breath testing and drug testing will be administered at least six times in the succeeding twelve month period following assignment of last-chance status, and
  - (b) any employee on last chance probation testing .02 or higher as confirmed by an evidential breath testing device, or testing positive for illegal drugs will be terminated from employment.
- 2.) Exclusions  
There will be no last chance probation for employees who have positive controlled substance test results. The use and misuse of controlled substances is not only inconsistent with the safety of our drivers, employees, students and administrators, it is also illegal. As a result, any employee testing positive for the use of any of the substances identified in Section II (D) of this policy, or who refuses to submit to a test,

will be suspended without pay, will be referred to a substance abuse professional and, at a disciplinary hearing, the employee will be subject to termination from employment.

B. Breath Alcohol Level of .041 to .07 percent

- 1.) An employee covered by this regulation who has a confirmed presence of alcohol in his/her body at .041 to .07 percent by weight of alcohol while on duty, while reporting to duty or within eight (8) hours of a reportable accident, is disqualified from driving a commercial motor vehicle for Bloomfield Hills Schools.
- 2.) An employee testing in this range will be immediately suspended without pay.
- 3.) Such employee may be considered for reinstatement under certain considerations, however, such employee will not be reinstated to a position requiring a CDL. In order to be considered for reinstatement to another position within the bargaining unit, the employee must successfully complete the treatment plan outlined by the SAP and agree to submit to and pay for follow-up testing consisting of not less than six (6) unannounced alcohol and controlled substances tests in the 12 months following completion of treatment. The cost of any treatment shall be paid by the employee.
- 4.) The employee will continue be considered on suspension, without pay, until such time as the results of the assessment are reviewed by the District and/or the employee enrolls in and completes a supervised treatment program. Return to work following a first offense of this kind of violation is dependent upon successfully completing a supervised treatment program. The employee shall provide all information necessary for the District to make an accurate assessment whether the employee has successfully completed the program. While the employee is enrolled in a treatment program, the employee may use his/her available leave or vacation days according to Article XV of the contract.
- 5.) Return to work is also dependent upon a position being available for the employee that does not require a CDL. Until such a position becomes available, the employee shall continue to be suspended without pay. Placement in another position is contingent upon agreement by the Union, shall not be subject to the grievance process by the Union or any member of the bargaining unit.
- 6.) Any employee reinstated under this provision is subject to the frequent unannounced random drug and alcohol tests as provided in Section E (a) above. Any such employee who tests 0.02% or higher, as confirmed by an

evidential breath testing device, or who tests positive for illegal drugs, will be terminated from employment.

C. Breath Alcohol Level of .07 percent or higher

Any employee covered by this regulation with a confirmed breath alcohol level of 0.07% or higher shall be suspended without pay, shall not be reinstated to any position in Bloomfield Hills Schools and, at a disciplinary hearing, the employee will be subject to termination.

D. Referral to a Substance Abuse Professional

- 1.) Each employee who engages in conduct prohibited by this regulation shall be evaluated by a Substance Abuse Professional (SAP) as discussed above.
- 2.) Before the employee returns to duty under the conditions described above, the employee will undergo a return-to-duty alcohol test with a result indicating an alcohol concentration of less than .02 or a controlled-substance test with a verified negative result.
- 3.) Such employee shall be subject to unannounced follow up alcohol and controlled substances testing as direct by the SAP, which consists of at least six tests in the first 12 months following the employee's return to duty. The follow-up testing shall not exceed 60 months from the date of the employee's return to duty. The SAP may terminate the requirement for follow-up testing at any time after the first 6 tests have been administered, if the SAP determines that follow-up testing is no longer necessary.

VII. NOTIFICATION OF CRIMINAL ARREST

As a condition of employment, and in accordance with the Drug Free Workplace Act of 1988 and Board Policy 4506: Regulating a Drug Free Workplace, all employees will notify Bloomfield Hills Schools of any criminal drug statute arrest for a drug violation or related offense occurring on any property owned or operated by Bloomfield Hills Schools, including any site where work is performed by the employee and where any vehicles are owned or operated by Bloomfield Hills Schools.

1. A drug violation is any offense that is considered to be in violation of the Controlled Substance Act (CSA) or any applicable state or local law or ordinance controlling the use, possession, distribution, sale, manufacturing or dispensation of any substance listed within the CSA.



2. This provision also includes any other locations or modes of transportation to and from those locations while in the course and scope of employment.
3. The employee must notify his/her immediate supervisor of any such arrest within five (5) days of the conviction. The immediate supervisor will report the incident to the Assistant Superintendent for Personnel of the Bloomfield Hills Schools.
4. No later than 30 days following a conviction of a drug violation in the workplace, employees will be subject to termination.

#### VIII. RECORDS RETENTION

##### REQUIREMENTS:

Bloomfield Hills School District shall maintain records of its alcohol misuse and controlled substances use prevention programs. Records shall be maintained in a secure location with controlled access.

Records shall be maintained in accordance with rules:

- a. One Year: Negative and canceled controlled substances test results and alcohol test results with less than 0.02.
- b. Two Years: Records related to process and training.
- c. Five Years: Alcohol test results of 0.02 or greater; verified positive controlled substances; refusals; calibration documentation; evaluation and referrals; annual calendar summary.
- d. Maintained: All other records.

The Bloomfield Hills School District shall prepare and maintain an annual calendar year summary of test results. If notified by the Federal Highway Administration in January, this annual summary of the previous year must be sent to them by March 15.

#### IX. EDUCATION AND TRAINING

Prior to testing, the Bloomfield Hills School District will provide new and existing employees with educational materials, which explain the requirements of the law and the employer's policies. Representatives of employee organizations will also be given this information.

#### X. WHAT IS SUBSTANCE ABUSE

It's the harmful or dangerous use of alcohol or other drugs.

Affects all types of workers:

Male and female, young and old -- anyone can have a problem with substance abuse.

Can be prevented or treated:

Professionals can treat problems that exist now -- and people working together can prevent problems from occurring in the future.

Everyone pays for substance abuse at work!

Abusers

often have legal and health problems, conflicts at home, accidents on and off the job.

Their families

may be affected by divorce, domestic violence, child abuse, and sexual abuse.

Other workers

find working with abusers can be unpleasant and dangerous, affecting safety, efficiency, satisfaction and enjoyment.

Employers

are affected through safety, production, attitude and much more.

Alcohol is the most commonly abused drug. Even moderate use greatly increases the risk of a motor vehicle or other accident.

Cocaine is an addictive stimulant with unpredictable effects. It may cause coma -- or even death.

Marijuana affects coordination, short-term memory, visual tracking, and heart rate.

Prescription drugs include stimulants, depressants, and some narcotics. Used illegally or improperly, they can even cause coma and death.

Other drugs, such as PCP, LSD, heroin, mescaline and morphine cause a variety of health effects -- from hallucinations and mental confusion to convulsions and death.

Combining drugs make physical and mental effects unpredictable and often much more severe.

Substance Abuse can cause:

Impaired Eyesight

Slower Reaction Time

Lessened Concentration  
Poor Judgment  
Poor Coordination

which in turn, cause:

Motor Vehicle Accident  
Injuries from Hazardous Materials  
Fires  
Injuries from Improper Use of Tools or Machinery  
Other Injuries

GET THE HELP YOU NEED! STOP SUBSTANCE ABUSE BEFORE IT CONTROLS YOUR LIFE. ENCOURAGE OTHERS TO GET HELP AND SEEK HELP FOR YOURSELF BY SPEAKING WITH YOUR SUPERVISOR OR BY CALLING THE EMPLOYEE ASSISTANCE SERVICE (EAS) AT 1-800-327-6353. YOU MAY ALSO CALL OAKLAND PSYCHOLOGICAL CLINIC AT 810-335-6670 OR 334-9210.

## CERTIFICATE OF TRAINING AND EDUCATION

I have carefully and thoroughly read the Bloomfield Hills School District/Employee Policy regarding alcohol and substance abuse testing and agree to comply with requirements. I also understand that questions are to be directed to the Director of Transportation, the Director of Plant Facility & Operations, or the Assistant Superintendent for Personnel or his/her designee.

Employee's  
Printed Name:

Employee's  
Signature: \_\_\_\_\_ Date:

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

Approved 1/17/95

## **Cell Phone Usage**

Bloomfield Hills Schools recognizes that certain employees must be accessible when away from the office, outside scheduled working hours, or for security reasons and/or to be efficient. For this reason, the District will provide cell phones to select employees. The approval of who will be issued a cell phone or be given monthly reimbursement will only be authorized by a Cabinet level administrator who is responsible for administering that area of the District.

Approved: 5/17/05

## Cell Phone Usage

### Criteria for Assignment of Cell Phones

Cell phones may be assigned to employees provided at least one of the following criteria is met. Simple convenience is not a criterion for cell phone need.

- a. The job function of the employee requires considerable time outside their assigned office or work area, and it is important to the District that they are accessible during these times.
- b. The job function of the employee requires them to be accessible outside the scheduled or normal working hours.
- c. The nature of their job requires them to be available at all times in the field.
- d. The employee, for safety reasons, must be accessible.
- e. The cell phone will greatly increase productivity within that department.

### Guidelines of Cell Plans

- a. All District provided cell phones must be first authorized by the Cabinet level administrator. After that approval, the Director of Information Services will review the request and make sure the agreement is competitive and meets the District's overall plan with regard to vendors and services. No department is authorized to acquire cell phones independently.
- b. The District recognizes that cell phone needs will vary by employee, and the approval will take the best interest of the employee and the District into account.
- c. It will be the responsibility of the Director of Information Services to approve the plan that best meets the employee's needs at the most economical price to the District.
- d. Each manager with budget responsibility will monitor and adjust the employee's use as well as all invoicing pertaining to that area. This will include making sure appropriate needs are met as well as to ensure the District is participating in the most efficient plan (i.e., not paying for too many unused minutes or excessive personal minutes).
- e. The Director of Information Services must review any changes involving contracts.
- f. Where possible, the individual employee's manager or the Director of Information Services will make every effort to aggregate cell phone minutes within one agreement. If one department allows another department to be included in that department's cell phone agreement, then once per year, the department responsible for the contract will be given a one-time offsetting expenditure transfer to cover those costs.

# Reimbursement for Personal Calls

- a. District provided cell phones are intended to be used for official District business.
- b. It is recognized, however, that it is impractical to limit the use of District cell phones to 100% business use. For example, employees cannot always control incoming phone calls, the determination of whether a specific call is business related or personal can be open to interpretation based upon specific facts and circumstances and most calling plans also provide for free or unlimited calls during specific times of the day or week.
- c. Therefore, personal use is not prohibited, but the District expects employees to exercise prudent judgment in keeping personal calls to a minimum.
- d. Because personal use is inevitable in most cases, and it is not always practical to reimburse on a call-by-call basis, the District will require that any employee with a District cell phone reimburse to the District all charges in excess of the standard plan the amount to reflect all personal use for that month. This would include all excess minutes, roaming charges, information charges or those responsible for monitoring the reimbursement as well as the monthly charges. Reimbursement should occur within two weeks of the date the bill is received. For all months that an employee does not exceed the standard monthly plan amount, there will be no reimbursement due to the District.

## Reimbursement When Using a Personal Cell Phone

Should it be determined that a cell phone is warranted but usage is expected to be minimal or low, the employee may choose to obtain a personal cell phone. In this circumstance, the employee shall be reimbursed 50% of the monthly charge up to a maximum of \$30 per month.

## Removal of Cell Phones

A District cell phone is the property of Bloomfield Hills Schools and, as such, may be removed from the employee's possession at any time. Abuse of District cell phone privileges, upon the discretion of the employee's manager or immediate supervisor, will result in loss of District cell phone privileges.

## Loss or Damage

If a District cell phone is lost or damaged, a determination will be made by the employee's supervisor whether reimbursement of the value of the phone is required.

## **Guidelines for Tuition Reimbursement**

Instructional personnel are encouraged to take advantage of opportunities for professional growth. One of the opportunities available to instructional personnel is reimbursement for tuition and books for approved college courses related to their professional assignments.

### Initiating Requests

Instructional personnel may initiate requests for tuition and book reimbursement by completing Form REG 4601.3 and submitting it to their principal or supervisor at any time during the semester, term, or quarter in which the course is taken.

### Approving Requests

The principal or supervisor will evaluate each request in terms of the following criteria and will have the final decision concerning such requests.

The course(s) must be specifically related to the applicant's professional assignment. That is, a staff member assigned a teaching position could not be reimbursed for such things as administration courses, courses to certify him/her for teaching driver education, special education, etc. Courses designed to improve teachers' performance in their current assignments, including courses of general application such as reading, shall be approved.

The course(s) must be taken through an accredited college or university and may not be taken by correspondence.

The course(s) must be at the graduate level unless special approval is granted by the appropriate Director for Instruction.

Applicant must submit a one-page summary explaining how the course taken has or will upgrade his/her professional performance.

### Conditions for Reimbursement-Director Approval

1. Applicant must submit a receipt indicating that payment has been made to the college or university.
2. Applicant must subsequently present a transcript of credit showing an acceptable grade for the course.
3. Total amount of reimbursement to any given individual during a one-year period will be prorated based on the annual budget and the number of individuals who apply for reimbursement. Such reimbursement shall be determined as of June 1 each year. Deadline for submitting tuition reimbursement information is June 1 of each year.



## **Code of Ethics for Board of Education Members and Administrators**

Board of Education Members and the Bloomfield Hills Schools Professional Administrators are a Leadership Team that is dedicated to the following principles of behavior in the performance of their responsibilities. Board members and administrators shall perform their duties in a manner free from conflict of interest to assure the proper performance of school business as well as to earn and keep public confidence.

### **PRINCIPLE I: COMMITMENT TO BE TRUSTWORTHY**

The Leadership Team is committed to perform their services in a manner which elicits trust from the individuals and community whom they serve using their knowledge, skills and competencies.

### **PRINCIPLE II: COMMITMENT TO EDUCATIONAL MISSION**

The Leadership Team has a common mission to implement educational programs and activities essential to the welfare of the Bloomfield Hills Community.

### **PRINCIPLE III: COMMITMENT TO BE RESPONSIBLE**

The Leadership Team is committed to responsible decision-making.

### **PRINCIPLE IV: COMMITMENT TO A PROFESSION**

The Leadership Team is committed to meet the standards of their professions. The Leadership Team will advocate, engage in and support professional development.

## **PRINCIPLE V: COMMITMENT TO SERVE OTHERS ABOVE SELF**

The Leadership Team is dedicated to improving the status and conditions of the community by serving society.

## **PRINCIPLE VI: COMMITMENT TO AVOID CONFLICTS OF INTEREST**

The Leadership Team is committed to avoiding the appearance of or the fact of conflicting interests. No member of the Leadership Team shall engage in or have financial interest in any activity that conflicts or raises a reasonable question of conflict with his or her duties and responsibilities. To that end, members of the Leadership Team shall disclose any financial interest or benefit between themselves and/or their immediate families and any contractor or vendor who is doing business with Bloomfield Hills Schools. The leadership team will comply with Policy 8402 and 4604.

## **PRINCIPLE VII: COMMITMENT NOT TO DIVULGE CONFIDENTIAL INFORMATION**

The Leadership Team is committed to protect information that is confidential and is acquired in the course of employment or Board service and not divulge that information in advance of the time prescribed for its authorized release to the public.

## **PRINCIPLE VIII: COMMITMENT TO BE FREE FROM INFLUENCE**

Members of the Leadership Team are committed to listen to and carefully evaluate the suggestions and opinions of staff members, students and residents of the school district. However, members of the leadership team shall not solicit or accept a gift or loan of money, goods or services for their personal benefit which may tend to influence the manner in which the team member performs their official duties and to avoid the appearance of conflict as specified in Policy 4604.2.

## **PRINCIPLE IX: DISCIPLINE OR CENSURE**

Educational administrators who violate this Code of Ethics may be subject to discipline; Board of Education members who violate this Code of Ethics may be subject to censure; a Board of Education officer may be removed from office by a majority vote of the members of the Board of Education lawfully serving.

References:

Policies and Bylaws:

- Policy 3410 – Final Payments/Construction and Capital Projects
- Policy 3430 – Purchasing
- Policy 3455 – Purchasing Cards
- Policy 3460 – Professional and Consulting Services
- Policy 3710 – Capital Projects
- Policy 3740 – Construction Change Orders
- Policy 4504 – Use of District Property
- Policy 4505 – Violation Reporting
- Policy 4604 – Conflict of Interest for Employees
- Regulation 4604.1 – Conflict of Interest: Public Servants
- Regulation 4604.2 – Conflict of Interest Disclosure Form
- Policy 5603 – Gifts to Staff Members
- By-law 8140 – Selection of Professional Services
- By-law 8170 – Reimbursement of Board Member Expenses
- By-law 8402 – Conflict of Interest

Legal References:

MCL 380.1267 – Competitive Bidding Requirements for Construction, Additions, Repairs and Renovations for School Buildings

MCL 380.1274 – Competitive Bidding Requirements for Procurement of Supplies, Materials and Equipment

MCL 15.342 – Standards for Public Officers and Employees

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Other References:

Joint Committee of the Michigan Association of School Boards and the Michigan Congress of School Administrator Associations

Adopted: 6/14/05

## Conflict of Interest for Employees

The objectives of this conflict of interest policy are to maintain an impartial administration of the business of the school district and to maintain public confidence in the school district.

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

- Situations where prejudice, bias, favoritism or personal gain is a motivating force in his/her conduct or situations, which have the appearance of impropriety.
- Disclosure or release of confidential information not otherwise available to members of the general public, in advance of the time prescribed for the release, provided, however, that this provision shall not prevent an employee from divulging or releasing confidential information regarding suspected violations of law.
- Benefiting financially from confidential information obtained by reason of his/her position.
- Using personnel resources, property or funds of the school district, except judiciously and in accordance with good business practices and administrative procedures and not for personal gain or benefit.
- Soliciting or accepting a gift or loan of money, good, services or other things of value which tend to influence, or has the appearance of influencing, the manner in which the employee performs his/her duties.
- Engaging in or accepting employment or rendering services for a private entity when that employment or service is incompatible or in conflict with the discharge of the employee's work duties, or when that employment may tend to impair his/her independence of judgment or action in the performance of work duties.
- Engaging in any other employment or in any private business during the hours necessary to fulfill the duties of the school district position.
- Make personal sales of supplies, materials, services or equipment to students or using his/her position to influence such sales.
- Soliciting students to attend non-school district sponsored camps, travel trips, special schools or other activities through which the employee will realize financial gain or advantage without approval of the Superintendent of Schools and a written "Disclaimer Statement" to the student and parent(s)/guardian(s) stating that the school district is not sponsoring, endorsing or otherwise participating in any way with the student activity
- This Policy does not apply to tutoring. Tutoring is subject to the provisions of Policy 6217.
- Administration is authorized to develop regulations in conformance with this policy.

Legal Reference: MCL 15.321 - 323

Approved: 7/12/05

## Conflict of Interest: Public Servants

### General

Michigan law provides that a public servant may not be a party, directly or indirectly, to any contract between the public servant and the public entity of which he or she is an officer or employee, nor may the public servant take part in the negotiation, renegotiation, amendment or approval of the contract, or represent either party to the contract. A public servant shall not directly or indirectly solicit any contract between the public entity of which he or she is an officer or employee and any of the following:

- a) him or herself.
- b) Any firm, meaning a co-partnership or other unincorporated association, of which he or she is a partner, member or employee.
- c) Any private corporation in which he or she is a stockholder owning more than one percent of the total outstanding stock of any class if the stock is not listed on a stock exchange, or stock with a present total market value in excess of \$25,000 if the stock is listed on a stock exchange or of which he or she is a director, officer or employee.
- d) Any trust of which he or she is a beneficiary or trustee.

This law does not apply to public servants who are paid for working an average of twenty-five (25) hours per week or less for a public entity, provided disclosure of any pecuniary interest is made as provided in this policy.

When a public servant believes that he/she has a conflict of interest with respect to a matter before the Board, the public servant shall disclose the conflict to the Board. The existence of the conflict shall be entered into the meeting minutes and become public record. In such cases, approval by a majority of the members lawfully serving on the Board is required to act on the matter.

Proposed contracts that involve public servants who have a pecuniary interest in the contract

If the conflict of interest concerns a proposed contract with the Board in which a public servant has a pecuniary interest, the following steps must be followed:

#### A. Disclosure Requirements

Step 1: Determine whether the benefit from the contract meets the threshold amount of \$250 or more or 5% or more of the contract

The public servant shall determine whether his/her benefit from the contract meets either of the two threshold amounts: (a) \$250 or more or (b) 5% or more of the public cost of the contract.

Step 2: If the benefit is less than \$250 or less than 5% of the contract – file an affidavit

If the benefit from the contract to the public servant is less than the threshold amounts, the public servant must file a sworn affidavit with the school board stating the contract benefit to him/her will be less than \$250 and less than 5% of the public cost of the contract. The

affidavit must be in writing, sworn and subscribed to in the presence of a notary. A public servant who files this affidavit is exempt from Step 3.

Step 3: If the benefit is between \$250 and \$5,000

If the benefit from the contract to the public servant meets either of the threshold amounts, the public servant skips Step 2, but must make disclosure. If the benefit of the contract to the public servant is \$5,000 or less, the public servant may choose either Step 3(a) or Step (b) as the way for disclosing his/her conflict of interest.

Step 3(A): Written disclosure to the president

The public servant must make a written disclosure to the president of the school board at least seven days before the meeting at which a vote will be taken on the contract. (If the conflict involves the president, disclosure is made to the Board secretary.) This disclosure must be made public in the same way that public notice is given for the Board meeting.

Step 3(B): Public Disclosure at Board meeting

The public servant must disclose the conflict of interest at a school board meeting. The Board cannot vote on the contract at the meeting where this disclosure is made, but must schedule another meeting for the vote. The Board must wait at least seven days for this second meeting.

Step 4: If the benefit is more than \$5,000

If the benefit is more than \$5,000, the public servant must disclose his/her conflict of interest as provided in Step 3(B) above.

B. Exemption: The law provides for an exception from Steps 3 and 4 if the contract is for emergency repairs or service

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If the contract is for emergency repairs or service, the disclosure requirements in Steps 3 and 4 do not apply. In that case, the disclosure of the conflict and the vote on the contract may still occur at the same meeting.

C. Record of Disclosure

A public servant's disclosure of his/her conflict of interest must be recorded in the minutes of the school board meeting. The minutes also must show: (1) the name of each party involved in the contract; (2) the terms of the contract (duration, financial consideration between parties, facilities or services of the school district included in the contract, and nature and degree of assignment of District employees for fulfilling the contract); and (3) the nature of any pecuniary interest.

D. Abstention from Voting

The public servant who has a conflict of interest must abstain from voting on the contract. The minutes must record his/her abstention.

E. 2/3 Vote by the Full Board Required

The motion to approve the contract must pass by a 2/3 vote of the full Board (without the abstaining member's vote). This means there must be at least five (5) affirmative votes on the motion.

Exemption: The Conflicts of Interest law does not prevent a public servant from making or participating in making a governmental decision to the extent the public servant's participation is required by law. If 2/3 of the Board members are not eligible to vote on the contract because of the conflicts of interest law or to constitute a quorum, a Board member who meets the conditions described in Step 2 may vote on the contract. To be eligible to vote in this situation, each Board member who has disclosed a conflict of interest must file a sworn affidavit with the Board stating that his/her expected benefit from the contract will be less than \$250 and less than 5% of the public cost of the contract. The affidavit will be made part of the public record.

Legal Reference: The Public Servant Conflicts of Interest Act, MCL 15.321 et seq.

Public Servant Definitions: All persons serving any public entity, except members of the legislature and state officers, MCL 15.321(a)

Reference: Bylaw 8402: Conflict of Interest (Board of Education members)

Board Review: 7/12/05





## **Bloomfield Hills Board of Education**

**Type:** Policy  
**Policy Number:**  
**Regulation:** 4604.2

### **Conflict of Interest Disclosure Form (Administrators)**

**Policy:**

#### **Conflict of Interest Disclosure Form**

Annually, the Superintendent and any other District employee deemed by the Superintendent to be in a position to influence the purchase of any goods or services shall sign and file the "Conflict of Interest Disclosure Form" shown below.

##### **Conflict of Interest Disclosure Form Appropriate Employees**

Employees in a position to influence decisions on purchases or contracts shall not have a personal financial interest either directly or indirectly in any contract or purchase of the District or benefit directly or indirectly from any financial transaction or contract of the District unless that interest has been fully disclosed and the person involved has removed him/herself from the decision-making process.

Purchases of or use of school district property, materials and manpower by employees shall be accomplished in accordance with good business practices and within the framework of applicable laws and regulations.

The Superintendent and any other district employee deemed by the Superintendent to be in a position to influence the purchase of any good or services shall sign and file the following information:

For purposes of this document, the following definitions are used:

District: Official, legal name of the District: Bloomfield Hills Schools.

"Supplier:" Any person, partnership, trust, corporation or other business entity which supplies materials, equipment, real estate or services to the school district.

"Financial Interest:" Means any stock, bond or other debt, obligation, option or right to purchase stock, share in profits, investment, partnership interest, or other interest of any nature. Ownership in securities in a corporation shall not be considered to constitute a FINANCIAL INTEREST therein for this purpose provided all the following conditions are met: (1) the securities are traded on a national securities exchange or

Regulation 4604.2 (2)

regularly reported in over-the-counter quotations in the financial press; (2) the securities owned by you and to your knowledge or belief, owned by your near relatives do not exceed 1% of the outstanding securities of such corporation of the same class; and (3) the market value of the securities of such corporation so owned does not exceed 50% of your gross annual income.

"Near Relative:" Means your spouse and children, the parents, sisters and brothers of yourself and your spouse, and the spouses of your brothers and sisters. It is not necessary to interrogate the members of your family. It is sufficient to give the facts as you know them or believe them to be.

Complete honesty and candor is required of all employees asked to submit this form. Should you have inadvertently omitted a company in your statement, and at a later time there is a transaction involving that company to come before the Board, you have a clear obligation to make your interest in that company known. If after the statement is signed you acquire an interest in a company doing business with the Board, that interest should be made public at or before such time as a transaction involving that company comes before the Board.

Failure to reveal a conflict of interest as outlined in this policy and in the law is subject to disciplinary action up to and including dismissal.

To my knowledge and belief, neither any Near Relative nor I will have any direct or indirect financial interest in any Supplier of the District during the \_\_\_\_\_ school year. If such a financial interest occurs during the \_\_\_\_\_ school year, I will immediately notify the Superintendent. (In the case of the Superintendent, the Superintendent will immediately notify the Board of Education.)

☐ Yes ☐ No

If the answer is "no," attach a statement giving full details.

Please sign and date below.

I declare that to the best of my knowledge and belief, the answers I have given and the statements attached are true and correct.

-----  
Legal Signature

-----  
Please type or print name

-----  
Date

**History:**

7/12/05

**ATTACHMENTS:**

File Name

Description

No Attachments Available

## **Staff Development**

The Board of Education recognizes the importance of the human resources that constitute the staff of the Bloomfield Hills School District. The Board further recognizes that these human resources should be encouraged and supported in improving existing competencies and learning new skills. Therefore, the Board will endeavor to provide staff development programs designed to:

1. Orient new staff to District standards and expectations.
2. Assist existing staff in the identification of areas in which new skills are required or more appropriate.
3. Provide programs to enhance current skills or to develop new skills as required by assignment.

The Board of Education's commitment to support staff development is premised on the understanding that District staff (individually and collectively) will commit their personal time as well as District time in program participation designed to improve current skills or the learning of new techniques.

1/19/82 (Approved)

10/8/91 (Approved)

## School Admission

All students under the age of twenty enrolled in the Bloomfield Hills Schools shall be bona fide residents of the school district, with the exception of Special Education students in center programs, foreign exchange students, and those students who are permitted to enroll as non-resident tuition students in accordance with Policy 5103. In addition, in accordance with MCL 388.1606 (6)(I), children of District employees may also enroll in the Bloomfield Hills Schools. Employees will include individuals who are regularly scheduled with regular hours during the school year. They must be employed on fall Membership Count Day. Substitute employees are not eligible.

Residents of the district who are twenty years old and older shall be admitted only upon approval of the Superintendent or his designee, with the exception of Special Education students. Individuals shall be admitted into Special Education programs according to the regulations established through the State of Michigan program certification.

In placing a student in a specific grade level (K-12), the school will consider not only the student's age, but his/her social and emotional maturity, academic needs and achievements, and the requests of his/her parents. (See Policy 5201) Procedures will exist for the review of individual cases when it is deemed in the best interest of the student. The final authority to assign students to the District's schools resides with the Superintendent or designee.

*Cross references:*     *Policy 5103 - Tuition Enrollments*  
                              *Policy 5201 - Promotion and Retention*

*Legal Reference:*     *MCL 388.1606(6)(I)*

Revised: 7/21/81

Revised: 3/20/01

## School Admission

### General Provisions

Students must be at least five years old and less than twenty years old on or before December 1 of the year of enrollment in order to enroll in the Bloomfield Hills Schools regular program, except for disabled students enrolled in the SEED Program.

The age of the prospective student must be verified by the student's birth certificate, hospital record of birth or passport, which must be presented by the prospective student's parents or legal guardian. Such verification must be included in the student's cumulative file.

Every student enrolled in Bloomfield Hills Schools shall be registered on a form CA-15, or reasonable facsimile thereof, on the official count day established by the state. CA-15s shall be maintained as a permanent record in the building where the student attends classes.

Every building principal will verify and certify the official count days enrollment in his/her building under the procedures established by the state.

### Admission to First Grade Program

Children six years old on or before December 1 of the year of enrollment who have previously attended and completed a kindergarten program approved by the state, or children six years old on or before December 1 of the year of enrollment who have attended and completed a certified kindergarten program outside the State of Michigan, may be initially admitted to the first grade program if:

- (1) the child's parent or legal guardian presents satisfactory evidence that the child attended and completed one of the aforesaid kindergarten programs; and
- (2) the building principal recommends that the child be placed in the first grade program.

Children six years old on or before December 1 of the year of enrollment who have never attended a formal school program shall be initially admitted to the first grade program only upon the recommendation of the building principal.

### Admission of Tuition Students

Students who have applied for enrollment on a tuition basis may be enrolled in school only upon receipt of written approval of enrollment from the Superintendent or designee, (See Policy 5103).

*Cross reference: Policy 5103 - Tuition Enrollments*

*Regulation 5201.2(1) - Promotion and Retention of Kindergarten Students*

Regulation 5201.2(1) - Promotion and Retention of Kindergarten Students

Regulation 5201.2(1) - Promotion and Retention of Kindergarten Students

Revised: 7/15/81

Revised: 3/20/01

Revised: 2/8/05

## Residency

Residency of a student's parents or legal guardian is a basic requirement for enrollment in the Bloomfield Hills Schools.

Verification of residency for each student is the responsibility of the admitting building principal. Should a building principal become aware of any change in circumstance that would nullify a student's eligibility for enrollment for any reason (i.e., parents move from the district during a school year), written notification shall be forwarded, immediately, to the Enrollment Administrator.

Students are considered to be residents and may be enrolled in Bloomfield Hills Schools if they meet the following requirements:

- A. The student's parent(s) reside in a dwelling in the District. If the student's parents reside separately in different districts, either district may enroll the student as a resident, regardless of which parent has custody.
- B. The student lives with a relative other than a parent in a dwelling in a district other than one in which the student's parent(s) reside, for the purposes of securing a suitable home and not solely for educational purposes. For pupil accounting purposes, a relative is defined as a parent, grandparent, brother, sister, step parent, step sister, step brother, uncle, aunt, first cousin, great aunt, great uncle or step grandparent by marriage, blood or adoption.
- C. The student resides in a district other than one in which the pupil's parent(s) reside and is 18 years of age or an emancipated minor.
- D. The student lives within the district with a guardian where a court has granted a "limited or full guardianship," provided the guardianship order does not specify that it was granted "for school purposes only."
- E. The student is a foreign exchange student living with a host family whose members are residents of the district.
- F. The student is a homeless child per the McKinney Homelessness Act, 42 USC 11431
- G. The student is the child of a regular employee **in the district's kindergarten through 12<sup>th</sup> grade programs.**
  - 1. **"Child" includes adopted children, stepchildren and legal wards**
  - 2. Regular employee means:
    - a. The employee must be regularly scheduled with regular hours during the school year, and work a minimum of 10 hours per week. Substitute employees and staff employed on a short term or on an interim basis are not considered to be regular employees.
    - b. The employee must be employed on fall Membership Count Day, **and the child must be enrolled by fall Membership Count Day.**
    - c. Substitute employees are not considered to be "regular employees."
    - d. When the parent/guardian of a student ceases to be an employee of the District, the student is no longer considered to be a student of the District. Under such circumstances, a student may finish the school year without payment of tuition or approval from his/her resident district if the parent/guardian discontinues employment of the District after pupil membership count day.

### Parents or guardians who do not own or lease a residence in the District

Students who reside in the District together with their parents or legal guardian who neither own nor lease a residence in the District may be enrolled in school upon presentation of the following documentation.

1. Notarized affidavit from parents or legal guardian outlining facts of residency.
2. Notarized affidavit from district resident who owns or leases a residence and with whom the parents or legal guardian and student reside, setting out facts of student's residency.

### Students who reside with other than parents or guardians

Students who reside in the district with other than their natural parents or legal guardian and who qualify under one of the following categories may be enrolled in school upon presentation of the documentation set forth below:

#### Surrogate parents

Student is living in a licensed foster home in the District under order or direction of a court or child-placing agency.

Documentation required:

1. Certified copy of court order or order of agency placing student in a licensed home.
2. Copy of the license for the foster home.

#### Student is living in a licensed home or in the home of relatives in the District due to parents being unable to provide a home.

Documentation required:

1. Affidavit from parents or legal guardian stating facts which establish that:
  - a. They are unable to provide a home for the child.
  - b. The placement is for the purpose of securing a suitable home for the child, and not for educational purposes.
2. Power of Attorney from parent/guardian/limited guardian, which covers all factors applicable to attendance at school, i.e., medical authorization, financial responsibility and disciplinary matters. (Note: Power of Attorney is effective for not more than six months and, therefore, must be renewed periodically.)
3. Affidavit from licensed home or relatives in the District which states that:
  - a. They accept all responsibilities under Power of Attorney from parent/guardian.
  - b. Student lives in their home on a full-time basis.
  - c. They are relatives of the student or their home is a licensed foster home.

#### Student is living in the home of a district residence who is in the process of securing legal guardianship of the child.

Such a student may temporarily enroll on a tuition basis, not to exceed one semester, until such time as a guardianship determination has been reached by the court. If the guardianship is not obtained by the



end of the semester, this student will not be permitted to re-enroll. (See Regulation 5103.1: Tuition Enrollments.)

Documentation required:

1. Copy of the application for legal guardianship filed with the court.
2. A written statement from the court or legal counsel stating the date by which court action on the guardianship application is expected.
3. Power of Attorney from custodial parent which covers all factors applicable to attendance at school, i.e., medical authorization, financial responsibility and disciplinary matters. (Note: Power of Attorney is effective for not more than six months.)
4. Affidavits from district resident seeking legal custody of child which state that:
  - a. He/she accepts all responsibilities under Power of Attorney from custodial parents.
  - b. The student is living in his/her home on a full-time basis, pending a legal guardianship determination by the court.
  - c. The student is not living in his/her home for educational purposes.
  - d. They agree to pay tuition until such time as a determination has been made by the court and they understand that in the event full guardianship is not obtained, tuition paid would not be refunded.

#### Adult Student Resident

Documentation required:

1. Verification that student has attained his/her 18<sup>th</sup> birthday or is an emancipated minor.
2. Notarized affidavit from student as to facts of residency (i.e., lease, ownership, etc.)
3. Notarized affidavit from landlord or owner of home as to facts of student's residency in home.

#### Foreign Exchange Students

Each high school may enroll two sponsored foreign exchange students annually. Additional students must be approved by the Superintendent or designee. Applicants must be sufficiently proficient in the English language to participate in the high school program without the assistance of an interpreter. (See Regulation 5102.3: Foreign Exchange Students.)

Documentation required:

1. Sponsorship of Youth for Understanding, Rotary International Youth Exchange Program, or similar organization approved by the Board of Education, together with such agency's supporting documentation, which must include physical examination containing an up-to-date immunization record to meet state of Michigan enrollment requirements.
2. Affidavit from local resident sponsor (host family) stating that the student resides with them, the term of residency and that the resident sponsor accepts parental responsibility for the student.

#### Tuition Students

Refer to Regulation 5103 for enrollment criteria.

Cross references: Regulation 5102.3: Foreign Exchange Students  
Regulation 5103: Tuition Enrollments

Revised: 2/8/05

Revised: 2/3/10

Revised: 11/29/17

## Foreign Exchange Students

The Bloomfield Hills School District will accept applications from Foreign Exchange Students through Youth for Understanding, Rotary International Youth Exchange Program, or any similar organization approved by the Board of Education which has a formal program for sponsoring such students. Applications must be submitted to the District's Superintendent or designee at least six weeks before the semester in which the student requests to be enrolled. (See Regulation 5102.2(5) for documentation required.)

The following guidelines will apply to Foreign Exchange Student enrollment:

1. The District will not issue a Certificate of Eligibility for Non-immigrant AF-1" Student Status (Immigration Form I-20).
  2. Exchange Students must be able to communicate effectively in the English language.
  3. Two Exchange Students may be enrolled at each senior high school per school year on a tuition-free basis. Additional students must be approved by the Superintendent or designee.
  4. Exchange Students will not be accepted for less than a semester, nor for longer than one school year.
  5. Each senior high school will provide a faculty sponsor for Foreign Exchange Students.
  6. The following benefits will be provided at no charge to each Foreign Exchange Student:
    - A. One copy of the school yearbook.
    - B. One Student Activity Pass.
  7. Foreign Exchange Students will be guests of their host families, not guests of the school district, and each host family shall be responsible for the conduct of the student.
- Acceptance of Foreign Exchange Students will be the decision of the Superintendent or designee after consultation with the appropriate building principal.

Revised: 9/1/82

Revised: 3/20/01

## **Tuition Enrollments**

Upon the District's receipt and review of information establishing compliance with the enrollment requirements of the Michigan School Code, the Michigan State School Aid Act and Bloomfield Hills Schools administrative regulation 5103.1, a nonresident student may enroll in the Bloomfield Hills Schools on a tuition basis. The District's tuition rate shall be computed on the basis of the District's per capita operating cost. The District's tuition rate shall be reduced by 50 percent (50%) for the following category of nonresident students:

High school seniors who had established residency during their junior year in high school. The resident student moves as a high school junior and desires to complete his/her senior year.\*

\*Nonresident tuition students are not eligible for the senior year discount.

*Cross reference: Regulation 5103.1 - Tuition Enrollments*

Revised: 11/11/97

Revised: 3/20/01

Revised: 6/5/01

Revised & Approved: 2/8/05

## **Tuition Enrollments**

Nonresident students may enroll in the Bloomfield Hills Schools on a tuition basis under the following conditions:

The student's parent or legal guardian is in the process of establishing residency in the District.

The student applies and is accepted to certain grade levels and/or schools declared open for enrollment on a tuition basis. Subject to Board approval, the Superintendent may recommend that certain grade levels and/or schools be open to nonresident students on a tuition basis.

Applications for enrollment under the provisions of one of the foregoing tuition categories shall be directed to the District's Superintendent or designee for appropriate action. No tuition student shall be enrolled or scheduled until written approval of enrollment has been issued by the Superintendent or designee.

Revised: 7/30/01

Revised: 2/8/05

## **Payment of Tuition Rates**

1. Tuition for the initial enrollment period shall be paid in advance and prior to enrollment approval. Tuition paid for any period extending after the date residency is established shall be refunded on a pro-rata basis.
2. A high school senior, who, while in the eleventh grade, was counted in the fall membership as a resident, will be permitted to complete the senior year at 50% of the tuition rate for the current school year.
3. State School Aid (Foundation Allowance) monies received for student membership shall be credited against the pupil's tuition.
4. When a student in the Nonresident Tuition Program establishes residency during the current school year, the student will be billed the prorated tuition for the days they were a Nonresident Tuition Program student. Additionally, when a resident student moves out of the district during the current school year, the student will be billed the prorated tuition for the days they were a Nonresident Tuition Program student. In either circumstance, current school homestead taxes paid on property in the District by the parent or guardian of the student shall be credited for the prorated tuition billed to the student under the Nonresident Tuition Program.
5. Failure to pay tuition in the amounts and at the times stated above will result in the automatic termination of the tuition student's enrollment in the Bloomfield Hills School District.

Revised: 2/13/85

Revised: 9/5/88

Revised: 11/18/97

Revised: 3/20/01

Revised: 7/30/01

Revised: 6/23/06

## **Bloomfield Hills Schools Attendance Areas**

The Board of Education shall periodically review and approve District attendance boundaries.

It is expected that students will attend the school located within the attendance boundaries of the area where the student resides. However, appropriate regulations to permit application for transfers shall be established by the administration and publicized within the community as needed.

Revised: 2/3/81

Revised: 3/20/01

## **Student Transfers**

Parents or guardians who wish their student to attend a school outside their attendance area of residence, or a school other than the one to which they are assigned may file a request for transfer with the Superintendent or designee. No requests for transfer will be considered for those schools which the Board of Education has deemed will be opened or closed to transfers based upon maximum or minimum enrollment numbers. These numbers will be established by the administration and reviewed annually by the Board of Education.

Parents who request a transfer for their student must agree to the following conditions of transfer:

1. Parents must assume responsibility for transportation of the student to and from school.
2. Transfers, once granted, will remain in effect for at least one school year and continue in effect following that period unless the student, parent/guardian, or the school takes formal action to rescind the transfer.
3. High school transfers will adhere to Michigan High School Athletic Association minimum standards for athletic eligibility.
4. Transfer requests will be accepted any time prior to the first day of school of each school year.
5. Students who have siblings who are currently enrolled in the school designated on the transfer request will be given priority consideration.
6. In the event a limited number of vacancies occur in a school, transfer decisions will be made by lottery.

A Student Transfer Request form must be completed prior to the first day of school and submitted to the Superintendent or designee. All transfer requests submitted after the school year begins must be reviewed by the Building Instructional Team before submitting a request to the Superintendent or designee.

This Regulation is not applicable to special education or summer school programs.

Revised: 12/6/95

Revised: 3/20/01

Revised: 11/14/13



## **Withdrawals, Suspensions, Expulsions**

The Board of Education shall cause appropriate procedures to be established to uniformly handle suspensions and expulsions within the rules and regulations of the State Board of Education.

The Board of Education shall cause appropriate procedures to be established to maintain an accurate record of all student withdrawals from the Bloomfield Hills Schools.

Revised: 8/21/73

## **Withdrawals, Suspensions, Expulsions**

All student withdrawals shall be reported to the Student Services Department as part of the regular monthly reporting procedures by all buildings.

Withdrawals of students between the ages of six and sixteen should be accompanied by notification to the attendance school of the next school of enrollment for the student. If this notification is not made by the parent or legal guardian, then the attendance school has the responsibility of reminding the parent or legal guardian that the Michigan School Code requires attendance for youngsters between the ages of six and sixteen unless exempted by the Superintendent of the district of residence.

Whenever an attendance school has knowledge of a student living within the attendance area who is not attending school, this fact shall be reported to the Superintendent or designee.

Building principals have the authority to suspend students within the terms and conditions spelled out in the Uniform Code of Student Conduct. Suspensions of less than four days duration shall be reported as a regular part of the monthly reporting package. Suspensions of more than four days duration shall be reported as soon as they are imposed to the Superintendent or designee.

Building principals may recommend expulsion to the Assistant Superintendent for Instruction. Following review by the appropriate Assistant Superintendent for Instruction, the recommendation may be denied or be forwarded to the Superintendent for review. Following review, the Superintendent may deny the recommendation or may forward the recommendation to the Board of Education for action. If the Board accepts the recommendation, a hearing Committee composed of three Board members will be established, the school district attorney will be officially notified. These actions shall be in accordance with the provisions in the Uniform Code of Student Conduct.

Revised: 8/21/73

Revised: 3/20/01

## **Promotion and Retention**

Grade level and group assignments, including promotion and retention, shall be the responsibility of the building principal and shall be made in the best interest of the individual student.

The factors to be considered in assigning a student shall include student achievement as indicated in the cumulative records, performance on standardized achievement tests, teacher observations of social behavior and work habits, age, and views of the parents.

Revised: 8/21/73

Revised: 3/20/01

## Promotion and Retention

1. All full-time regular students will be placed at a grade level while enrolled in the School District. The grade levels will include K, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12.
2. The grade level placement will be determined by the principal of the building in which the student is enrolled.
3. Grade level placement will be based on five criteria:
  1. Academic achievement and ability
  2. Chronological age
  3. Social maturity
  4. Emotional maturity, and
  5. Needs and attitudes of student=s parents or guardians.
4. Placement in sixth or ninth grade will be based on the recommendation of the sending school principal.
5. Placement of special education students will be determined jointly by a group of persons, including the parents and other persons knowledgeable about the child, in compliance with the requirements of the State Rules and Regulations governing this area.
6. At the termination of each school year, the building principal will submit a list of the students retained and indicate name, address, and reason for retention to the Assistant Superintendent for Instruction.
7. A notification to parents of elementary students expected to be retained and, a personal conference of the teacher(s), parent(s), and building principal will be held no later than the thirtieth week of the school year. For middle school and high school courses, notification of expected failure must occur by the midterm of the course.
8. Unless the notification in #7 has been conducted, no student will be retained without the approval of the building principal.

Revised: 5/20/85

Revised: 3/20/01

## Promotion and Retention of Kindergarten Students

### Promotion of regular kindergarten enrollees to the first grade program

1. Requests by parents or legal guardians during the Kindergarten Round-Up that their child be considered for enrollment in the first grade program shall be handled in accordance with the following procedure:

1. Following the request the building principal will initiate a referral to the building Instructional Team (BIT).

2. The BIT will arrange for a psychological evaluation including assessment maturation and mental ability.

The prospective first-grade student will initially be enrolled in kindergarten. The building principal will evaluate the prospective first-grade student in the kindergarten setting and thereafter make a final decision as to whether the student should be placed in the first-grade program. The building principal shall share this decision with the parents or legal guardian of the student. A copy of the building principal's decision shall be given to the Assistant Superintendent for Instruction. No final decision should be delayed longer than five weeks after the opening of school.

The building principal will make an initial decision in writing after receiving input and a recommendation from the BIT and other instructional staff.

The building principal shall share this decision with the parents or legal guardian of the prospective first-grade student. A copy of the building principal's decision shall be given to the Assistant Superintendent for Instruction.

2. In order to allow for the promotion of qualified kindergarten students to the first grade program whose parents or legal guardian had not requested during the Kindergarten Round-Up that the child be enrolled in the first grade program, the following procedure should be followed:

1. The building principal will have the student evaluated after the opening of school.

2. The building principal will consult with the parents or legal guardian of the children the principal feels may be qualified to advance to the first grade program.

3. After consultation with the child's parents, the building principal will make a final decision in writing and may recommend that the child be placed in the first-grade program if it appears to be in the child's best interests. The building principal shall share this decision with the parents or legal guardian of the prospective first-grade student. A copy of the building principal's decision shall be given to the Assistant Superintendent for Instruction. No final decision should be delayed longer than five weeks after the opening of school.

2. Double promotion of student already attending school:

1. Request should be initiated by parent or member of professional staff.

2. Referral to BIT.

3. Building principal will collect reactions from professional staff members currently involved with students.

4. Following receipt of recommendations from professional staff and evaluation by the BIT, building principal will review these materials with parents.

5. Except in very unusual circumstances double promotion should not be considered unless:

(1) student scores in top quartile of grade level population on mental ability and achievement,

(2) student demonstrates maturity level commensurate with maturity level of students in grade placement student is being considered for, and

(3) the professional staff recommend that the double promotion would benefit the student.

Final recommendation will be made by present building principal.

3. Retention of students:

- A. When retention is being recommended, the school should be prepared to demonstrate that retention is in the student's best interest.
- B. Notification of possible grade level retention must be given parents in writing before the end of the first semester at the elementary and middle school level and before the mid-semester point for high school students.
- C. Retention at the elementary level is not advocated when parents are vehemently opposed since this parental attitude will undoubtedly weaken the positive expected values of retention.
- D. Building principals should utilize the services of their BIT plus written recommendations from professional staff in reaching the decision to recommend retention.

Revised: 5/20/85

Revised: 3/20/01

## Grading and Reporting Pupil Progress

1. The purpose of pupil progress reporting and grading is to inform parents and legal guardians of the academic and social progress of individual students through written and/or oral reports.
2. Elementary School Means of Reporting: The progress of each elementary student should be reported to his/her parents or guardian a minimum of four times per year, twice in parent-teacher conferences (a written form may supplement the verbal report) and twice in the form of a written progress report. Interim reports on children having special difficulties should be reported as needed.
3. Elementary School Reporting Instrument: The reporting instrument must be approved by the Superintendent of Schools or his designee and must include the following information:
  - A. Student's name, grade and school
  1. Progress in relation to specific skills for each academic area (both quantity and quality)
  2. Progress in development of work-study habits
  3. Progress in social-emotional and physical development
  4. Attendance
4. Secondary School Means of Reporting: The progress of each secondary student in each subject area shall be reported to his/her parents in writing a minimum of four times per year. The standardized secondary school report card shall be used by all schools for the report. Students whose performance is unsatisfactory in terms of quantity and /or quality of work completed must have a written interim report to parents at the midpoint of each marking period.
5. Secondary School Reporting Instrument: The reporting instrument used for the written progress report shall be the standardized secondary school grade report form and shall include the following information:
  - A. Student's name, grade and school
  - B. Courses in which the student is currently enrolled
  3. An evaluation of the student's progress in each course each marking period (to reflect both quality and quantity of work completed)
  4. A citizenship evaluation for each class in which the student is enrolled
  5. The attendance record for the student in each course for each marking period
6. Secondary School Interim Report: As a minimum, secondary school interim reports shall record all cases where the quality or quantity of work completed is below acceptable standards.
7. Standardized Test Results: Standardized test results shall be reported to parents by the Superintendent of Schools or his designee.

Revised: 8/21/73

Revised: 3/20/01

## Graduation Requirements

The Board of Education shall periodically review and approve requirements for the Bloomfield Hills high school diploma. These requirements shall constitute the standard for high school principals' recommendations for graduation. These requirements shall be consistent with the legislative requirements for a Michigan Merit Diploma, including the opportunity for students to graduate based on requirements specified in a Personal Curriculum.

### **Definition of Personal Curriculum**

The Personal Curriculum is a documented process that modifies certain requirements of the Michigan Merit Curriculum. The use of a Personal Curriculum (PC) modification is allowed for only three reasons:

- A student wishes to modify the mathematics requirement.
- A student with an IEP needs to modify the credit requirements based on his or her disability.
- A student that transfers to a district from out of state or from a non-public school after completing the equivalent of two years of high school.

Special education students must successfully complete an approved curriculum plan for graduation as determined by his or her Personal Curriculum. The Personal Curriculum modification process will commence after the request has been made and a diploma shall be granted if the student successfully completes the approved Personal Curriculum.

A student that transfers to Bloomfield Hills Schools from out of state or from a non-public school that has successfully completed at least the equivalent of two years of high school credit may use a Personal Curriculum to satisfy high school graduation requirements.

In either case, the Personal Curriculum modification process will commence after the request has been made and a diploma granted if the student successfully completes the approved Personal Curriculum.

In either case, the request for a Personal Curriculum must be brought forward prior to January 1 of the student's senior year.

Students not completing an approved Personal Curriculum plan for graduation may, with administrative approval, be permitted to participate in commencement activities. Such students shall receive a Certificate of Attendance in lieu of a diploma. This Certificate of Attendance shall not be deemed to be a diploma, nor shall the delivery of a Certificate of Attendance constitute graduation.

To be considered as a candidate for graduation, a student must be enrolled and attend classes in one of the district's high schools by the first day of the second semester of the senior year.

General education students may bring a request for deviation of standards to the principal. This request must be accompanied by a substantive, written rationale for a change in graduation requirements. At the principal's discretion, a personal curriculum team may be convened to determine eligibility for a personal curriculum. This request must be brought forward to the principal prior to January 1 of the student's senior year.

Revised: 5/17/83

Revised: 1/23/90

Revised: 9/17/96

Revised: 3/20/01

Revised/Approved: 11/20/08



Revised/Approved: 2/3/11

## Graduation Requirements

### Effective - Class of 2016:

Effective with the graduating class of 2016, the following requirements must be met in order to qualify for a high school diploma from the Bloomfield Hills School District.

In order to receive a Bloomfield Hills diploma, student must earn a minimum of 26 credits; at least 11 credits must be earned in grades 11 and 12.

Students who attend Bloomfield Hills High School must earn a minimum of 28 credits.

Students who attend Bowers Academy must earn a minimum of 26 credits.

Credits must be earned in each of the following subject areas. As noted, some courses are required:

#### **4 Credits of ENGLISH**

Courses must emphasize reading, writing and informational texts.

#### **4 Credits of MATH**

Credits must include Algebra I, Geometry, and Algebra 2. One math related course must be taken during the senior year.

#### **3 Credits of SCIENCE**

Credits must include Biology, and either Chemistry, Physics, or Anatomy and Physiology.

#### **3 Credits of SOCIAL STUDIES**

Credits must include World History & Geography, US History & Geography, Civics, and Economics.

#### **2 Credits of HEALTH & PHYSICAL EDUCATION\***

Credit must include Basic Physical Education and Health Education.

#### **1 Credit of VISUAL, PERFORMING and APPLIED ARTS**

#### **2 Credits of WORLD LANGUAGES or an equivalent learning experience in grades K-12.**

#### **4 Credits of ADVISORY**

All students are required to pass advisory each semester that they are enrolled.

### **Required experiences:**

**TECHNOLOGICAL COMPETENCY** - All students must take one computer class during grades 9 through 12. This requirement may be met by identified classes in any department.

**ONLINE LEARNING EXPERIENCE** - All students must have an online learning experience before graduation. This requirement may be satisfied by a course or an experience in one or more regular courses.

**MYP PERSONAL PROJECT** - All students must complete the MYP Personal Project, this process takes place during 10th grade.

**STATE ASSESSMENT** - All juniors are required to take the current equivalent state required assessment.

### **COMMUNITY SERVICE**

All students must complete 40 hours of community service and supporting documentation (Class of 2016-1019).

Beginning with the class of 2020: Students must complete at least one community service-as-action experience per year of enrollment in high school (for students attending in grades 9-12; 4 experiences are required).

### **PERSONAL CURRICULUM**

If modifications to the curriculum are necessary for any course required for graduation, an approved personal curriculum must be in place.

\*To meet the requirement of two credits in Physical Education: Any student that successfully completes a season of participation in a high school sport may waive one half-credit (.5), with a maximum of one credit (1.0) of the elective physical education graduation requirement.

One season of participation in one of the above approved programs will allow waiving .5 credit. A specific sport may be considered only once to waive .5 credit.

Revised: 4/27/83

Revised: 3/20/01

Revised: 3/25/10

Revised: 2/3/11

Revised: 3/6/2014

Revised: 7/21/16

## **Early Completion of High School Credits**

If a student indicates an interest in completing high school at the end of the first semester of his/her senior year, a set of procedures and requirements must be followed so that an orderly transition can be accomplished.

The first step is to receive the written request from the student's parent or legal guardian permitting the building administrator to begin the early high school completion process. The following conditions must be met in order for the student to terminate his/her attendance prior to graduation and still receive a diploma at the regular commencement exercises in June.

1. A minimum of 11 credits must be taken during the junior and senior year.
2. All requirements are completed prior to the termination of school attendance.
3. Parent or legal guardian requests in writing to the principal that the student be allowed to leave school for enrollment in college or for full-time employment.
4. Student's counselor/ certifies in writing that the minimum graduation requirements have been met and that it is his/her recommendation that the student be permitted to complete high school at the end of the first term of the student's senior year.
5. Principal reviews the parent's request, the student's school record, the counselor's recommendation approving or denying the request for early high school completion. Approval is subject to the student having completed the credit requirement.
6. No student will be permitted early completion of high school credits prior to his/her seventh semester in a District high school.
7. The successful completion of two (2) credits (four (4) semester classes of work) in a fully accredited, two- or four-year institution of higher education or out-of-district high school may be applied toward the early high school completion.
8. Students are expected to participate in graduation exercises and to receive their diplomas at the annual commencement exercises for the school. Exceptions must be approved by the building principal.
9. Credits earned in summer school, adult education or online classes may not contribute toward early graduation from high school.

The above information should be completed on or before the first week in November of the student's senior year. Exceptions may be made by the high school principal.

Revised: 8/28/84

Revised: 3/20/01

Revised: 12/11/08

## **Standardized Testing Participation**

Adequate Yearly Progress (AYP) is a major part of the federal No Child Left Behind Act (NCLB). In Michigan, it measures year-to-year student achievement on the Michigan Education Assessment Program (MEAP) for elementary and middle schools or achievement on the Michigan Merit Exam (MME) for high school students. Certain special education students are measured through MI-Access. In order to make AYP, federal law (NCLB) and Michigan law (Education YES) require that the district assess all students. The district is subject to financial and other penalties unless at least 95 percent of enrolled students, including 95 percent of the required subgroups participate. The required subgroups are economically disadvantaged students, students from major racial and ethnic groups, students with disabilities and students with limited English proficiency. The results from the subgroups are reported separately when at least 30 students in a subgroup are tested on any state assessment (MEAP, MME or MI-Access).

Accordingly, the district expects all enrolled students to participate in all tests mandated by federal or Michigan law except for students excused by the district's Superintendent in writing. All high school juniors must take the MME as a requirement for graduation. This provision shall be reviewed annually by the Board Instruction Committee. The Superintendent will only excuse students in exceptionally unusual circumstances.

First Reading: 9/18/08

Approved: 10/2/08

Revised: 10/21/09

Revised & Approved: 11/19/09



**Bloomfield Hills Board of Education**

**Type:** Policy

**Policy Number:** 5301

**Regulation:**

## **Uniform Code of Student Conduct**

**Policy:**

Full Policy Attached Below

**History:**

Revised & Adopted: 5/17/12

Revised: 8/20/15

Adopted: 9/17/15

Revised & Adopted 10/26/17

### **ATTACHMENTS:**

File Name	Description
 5301_Uniform_Code_of_Student_Conduct.pdf	5301 Student Code of Conduct



# **Uniform Code of Student Conduct**

**REVISED 2017  
BOARD OF EDUCATION POLICY 5301**

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# Uniform Code of Student Conduct

## Bloomfield Hills Board of Education Policy 5301

Please note that this document is also available online  
by accessing [www.bloomfield.org](http://www.bloomfield.org).  
Select “Board Policies” from the list of choices under Board of Education on the  
left-hand side of the page, and then search  
Uniform Code of Student Conduct.

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## STUDENT CONDUCT

The School District is committed to programs that will encourage the development of citizens who have self-respect and respect for others, who comply with existing laws and who accept their corresponding rights and responsibilities.

The District will develop and maintain a *Uniform Code of Student Conduct* which sets forth rights and responsibilities, as well as the rules and regulations to which all students are subject. *The Uniform Code of Student Conduct* will formulate clear expectations for individual students and student groups and will specify the processes to provide and regulate student rights and responsibilities.

The rules and regulations described in the *Uniform Code of Student Conduct* will not limit the authority of school personnel to deal appropriately with types of conduct not specifically described in the Code. The principal or designee in each building will treat conduct violations not specifically covered in the Code uniformly and fairly.

In order to assure that procedures used by the School District to deal with student conduct and discipline are current, procedures will be established by the administration for periodic review of all disciplinary and conduct rules and regulations.

## PREAMBLE

**It is very important for you to read and understand this**  
***Uniform Code of Student Conduct***  
**as it is a statement of both your rights and your responsibilities**



## NOTICE OF NONDISCRIMINATION

It is the policy of the Bloomfield Hills Schools not to discriminate on the basis of race, color, religion, national origin, sex, age, height, weight, marital status, disability, genetic information, or any other reason prohibited by applicable laws, in its programs, services, activities, or employment practices. The following people have been designated to handle inquiries regarding the nondiscrimination policies:

Inquiries related to discrimination on the basis of disability should be directed to:

**Section 504 Coordinator**

Director of Special Education  
7273 Wing Lake Road  
Bloomfield Hills, MI 48301  
(248) 341-5415

Direct all other inquiries related to discrimination to:

**Title IX Coordinator**

Assistant Superintendent for Human Resources and Labor Relations  
7273 Wing Lake Road  
Bloomfield Hills, MI 48301  
(248) 341-5425

\*The grievance procedure for addressing complaints of discrimination is set forth in Article F of the Uniform Code of Student Conduct

**ARTICLE A**  
**RIGHTS AND RESPONSIBILITIES**  
Regulation 5301.1

**1. ACCESS TO STAFF AND FACILITIES**

❖**Rights:** Each student has the right of access to a professional staff and the facilities necessary for an instructional and co-curricular program, which will allow the achievement of personal growth through active participation in such programs.

❖**Responsibilities:** By accepting the right to participate in school programs on or off school property, the student will accept the responsibility to conduct himself or herself according to the rules, regulations and provisions of these programs.

**2. FORMULATION AND EXPRESSION OF IDEAS**

❖**Rights:** Every student has the right to form, hold and express his or her own ideas and beliefs. The encouragement of this right requires that each student be permitted to disclose or express an idea in the proper educational setting without penalty, embarrassment or any reflection in academic evaluation. The administration and faculty of each school have the obligation to maintain such an environment and one that is favorable to studying and learning.

❖**Responsibilities:** By accepting this right to form, hold and express an idea in the proper educational setting, the student accepts corresponding responsibility to follow reasonable rules of expression designed to protect the rights of others in the educational setting.

**3. USE OF EDUCATIONAL RESOURCES**

❖**Rights:** Students have the right to utilize such educational resources as buildings, grounds, equipment, and instructional materials necessary to meet the requirements and needs of their curricular and co-curricular programs in accordance with procedures established by the administration.

❖**Responsibilities:** The student exercising his or her right to use the resources provided will also accept the responsibility for the preservation and care of the property. Students will have had prior experience or instruction before using any piece of equipment. Any unauthorized use or deliberate destruction or defacing of the property will be deemed a violation of the *Uniform Code of Student Conduct*. The building principal will establish and enforce procedures necessary to make the building, equipment and materials available for the use of students.

#### 4. DISTRIBUTION OR POSTING OF WRITTEN MATERIALS

❖ **Rights:** Students are entitled to express, in writing, their personal opinions, to circulate petitions and to post materials in the building subject to reasonable rules and regulations established by the administration.

❖ **Responsibilities:** By accepting the right to distribute or post handwritten, printed, duplicated or other material on school premises, the student accepts full responsibility for the content of all material and accepts the rules and regulations established by the administration.

#### ❖ **RULES REGARDING DISTRIBUTION AND POSTING OF WRITTEN MATERIALS**

The manner of distribution of such material will be such as to not interfere with or disrupt the educational process and will be subject to the following provisions:

- a. The Superintendent, Assistant Superintendent for Learning Services, or building principal may prohibit posting or distribution of any material which (1) materially and substantially interferes or threatens to interfere with the requirements of good order in the operation of a school or schools, or (2) materially disrupts or threatens to involve disorder, violence or an invasion of the rights of other students.
- b. Distribution of materials and circulation of petitions may take place during lunch, prior to, and after school, in areas designated by the building administrator and which provide reasonable access to the students. The student must be presently enrolled in the school and authorship of the materials must be identified.
- c. Students will have access to specified bulletin boards and areas for the posting of notices or other communications concerning school activities or matters of general interest to students. Posted notices will (1) be subject to reasonable size and number limitations determined by the administration, (2) be dated and (3) identify the sponsoring individual or organization. Notices in violation of any restriction, outdated material, or items posted more than ten (10) days may be removed by school authorities.
- d. Materials to be distributed or posted in the building or on school grounds will require prior administrative approval and will be subject to rules published by the building administrator. If the building administrator denies permission for distribution or posting of material, the building administrator will provide a written explanation for such denial. Within five (5) days of receipt of such written explanation, the denial may be appealed in writing to the Superintendent or a designated representative who may affirm, reverse or modify the action of the building administrator. The reasons for such action will be provided the student in writing within five (5) school days of receipt of the appeal.

## 5. SCHOOL-SPONSORED PUBLICATIONS

- ❖ **Rights:** Student editors of school-sponsored publications have the right to present materials for publication without fear that penalty, embarrassment or any reflection in the academic evaluation will result from presentation of such materials.
- ❖ **Responsibilities:** By accepting the foregoing rights the student accepts the responsibility to comply with the policies and regulations of the District regarding school-sponsored publications.

### ❖ RULES REGARDING SCHOOL-SPONSORED PUBLICATIONS

Student editors of school-sponsored publications will be guided by the policies of the School District and will ensure adherence to accepted standards of good journalism, specifically those guarding against libel, intentional distortion, or reckless disregard for the facts.

- a. Authorship will be disclosed and opinions will be identified as such.
- b. Student editors of school-sponsored publications will provide opportunity for the expression of views by fellow students, teachers and administrators that differ from editorial policy.
- c. All materials to be published in school-sponsored publications will be submitted for approval to the faculty sponsor before publication.
- d. Materials may be rejected by the faculty sponsor who will prepare a written explanation to the student editor of the reasons for rejection.
  - (1) Within five (5) school days after receipt of such written explanation, the rejection may be appealed in writing to the building principal who may affirm, reverse, or modify the action of the faculty sponsor. The reasons for such action will be provided the student in writing within five (5) school days of receipt of the appeal.
  - (2) Within five (5) school days after receipt of the written explanation from the building principal, the principal's decision may be appealed in writing to the Superintendent (or designee) who may affirm, reverse or modify the action of the building principal. The reasons for such action will be provided the student in writing within five (5) school days of receipt of the appeal.



## 6. STUDENT MEETINGS AND GATHERINGS

❖**Rights:** School-sponsored activities and meetings (student government, pep rallies, etc.) are scheduled during the school day. In addition, students will be given the opportunity to organize and hold student meetings at reasonable times, other than during those hours when classes are being held.

❖**Responsibilities:** By accepting the foregoing rights, the student accepts the responsibility to initiate meetings and gatherings according to the policies and regulations of the District.

### ❖RULES REGARDING STUDENT MEETINGS AND GATHERINGS

Student meetings or gatherings in school buildings or on school grounds may function only as authorized by the Board of Education or a school administrator. Building administrators must be informed in advance and may impose reasonable restrictions on the time and place of student gatherings or assemblies.

- a. If the building administrator denies permission for a student gathering or assembly, the building administrator will provide a written explanation.
- b. Denial may be appealed in writing to the Superintendent (or designee) who may affirm, reverse, or modify the action of the building administrator. The reasons for such action will be provided the student in writing within five (5) school days of receipt of the appeal.
- c. Attendance at meetings and assemblies is limited to students regularly enrolled in that building unless the building administrator gives prior approval.

## 7. PERSONAL PROPERTY THAT MAY BE BROUGHT ON SCHOOL

### PREMISES AND PRIVACY OF LOCKERS, DESKS, PERSONS, AND AUTOMOBILES

❖**Rights:** Students have the right to bring upon and store such personal property as is ordinary and necessary to the performance of the academic and co-curricular tasks assigned, including appropriate items of wearing apparel.

❖**Responsibilities:** It is the responsibility of the student to bring on school property only that personal property which is ordinary and necessary to the performance of the academic and co-curricular tasks assigned and, when necessary, to store such personal property in a manner so as not to subject it to a risk of loss.

### ❖RULES REGARDING SEARCH OF STUDENT LOCKERS, DESKS, AND AUTOMOBILES

- a. Search of lockers, desks, persons, mobile phones and other electronic devices and automobiles for illegal or unauthorized materials:

- (1) To maintain order and discipline in the schools, and to protect the safety and welfare of students and school personnel, school authorities may search a student, student personal effects, student lockers, desks and student automobiles under the circumstances outlined below and may seize any illegal, unauthorized, or contraband materials discovered in the search.
- (2) A student's refusal to permit searches and seizures, as provided in this policy, will be considered grounds for disciplinary action.
- (3) **Personal Searches**  
A student's person and/or personal effects (e.g., purse, book bag, jacket, pockets, mobile phone & electronic devices, etc.) may be searched whenever:
  - a. a school authority has reasonable suspicion to believe that the student has violated the Code of Student Conduct and/or is in possession of illegal or unauthorized materials, and
  - b. a school authority has reason to believe that evidence of the violation will be found by conducting the search.

If a pat down search of a student's person or a search of pockets, footwear, or garments is conducted, it will be conducted in private by a school official of the same sex and with an adult witness of the same sex.

- (4) **Locker or Desk Searches**  
School lockers or desks will be assigned to students by the school administration. Student lockers and desks are school property and remain at all times under the control of the school; however, students are expected to assume full responsibility for the security of their lockers and desks. The assignment of lockers is given with the understanding that periodic checks will be made by school personnel for the purpose of general upkeep and cleanliness. These checks will be conducted openly during the school day and in the presence of the students. The students may elect not to be present unless presence is required by the school administration. Further, an inspection of lockers and desks may be conducted by school authorities at any time without notice and without student consent when there is reasonable suspicion to believe that illegal and/or unauthorized materials are or have been contained in the locker or desks. Whenever possible, a locker or desk search will be conducted with the student and another staff member present.

Students who were not present when a locker or desk is checked will be informed of the search within one school day. Upon request, and within three (3) school days of the search, the principal will provide the student with a written list of the reasons that caused the locker or desk check.

- (5) **Automobile Searches**  
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 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 authority has reasonable grounds to believe that illegal and/or unauthorized materials are

contained inside. Such patrols and inspections may be conducted without notice and without student consent.

c. **Seizure of Illegal or Unauthorized Materials**

If a properly conducted search yields illegal or contraband materials, such findings may be used in school disciplinary proceedings and may be turned over to proper legal authorities for ultimate disposition.

## **8. STUDENT EXERCISE OF RIGHTS AND PRIVILEGES**

A student will not be punished or penalized by any member of the school faculty or administration solely because the student exercises any of the rights or privileges described in this Code. Any student who deems himself or herself aggrieved by a violation of this regulation may appeal, in writing, to the administrator of the building in which he or she is enrolled. The building administrator will promptly hear and consider the appeal and decide the same in writing.

## **9. GENERAL LIMITATIONS**

Because educational institutions must be orderly institutions, individual rights must be exercised in such a manner as to recognize the rights of all.

- a. Students are to communicate ideas or beliefs by means that will not constitute or bring about a disruption of school activities.
- b. Student support of, or participation in, any kind of action is permitted when such action would disrupt usual school activities, violate any laws, or interfere with the rights of others.
- c. Communication of an obscene or defamatory nature or those that advocate racism, sexual, ethnic or religious discrimination is not permitted. A determination as to whether such material violates this paragraph will be made by the building administrator.
- d. Students are expected to present a personal identification card upon request.
- e. Non-students must seek prior approval from administration. Non-students may be denied access to school buildings and events at the discretion of the building administrators or their designees.

## **10. OTHER RIGHTS**

All Board of Education policies relating to students may be found in the *Bloomfield Hills Schools Board Policies* which are online at [www.bloomfield.org](http://www.bloomfield.org). Click on *Board of Education* then *Policies*.

In addition to the *Uniform Code of Student Conduct*, the Bloomfield Hills School District Board of Education has additional policies that deal with students. Each policy statement is followed by a regulation which explains and outlines guidelines and procedures for the implementation of that policy. Following is an index of the policies and regulations of the Board of Education as they pertain to students:

### **BLOOMFIELD HILLS SCHOOLS BOARD OF EDUCATION 5000 Series Policy: Students**

#### **5102 School Admission**

School Admission

Residency

Foreign Exchange Students

#### **5103 Tuition Enrollments**

5103.1 Tuition Enrollments

#### **5105 School Attendance Areas**

School Attendance Areas

Student Transfers

#### **5106 Withdrawals, Suspensions, Expulsions**

5106.1 Withdrawals, Suspensions, Expulsions

#### **5201 Promotion and Retention**

5201.1 Promotion and Retention

#### **5203 Grading and Reporting Pupil Progress**

5203.1 Grading and Reporting Pupil Progress

#### **5204 Graduation Requirements**

Requirements for Bloomfield Hills High School Diploma

Early Completion of High School Credits

#### **5206 Standardized Testing Participation**

#### **5301 Uniform Code of Student Conduct**

#### **5303 Corporal Punishment**

*continued on next page ↑*

**5000 Series Policy: Students** *cont'd.*

**5304 Sexual Harassment (Student)**

**5306 Anti- Bullying**

**5402 Health Services**

5402.1 Health Services and Administration of Medication

**5404 Food Allergy Management**

5404.1 Management of Food Allergies in Schools

**5406 Transportation**

5406.1 Transportation

**5407 Food Services**

5407.1 Food Services

**5502 Organizations**

School Clubs

School Government

School Publications

**5503 Social Events**

**5599 PTOs, Booster Clubs and Similar Organizations**

**5600 Fundraising**

Guidelines for Fundraising

Guidelines for Accepting Contributions from Individuals/Groups

**5601 Solicitation of Students**

**5602 Solicitation by Students**

**5603 Gifts and Payments to Staff Members**

**5604 Gifts to Schools**

5604.1 Guidelines for Accepting Gifts

**5605 Respect for Religious Preference**

5605.1 Guidelines for Religious Preference

**5606 Communicable Diseases**

5606.1 Regulations Regarding Communicable Diseases

**5700 Parental involvement**

**5800 Wellness**

5800.1 Nutrition; Physical Activity

## PROHIBITED BEHAVIORS

### ARTICLE B PROHIBITED BEHAVIOR Regulation 5301.2

Students are subject to the authority of district officials and the *Uniform Code of Student Conduct* going to and from school and/or school-sponsored events and activities, and at school-sponsored events and activities which take place off of school premises (i.e., off-campus).

Students are prohibited from engaging in off-campus misconduct of a serious and/or criminal nature which poses a likelihood of danger to the health (physical or emotional) or welfare of students or district personnel (e.g., selling drugs off-campus), or which reasonably makes the continued presence of the student in the school disruptive to the educational process (i.e., committing a crime off-campus which is vicious in nature).

A student who has engaged in misconduct resulting in expulsion or long-term suspension in another school system, or who has withdrawn from said school system before such misconduct was established by an appropriate hearing, which misconduct, if true, is of sufficient gravity to pose a threat to the health or welfare of students or district personnel, or makes the presence of the student in the school disruptive to the educational process, may be subject to suspension or expulsion from Bloomfield Hills Schools where such misconduct has been established in a hearing before the Superintendent (or designee).

Certain administrative procedures may occur during the disciplinary process. For example, a student may be isolated from other students, appropriate social or medical agencies may be contacted for assistance, and disciplinary action may be recorded on a student's disciplinary record. ***The appropriate police agency will be contacted in all cases involving violation of local or township ordinances, state or federal law.*** When prohibited behavior occurs or is suspected, communication with parent/legal guardian is strongly encouraged and is required in cases of suspension and/or police involvement.

Depending on the circumstances, the District may take any appropriate disciplinary action in response to student misconduct occurring on or off school property, including suspension or expulsion, whether or not it is listed. Action Codes are presented in an order that allows most offenses to be addressed in a graduated manner, at the discretion of the building administration.

**All offenses related to controlled substances require  
Action Codes 4 and 5 (refer to page 26)**

# PROHIBITED BEHAVIORS

## 1. CONTROLLED SUBSTANCES

- a. The use, possession, or sale of tobacco, inclusive of e-cigarettes, hookah, etc. on school property or at school sponsored events.
- b. Under the influence, use, or possession of, alcohol or controlled substances as defined by Michigan law. Use, sale, or possession of, imitation controlled substances. This includes imitation alcoholic beverages and drug paraphernalia.
- c. The sale or distribution of alcohol controlled substances or imitation controlled substances as defined by Michigan law.
- d. Sale, use, distribution, or possession of inhalants such as whippets, white-out, glue, aerosol cans, etc., will be treated as controlled substances.

## 2. HAZARDOUS CONDUCT

- a. Includes all acts of misconduct such as inciting, provoking, or participating in fighting, assault, battery, intimidation, harassment of others, and personal threats.
- b. Includes acts of misconduct such as making bomb threats, false fire alarms, possessing imitation firearms, possessing imitation deadly weapons, and all other similar acts of misconduct.
- c. Includes intentional conduct through action, speech, display, or graffiti, such as those which explicitly demean the race, sex, religion, color, creed, disability, sexual orientation, gender identity, national origin, or ancestry of another person.
- d. Gang Insignia/Activity  
A student will not wear or possess any clothing, jewelry, symbol or other object that may reasonably be perceived by a teacher or administrator as evidence of membership in or affiliation with any gang; a student will not commit any act, verbal or nonverbal (gestures, handshakes, etc.), that may reasonably be perceived by a teacher or administrator as evidence of membership in or affiliation with any gang; a student will not commit any act, verbal or nonverbal, in furtherance of the interests of any gang or gang activity, including, but not limited to, (1) soliciting others for membership in any gang or gang related activity (2) requesting any person to pay protection or otherwise intimidating or threatening any person (3) committing any other illegal act or violation of School District rules or policies, or (4) inciting other students to act with physical violence on any person.

The term "gang," means a group of two or more persons whose purposes or activities include the commission of illegal acts or violations of the *Uniform Code of Student Conduct*, School District rules or policies, or whose purpose or activities cause disruption or is likely to cause disruption to the educational process.

## PROHIBITED BEHAVIORS

### e. Hazing

The act of hazing is a crime in the State of Michigan and will not be tolerated by the District. A student will not engage in any behavior that is included in the definition of hazing. The District will comply with Michigan law regarding any incidents of hazing.

The term "hazing" means "an intentional, knowing, or reckless act by a person acting alone or acting with others that is directed against an individual and that the person knew or should have known endangers the physical health and safety of the individual and that is done for the purpose of pledging, being initiated into, affiliating with, participating in, holding office in, or maintaining membership in any organizations." Further, the term 'organization' means "a fraternity, sorority, association, corporation, order, society, corps, cooperative, club, service group, social group, athletic team, or similar group whose members are primarily students at an education institution." *Reference: MCL 750.411(t) (P.A. 111 of 2004)*

- f. Includes all other misconduct deemed by the administration to be injurious to oneself or others (i.e., throwing snowballs.)

### g. Bullying

Students who engage in any act of bullying while at school, at any school function, in connection to or with any district sponsored activity or event or while en route to or from school are subject to disciplinary action. As may be required by law, law enforcement officials shall be notified of bullying incidents.

#### A. Prohibited Conduct

1. **Bullying.** Bullying of a student at school is strictly prohibited. For the purposes of this policy, "bullying" shall be defined as:  
Any written, verbal, or physical act, or any electronic communication, including cyber bullying, that is intended or that a reasonable person would know is likely to harm one or more students either directly or indirectly by doing any of the following:
  - a. Substantially interfering with educational opportunities, benefits, or programs of one or more students;
  - b. Adversely affecting a student's ability to participate in or benefit from the District's educational programs or activities by placing the student in reasonable fear of physical harm or by causing substantial emotional distress including any forms of intimidation;
  - c. Having an actual and substantial detrimental effect on a student's physical or mental health; or
  - d. Causing substantial disruption in, or substantial interference with, the orderly operation of the school.

**Retaliation/False Accusation.** Retaliation or false accusation against a target of bullying, anyone reporting bullying, a witness, or another person with reliable information about an act of bullying is strictly prohibited.

**See the District Bullying Policy (Board Policy 5306) for all provisions**



## PROHIBITED BEHAVIORS

### 3. DISOBEDIENCE/DISRUPTIVE BEHAVIOR

Insubordination, disobedience, disrespect toward a school employee, volunteer, or approved adult visitors, failure to carry out an assigned disciplinary action, being on school property without permission during an assigned suspension from school, failure to follow approved school and classroom rules, disruption of class and/or school activities (such as pranks.)

### 4. PROPERTY MISCONDUCT

- a. Involvement in theft, robbery, malicious destruction, defacement, or unauthorized use of any aspect of personal or school property totaling less than \$100 (i.e., building vehicles, equipment, grounds, and/or similar objects.)
- b. Involvement in theft, robbery, malicious destruction, defacement, unauthorized use of any aspect of personal or school property including the use or assistance of a computer or computer technology, or *totaling equal to, or more than, \$100.*
- c. Involvement in theft, robbery, malicious destruction, alteration, or unauthorized use of personal or school computer software or data.
- d. Involvement in intentional damage or defacement of the property of another because of that person's race, sex, religion, color, creed, disability, sexual orientation, national origin, gender identity, or ancestry.

### 5. INDECENCY

- a. Abusive, profane, or vulgar language, sexual harassment, gestures, displays, or graffiti, including those of an intimidating or hostile nature with respect to race, gender, religion, color, creed, disability, sexual orientation, national origin, or ancestry.
  - (1) Incidental type - not specifically directed toward another person or group.
  - (2) Directed type - Abusive, profane, or vulgar language, sexual harassment, gestures, displays, or graffiti, including those of an intimidating or hostile nature with respect to race, gender, religion, color, creed, disability, sexual orientation, national origin, or ancestry directed toward another person or group.
- b. Indecent or inappropriate attire - refer to "Student Dress" on page 23.

### 6. ATTENDANCE

Leaving school without prior permission, misuse of a pass, presence in unauthorized areas as defined by the school administration, chronic tardiness, and skipping.

## PROHIBITED BEHAVIORS

### 7. VEHICLES

Hazardous driving, unauthorized parking, misuse of a permit, violation of other student vehicle regulations as outlined in the student handbook.

### 8. FOOD, BEVERAGE, LITTERING

Improper disposal of food and refuse, removal of food from the cafeteria, improper lunchroom behavior, consumption and/or littering of food and beverages in hallways, classrooms, and unauthorized areas.

### 9. OTHER PROHIBITED BEHAVIOR

- a. Deception, forgery, lying, card playing for money, gambling, bullying, threats.
- b. Students may be in possession of a mobile telephone, or other electronic communications device subject to the terms of this policy and the administrative rules of the District. The capturing of videos and/or photographic images in bathrooms and locker rooms is prohibited.

Students violating this policy may be subject to disciplinary action (*refer to Action Codes, pages 26-27*), i.e., detention, suspension and/or expulsion.

Exceptions may be appropriate for students enrolled in the Bloomfield Hills Schools' Deaf and Hard of Hearing Program.

### 10. ACADEMIC MISCONDUCT

Cheating and failure to follow academic conduct guidelines (see pages 28-29 in the *Uniform Code of Student Conduct*)

### 11. PERSISTENT DISOBEDIENCE

Will be defined as three violations of any of the prohibited behaviors within one school yr.

### 12. WEAPONS/DANGEROUS MATERIALS

- a. Possession, use, sale or distribution of, dangerous materials such as fireworks, explosives, smoke bombs, mace, pepper gas, and other flammable objects of similar nature.
- b. Possession or use of dangerous or deadly weapons such as knives, chains, pipe sections, razor blades, or use or threatened use of, any weapon or instrument in a manner intended to inflict bodily harm (see Section 13 for rules regarding guns, arson, or rape).

## PROHIBITED BEHAVIORS

### 13. WEAPON-FREE SCHOOL ZONE

Amendments to the School Code concerning possession of a dangerous weapon, committing arson or rape in a school building, on or within 1,000 feet of school grounds, or at a school-sponsored activity:

Bloomfield Hills Schools establishes a weapon-free school zone. Any student who possesses a dangerous weapon, commits arson, or rapes someone in a school building, on or within 1,000 feet of school grounds, or at a school-sponsored activity, will be permanently expelled in accordance with Section 1311 of the School Code of 1976, as amended (a copy of Section 1311 appears at the end of this document.) The procedures for expulsion, as provided in Article D of the Uniform Code of Student Conduct, will be followed. In addition, a report will be made to the appropriate police department and/or the Oakland County Family Court.

#### a. Definitions:

- **Weapon Free School Zone:** School Property and a vehicle used by a school to transport students to or from school property
- **Arson**  
Willfully or maliciously setting a fire. The definition includes committing any act which results in the starting of a fire, or aiding, counseling, inducing, persuading or procuring another to do such act or acts.
- **Rape**  
Engaging in conduct which is considered criminal sexual conduct under the Michigan Penal Code.
- **Dangerous Weapon**
  - (1) **Firearm:** (A) any weapon (including a starter gun) which will or is designated to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any fire arm muffler or firearm silencer; or (D) any destructive device. Such term does not include an antique firearm.
  - (2) Any explosives, incendiary or poisonous gas device (i.e., bomb, grenade, rocket having a propellant charge of more than four (4) ounces, missile having the explosive or incendiary charge of more than one-quarter (1/4) ounce, mine or any similar devices.)
  - (3) A dangerous weapon will also mean a dagger, dirk, stiletto, and knife with a blade more than three (3) inches long, pocket knife opened by a mechanical device, iron bar, brass knuckles, or pneumatic guns.

## PROHIBITED BEHAVIORS

### 14. STUDENT DRESS

District students are expected to dress, groom, and attire themselves in a manner that is not potentially dangerous, does not distract others or disrupt education, and does not convey a message contrary to District policy. The following are examples of dress, grooming, and attire that may violate District policy. This should not be considered an exclusive list. Students should reference their own school's dress code for more detailed examples.

**Potentially Dangerous Items:**

Chains, pointed rings, metal spikes, clothing or attire restricting physical movement, etc.

**Distracting or Disruptive Items:**

Clothing that exposes or draws unusual attention to breasts, buttocks, or genitals; styles that expose undergarments; grooming or attire that focuses attention on a student or group of students at the expense of learning, such as nightwear or beachwear, etc. Students must wear shoes.

**Contrary to District Policy:**

Clothing that advertises or promotes smoking, alcohol, or the illegal use of drugs; clothing reasonably likely to be perceived as promoting racial, ethnic, or religious discrimination or intolerance; clothing reasonably likely to be perceived as advertising or promoting illegal behavior; clothing reasonably likely to be perceived as obscene, lewd, vulgar, or plainly offensive, etc.

Students who violate the District's Dress Code may be subject to discipline according to the District's *Uniform Code of Student Conduct*. Additionally, students may be asked to change clothes that do not comply with the District's Dress Code and/or may be sent home.

# PROHIBITED BEHAVIORS

## 15. THE REVISED SCHOOL CODE

Effective August 1, 2017, the Michigan legislature amended the “zero tolerance measures” in the Revised School Code which were enacted in 1999. The amended legislation is incorporated in the *Uniform Code of Student Conduct* as provided below. As with all provisions of the *Uniform Code of Student Conduct*, special education students are only subject to discipline consistent with the Individuals with Disabilities Education Act (IDEA) of 2004.

### **a. Students in Grade Six or Above Who Commit a Physical Assault at School Against Another Student**

A student in grades six or above, who commits a physical assault at school against another student, where the assault is reported to the Board, Superintendent, or Building Principal, will be suspended for up to 180 days from Bloomfield Hills Schools. The student has the right to reinstatement after the suspension period.

### **b. Students in Grade Six or Above Who Commit a Physical Assault at School Against an Employee, Volunteer, or Contractor**

A student in grades six or above, who commits a physical assault at school against an employee, volunteer, or contractor, where the assault is reported to the Board, Superintendent, or Building Principal, will be permanently expelled from Bloomfield Hills Schools (and every public school in the state) for at least 180 days. The student may petition for reinstatement to Bloomfield Hills Schools at the conclusion of the expulsion period; however, the reinstatement is subject to the discretion of the Board of Education, and is not a matter of right. The reinstatement procedure is the same as for reinstatement following expulsion for possession of a dangerous weapon set forth in Article B(13)(b).

### **c. Students in Grade Six or Above Who Make a Bomb Threat or Other Similar Threat**

A student in grades six or above, who makes a bomb threat or a similar threat directed at a school building, other school property or a school-related event, will be suspended from Bloomfield Hills Schools for a period of time as determined in the discretion of the board of education or its designee.

### **d. Definitions**

#### **Physical Assault**

Intentionally causing or attempting to cause physical harm to another through force or violence

#### **“Bomb or Similar Threats”**

Words, writing or behavior, directed at a school building, school property or school-related event, that, in the judgment of building administration would put reasonable school personnel or students in fear of imminent injury to persons or property by a bomb, chemical or incendiary device

**“At School”**

Classroom, on school premises, on a school bus or other school-related vehicle, or at a school-sponsored activity or event whether or not it is held on school premises

## **DISCIPLINARY ACTION THAT MAY BE TAKEN BY THE PRINCIPAL (OR DESIGNEE)**

### **ACTION CODES**

1. Material will be confiscated.
2. Student may be required to attend after-school detention and/or satisfactorily complete a written assignment.
3. Student may be required to complete school property cleanup after school or on weekends.
4. Student may be required to make use of counseling services.
5. Student may be required to attend a special clinic on alcohol, smoking or substance abuse.
6. Student will be required to make full financial restitution.
7. Student may be denied permission to operate or park a vehicle on school property.
8. Vehicles will be towed at student expense or a parking ticket will be issued which carries a fine.
9. Student may be suspended from use of all personal electronic devices.
10. First offense of misconduct on a bus may result in up to three (3) days' suspension from riding the bus; second and subsequent offenses may result in further suspension from riding the bus.
11. Student may be required to attend the district's in-school detention program, not to exceed three (3) days per incident. Students will receive credit during the in-school detention.
12. Student may be suspended from school premises and activities for a period not to exceed three (3) days per incident and/or a pending conference with parents. Either or both actions will be determined by the principal or his or her designee. At the discretion of the principal, the conference may be made as a condition for readmission.
13. Student may be suspended from school premises and activities for a period of no fewer than four (4) and no more than ten (10) days with a conference required with parents, the principal (or designee) and/or the police liaison officer. Legal action may be taken.

**DISCIPLINARY ACTION THAT MAY BE TAKEN BY  
THE PRINCIPAL (OR DESIGNEE)**

*continued*

**ACTION CODES**

14. Student may be suspended from school premises up to an indefinite period of time subject to counseling and until receipt of a written statement from therapist, psychologist or psychiatrist that the student's behavior is not likely to be disruptive or dangerous to himself or herself or others.
15. Student may be subject to actions applicable to the offense and may, subject to the requirements of Article D, be suspended from school and excluded from premises and activities for the balance of the semester with subsequent loss of credits for the semester.
16. A recommendation for expulsion from school may be made to the Superintendent of schools (or designee).
17. Student may be placed on probation for the balance of a semester or the school year. Co-curricular and extracurricular activities of such student may be restricted. The student will be expected to conform strictly to the Uniform Code of Student Conduct and activities of such student will be monitored by the principal (or designee) through attendance at scheduled conferences. Any violation of probation may result in the student being suspended subject to the requirements of Article D for the balance of a semester or the school year.
18. Police will be notified; further action may be taken.
19. Restorative Practices (Restorative practices are practices that emphasize repairing the harm to the victim and the school community caused by a student's misconduct).



## **ACADEMIC CONDUCT**

It is the school's intent to maintain and encourage high standards of personal conduct. These standards include personal honesty, discipline and integrity.

We assume that any school work that is turned in for credit by a student is a result of that student's effort. Generally, academic misconduct occurs any time a student turns in work which is not his or her own. Academic misconduct is a serious violation of school policy.

Specifically, students should be aware of the following information:

1. **HOMEWORK** — Daily homework assignments should represent reasonable effort on the part of the student. The copying of someone else's work with the intent to mis-represent that assignment is never permissible.
2. **CLOSED BOOK QUIZZES, TESTS AND ASSIGNMENTS** — The results of a quiz or a test should represent only the student's own work. This work must be performed during the testing period without any unauthorized verbal or nonverbal communication or assistance. Specifically, this language prohibits such behavior as looking at another student's papers, unauthorized communication during a testing situation, or having inappropriate or unauthorized material available for use including electronic devices, or securing test information from other students.
3. **OPEN BOOK TESTS** — The same rules apply to open book tests that apply to closed book tests except that teachers will define the specific resources that a student may use.
4. **MAJOR PAPERS, PROJECTS OR TAKE HOME TESTS** — The basic guideline is that a student turns in his or her own work. Thus, plagiarism including purchased, borrowed, or obtained materials, is specifically prohibited. Collaboration may be permitted or encouraged by the teacher.
5. **UNAUTHORIZED ACCESS** — Students are prohibited from gaining unauthorized access to test materials through such behavior as going into teacher files and looking through a teacher's desk, using electronic means, or securing information from an individual who has taken the test previously.
6. **OTHER SITUATIONS** — Students who provide or receive unauthorized assistance through written, verbal or electronic means have violated this policy.

ARTICLE C  
BLOOMFIELD HILLS SCHOOLS  
MISSION STATEMENT  
Regulation 5301.3

***The mission of Bloomfield Hills School District is to empower learners to become architects of their futures building on a foundation of scholarship, citizenship and integrity.***

### **ATTENDANCE PHILOSOPHY**

Regular school attendance is vital to successful academic growth and demonstrates caring and respect for self and others. It is the intent of the Bloomfield Hills Attendance Policy to provide opportunities for all students to achieve their fullest potential. Each student is an irreplaceable resource, necessary for the interaction that forms an essential part of classroom learning. When absences occur, the educational experience of all students in the class is diminished.

In order to enhance this educational experience, the following expectations and responsibilities should be emphasized. The major responsibility for acceptable attendance lies with the individual student. However, parents, teachers, counselors, and administrators have the responsibility to assist the student in meeting the goal of acceptable attendance.

Students are expected to be in school and in class every day. They should be fully aware that the interactions that go on in the classroom cannot be duplicated and constitute a valid and critical part of the course work. They should be on time, attentive, and prepared with the proper materials to be actively involved in the class. If a class has to be missed for school activities, the student must give prior notification to the teacher and request assignments.

Parents are expected to notify the school promptly of any absence or extenuating circumstances regarding illness or personal and family problems that may have an effect on attendance. Every effort should be made to schedule routine appointments after school hours, and family vacations should be planned during the holidays outlined on the school calendar. Parents should discuss the importance of good attendance with their student, and avoid supporting any abuse of the Attendance Policy.

Teachers are expected to maintain accurate daily attendance records, and report them properly to the office. A teacher has the professional responsibility to begin class on time and provide a consistent classroom environment that is a challenging, rewarding, and stimulating experience.

To promote this philosophy and to assist students in developing lifelong responsible attendance patterns, the following regulations will be implemented:

## ATTENDANCE REGULATIONS

### 1. DAILY EXCUSED ABSENCES

Daily excused absences will be granted for such reasons as personal illness, family illness, medical, dental, or legal appointments, religious holidays, and funerals.

### 2. EXCUSING ABSENCES

***For an absence to be excused, students with "18 year old privileges" or parents of a minor student must advise the attendance office by telephone or in person of the reason for the absence the day of the absence.*** Family trips and college visits must be prearranged. Documentation or other verification may be required to establish an excused absence. This documentation may be by phone or in writing. Contacts with the attendance office should be made prior to the student's readmission to classes. Students leaving the building during the school day must check in and out with the attendance office or Health Clinic.

All parent calls regarding attendance will be noted on the master attendance list.

### 3. PRE-ARRANGED EXCUSED ABSENCES

Prearranged absences which include family trips\* and college visits must be approved by the administration. These prearranged absences should not be taken before or after a holiday. These absences must be arranged at least 24 hours in advance. Family trips must be arranged 72 hours in advance.

\*Absences due to family trips are strongly discouraged. Such absences should not exceed five (5) days per school year. Exceptions can be made by the principal for unique educational opportunities. Emergency circumstances will be dealt with by the principal on an individual basis.

In the case of trip absences, it is the student's responsibility to take the initiative in arranging with the teacher for make-up work and for completing any make-up work either before the trip or within the time established by the teacher after the trip. Teachers may designate such make-up to occur before or after school, during the student's lunch period, or any other mutually agreed upon time. Please see the main office for a prearranged absence form.

### 4. UNACCEPTABLE REASONS FOR ABSENCES AND TARDINESS

Absences such as oversleeping, car trouble, skipping, truancy, leaving school without permission, or no specific reason for the absence will be considered unexcused. Extenuating circumstances may be appealed to the principal (or designee).

## **5. STUDENT'S RESPONSIBILITY**

It is the responsibility of the student to know the number of unexcused and excused absences accumulated in the student's records.

## **6. ATTENDANCE ALERTS**

The school will notify parents of all unexcused absences. In the case of students with "18 year old privileges," the student and/or the parent will be notified. If necessary, a parent conference may be required.

## **7. MAKE-UP WORK**

Teachers are obligated to assist students in making up class work missed because of excused absences. The teacher may require that class period time not be used for arranging or completing make-up work and may designate test make-up to occur before or after school, during the student's lunch period, or any other mutually agreed upon time. It is the student's responsibility to take the initiative in arranging for make-up of work and tests in a timely manner. Teachers are not obligated to assist in the make-up of class work and/or tests missed because of unexcused absences unless specifically directed to do so by the building principal.

## **8. ABSENCES FOR IN-SCHOOL ACTIVITIES**

Absences for approved participation in in-school activities, approved meeting with another teacher or administrator, and approved clinic visits, will be considered excused absences.

## **9. EXCESSIVE EXCUSED ABSENCES**

Students with excessive excused absences will be referred to the counseling staff. Parents will be contacted to express concern regarding the loss of class time.

## **10. DETENTION/SUSPENSION ABSENCES**

Students are allowed to make-up all work or tests for credit missed as a result of an in- or out-of-school detention/suspension. It is the student's responsibility to take the initiative in arranging for make-up work and tests.

## **11. TRUANCY**

For further information about truancy and the Compulsory School Attendance Law, please review [http://www.michigan.gov/documents/mde/compulsory\\_attendance\\_257944\\_7.pdf](http://www.michigan.gov/documents/mde/compulsory_attendance_257944_7.pdf)

ARTICLE D  
DETENTION, SUSPENSION  
AND EXPULSION  
Regulation 5301.4

The school is a part of the total community. School rules and regulations are established for the protection of all of its members. Violations of school rules and regulations (on school property, en route to or from school or school activities, on school vehicles, and during or in connection with school-sponsored activities or off-campus misconduct of a serious or criminal nature) are cause for action as described herein. As used herein, days will mean school days.

Prior to implementation of suspension or expulsion the student will be informed of the claimed infraction(s) and will be given an opportunity to respond to the charges made. The student must always be advised of his or her right to appeal.

Any discipline consequences may be reportable to colleges.

**1. LEGAL BASIS FOR SCHOOL DISCIPLINE (Revised School Code of 1976)**

“Sec. 1300. The Board of a school district shall make reasonable regulations relative to anything necessary for the proper establishment, and carrying on of the public schools of the district, including regulations relative to the conduct of pupils concerning their safety while in attendance at school or en route to and from school.”

“Sec. 1311. (1) Subject to Subsection (2), the School Board, or the school district superintendent, a school building principal, or another school district official if designated by the School Board, may authorize or order the suspension or expulsion from school of a pupil guilty of a gross misdemeanor or persistent disobedience if, in the judgment of the School Board (or designee), as applicable, the interest of the school is served by the authorization or order. If there is reasonable cause to believe that the pupil is a student with a disability, and the school district has not evaluated the pupil in accordance with rules of the Superintendent of Public Instruction to determine if the student is a student with a disability, the pupil shall be evaluated immediately by the Intermediate School District of which the school district is constituent in accordance with Section 1711.”

**2. RESTORATIVE PRACTICES.**

Consistent with Michigan law and in every case, the School District will consider restorative practices as an addition or alternative to suspension or expulsion. Restorative practices are practices that emphasize repairing the harm of the victim and the School District community of a students' misconduct or other behavior. Restorative practices may be considered and implemented by a restorative practices team. The restorative practices team may be constituted and act in the manner described in Section 1310c(2) of the Revised Code or in a similar manner, depending on the circumstances as a whole in the sole discretion of the School District administrator assigned to handle the misconduct or behavior or the Board of Education (if the Board of Education is handling the misconduct or behavior). (see MCL 380.1310c included)

Restorative practices should be the first consideration to remediate offenses such as interpersonal conflicts, bullying, verbal and physical conflicts, theft, damage to property, class disruption and harassment, bullying and cyberbullying.

### **3. TYPES OF DISCIPLINARY ACTION**

#### **a. ADMINISTRATIVE INTERVENTION**

Administrative Intervention is disciplinary action which does not result in a student being suspended from school, but may include restorative practices.

Administrative intervention may also include, in-school detention, which is an exclusion from regular class(es) and in addition, may include exclusion from school activities for up to three (3) full days with the requirement that the student attend the In-School Detention Program.

- This action may be taken by the building principal (or designee).
- Cause for this action is a violation of school rules and regulations that are more serious or repetitive in nature.
- Parent(s) and/or legal guardian(s) and the student, if 18 years of age, will be notified of this action by phone and/or electronically (such as email) . The school administration will determine the need for a parent conference prior to student readmission. If, however, the parent requests a conference, the administrator will honor this request.

#### **b. OUT-OF-SCHOOL SUSPENSION**

Suspension is defined as exclusion of a student from school for disciplinary reasons for a period of fewer than 60 school days. Such suspension includes exclusion from classes, activities and school premises.

The suspension periods are:

- Up to 3 days,
- Between 4 and 10 days, and
- Between 11 and 59 days.

#### **1. Presumption Against Long Term Suspension and Consideration of Individual Factors.**

Consistent with Michigan Law the Board of Education adopts a rebuttable presumption that students should not be disciplined by the imposition of a long term suspension (between 11 and 59 days), unless the Board of Education has determined in its sole discretion, the presumption has been rebutted by considering each of the following factors:

- The student's age
- The student's disciplinary history,
- Whether the student has a disability,

- The seriousness of the violation or behavior,
- Whether the violation or behavior committed by the student, threatened the safety of any student or staff member,
- Whether restorative practices will be used to address the violation or behavior, and
- Whether a lesser intervention would properly address the violation or behavior

If a student possesses a firearm in a weapon free school zone, the student will be permanently expelled without considering the above factors, unless the student can establish mitigating factors by clear and convincing evidence. (see page 38)

## **2. Suspension of up to 3 school days**

- Suspension of up to 3 school days may be taken by the building principal (or designee).
- Cause for this action is a violation of school rules or regulations.
- Parents and/or legal guardians and the student, if 18 years of age, will be notified of this action by phone and letter. The school administration will determine the need for a parent conference prior to the student re-entering. If, however, the parent requests a conference, the administrator will honor this request.

### **a. Suspension between 4 and 10 school days**

- Suspension between 4 and 10 days means **exclusion** from school for the indicated period of time, and may include exclusion pending action at a higher level, or awaiting disposition of civil authorities.
- This action may be taken by the Superintendent of schools (or designee) upon the recommendation of the principal.
- Causes for this action are violation of school rules or regulations “gross misdemeanor” or “persistent disobedience,” “the student's inability to be educated in the school environment, or conduct which endangers the welfare of other pupils or the welfare of property of other persons or the welfare of school district property.”
- Parents and/or legal guardians and the student, if 18 years of age, will be notified in writing of this action.
- The Superintendent (or designee) will notify the Board of Education of the student's suspension in writing with a recommendation for action.

#### **b. Suspension between 11 and 59 school days**

- Suspension between 11 and 59 school days may be taken by the Superintendent (or designee) only after an opportunity for hearing is given.
- Causes for suspension are those defined in the Revised School Code and in the Uniform Code of Student Conduct, and include "gross misdemeanor" or "persistent disobedience", the student's inability to be educated in the school environment, or conduct which endangers the welfare of other pupils or the welfare of property of other persons or the welfare of school district property.
- The school administration will recommend cases for suspension for up to 59 school days to the Superintendent (or Designee)
- Parents and/or legal guardians and the student, if 18 years of age, will be notified in writing of this action.
- The Superintendent is vested with final authority in all cases of suspension subject to appeal procedures set forth. The Superintendent may establish conditions that must be met prior to readmission of the student.
- The student will be readmitted at the end of the period only after a parent conference satisfactory to school administration, and only in the event the student has met all reasonable conditions established for readmission.
- The Superintendent will notify the parents and or legal guardians and student, if 18 years of age, in writing.

#### **c. COUNTING SUSPENSION DAYS**

Suspension days will be counted starting on the day the student is **excluded** from participation in school and school activities other than Recreation Department activities.

- (1) The day the student is removed from school is counted as a day of suspension providing he or she was excluded from class participation or school activities before noon of that day.
- (2) Times when school is not officially scheduled are not to be counted as part of the suspension time.
- (3) Students whose suspensions carryover/extend through days when school is not in session (i.e., weekends, holidays, etc.) will also be suspended from school premises and activities during that said time frame. Note: these days are not to be counted as part of the suspension time.

#### **d. APPEAL OF SUSPENSION**

Appeals of disciplinary actions or discrimination may be initiated by students or parents of minor students. Appeals must first be directed to the building principal, who will specify the appropriate level for the appeal to begin.



1. **Suspensions of up to 3 days:** Appeals of 3 days or fewer are only heard at the building level. ***There will be no appeal process beyond the building level for suspensions of three (3) or fewer days.***

2. **Suspension four to ten days:** The following appeal levels are available in cases of in-school detentions and out-of-school suspensions of four (4) to ten (10) days:

First Level — Building Principal ReviewHearing

Final Decision — Assistant Superintendent for Learning Services

3. **Suspension of Eleven to fifty-nine days:** The following appeal levels are available in cases of out-of-school suspensions of eleven to fifty-nine days:

First Level — Building Principal ReviewHearing

Second Level — Assistant Superintendent for Learning Services

Final Decision — Board Hearing Panel

#### **e. APPEAL OF SUSPENSION--PROCESS**

- (1) A request for an appeal will be made within three (3) school days of the date disciplinary action was taken and must be made in writing, stating the adjustments being requested and the reasons thereof. (An oral appeal may be made if three (3) or fewer days remain in the semester.)
- (2) Based on the review of the appeal, the building principal within five (5) school days will notify the adult student or the parents or legal guardian of a student under the age of 18 years of his or her decision to adjust, revoke or sustain the disciplinary action. If the notification is made orally, a written notification will follow.
- (3) The student and/or the student's parents and affected teachers or coaches have a right to be present at all review hearings and must be notified in advance of the time and place. Both the affected student and the school administration have the right to present a witness at all review hearings.
- (4) Unless the student's presence in school is considered dangerous or disruptive, he or she will be allowed to remain in school but will not be allowed to compete/participate in co-curricular activities once a suspension has been issued.
- (5) Appeal to the next level must be made in writing within three (3) days of receipt of the decision at the lower level and the review hearing at the next level must be held within five (5) days of receipt of the appeal.

## 4. EXPULSION

### (a) Definition

Expulsion, is defined as exclusion from school (district programs) for disciplinary reasons for a period of 60 or more school days

### (b) Causes for expulsion

Causes for expulsion are those defined in the Revised School Code and include “gross misdemeanor” or persistent disobedience”, the student’s inability to be educated in the school environment, or conduct which endangers the welfare of other pupils or the welfare of property of other person or the welfare of school district property. Included in this definition are possession of a dangerous weapon in a weapon free school zone, or for arson or criminal sexual conduct on school property.

### (c) Recommendation for Expulsion

- The school administration will recommend cases for expulsion to the Board of Education through the Superintendent.
- This action will be taken by the Board of Education only after an opportunity for hearing is provided.
- Parents and/or legal guardian and the student, if 18 years of age, will be given notice in writing of the recommendation.
- The Board of Education is vested with final authority in all cases of expulsion.
- The Superintendent (or designee) will notify the parents and/or legal guardian and the student, if 18 years of age, in writing of the decision of the Board of Education.
- Notice will be considered given when administration sends written notice to the student’s most recent address stated in his or her student record via first class mail.

### (d) Presumption Against expulsion & Consideration of Individual Factors

Consistent with Michigan law the Board of Education adopts a rebuttable presumption that students should not be disciplined by the imposition of expulsion, unless the Board of Education has determined in its sole discretion the presumption has been rebutted by considering each of the following seven factors:

1. The student’s age.
2. The student’s disciplinary history.
3. Whether the student has a disability.
4. The seriousness of the violation or behavior committed by the student.
5. Whether the violation or behavior committed by the student threatened the safety of any student or staff member.
6. Whether a letter of intervention would properly address the violation or behavior committed by the student.

The rebuttable presumption does not apply if a student possesses a firearm in a weapon free school zone. In that case, the student will be permanently expelled without considering the factors, unless the student can establish mitigating factors by clear and convincing evidence.

(e) Mitigating Factors for Possession of a Dangerous Weapon in a Weapon Free School Zone

The Board of Education is required to expel a student from the school district permanently, subject to possible reinstatement as provided in the Revised School Code, for possession of a dangerous weapon in a Weapon Free School Zone. However, expulsion is not required if the student has no previous history of suspension or expulsion, and the student establishes in a clear and convincing manner at least **one** of the following:

- The object or instrument possessed by the student was not possessed for use as a weapon (or for delivery for another person to use as a weapon);
- The student did not knowingly possess the weapon;
- The student did not know or have reason to know that the object constituted a dangerous weapon; or
- The student has the weapon at the suggestion, request, or direction of, or with the express permission of school or police authorities.

(f) Expulsion Procedures

INITIATION OF EXPULSION

The building principal (or designee) will recommend in writing to the Superintendent (or designee) that expulsion be considered.

HEARING FOR EXPULSION

The Board of Education will appoint a panel of three (3) board members to hear expulsion cases. The hearing date will be set by the panel chairperson. The Superintendent (or designee) will conduct a hearing in accordance with this *Uniform Code of Student Conduct*.

NOTICE OF HEARING FOR EXPULSION

The Superintendent (or designee) will provide written notice to the parents or legal guardian of the student if under 18 years of age and to the student only if 18 years of age or older. The notice will be mailed to the record address of the student at least three (3) days prior to the scheduled hearing date and will specify:

1. The charges which have been made and the recommendation for expulsion which has been submitted to the Board of Education;
2. The date, time and place for hearing;
3. The names of witnesses who might be called to testify with respect to the charges;
4. The student has the right to be represented at the hearing by legal counsel;

5. The right of the student to present witnesses on the student's behalf and to cross-examine witnesses called by the administration; and
6. Will advise the student that the hearing will be open to the public unless a request is made in writing by the student or the parents of a minor student that it will be a closed hearing.

- **PROCEDURE AT HEARING FOR EXPULSION**

If the student (or representative) attends the hearing, the Superintendent (or designee) of the hearing panel will advise the student and/or parents of the charges. The student will then be advised that the purpose of the hearing is to determine the validity of these charges. The student will be advised that the student or the student's attorney will have the right to question witnesses who will be present to give testimony in support of the charges. The student will be advised of the right to present witnesses on his or her own behalf. The student will be asked if he or she is represented by counsel.

1. The student will then be asked if, understanding the charges, he or she admits or denies those charges. If the student admits or does not contest the charges, it will not be necessary for the hearing panel to proceed with the hearing. However, it will be permissible for the student or his or her counsel to make a statement on his or her behalf and for the Superintendent (or designee) and/or the hearing panel to question the student as to reasons for his or her behavior. This procedure is intended to assist the panel in arriving at a determination of the appropriate penalty to recommend to the Board of Education.
2. If the student denies or contests the charges, the hearing will proceed with the appropriate school official presenting witnesses to give testimony as to the charges. The student or his or her attorney will have the opportunity to cross-examine each witness. The student or his or her attorney will also be given the opportunity to present his or her own witnesses, including the opportunity for the student to testify. The members of the hearing panel and/or the Superintendent (or designee) may ask questions of any witnesses.
3. The school district may arrange for a court reporter to be present at the hearing. If a court reporter is provided, a transcript of the testimony at the hearing will be made.
4. Upon conclusion of the presentation of evidence, the panel will make findings on each of the charges which have been brought. In the event the student is found to have committed some or all of the acts charged, after considering the "Factors" set forth in (3)(a) above, the panel will make recommendations to the Board as to the action which should be taken. These recommendations will be reduced to a written report and a copy of the report sent to the student and/or parents or guardian together with notice that the recommendation will be made to the Board of Education at its next regular meeting. The report, when submitted to the Board in its public session, will not refer to the student by name. The Board, at its regular meeting, will then, by resolution, either affirm, modify or reverse the

recommendation of the hearing panel.

5. The student or the parent(s) or legal guardian(s) of a student who is under the age of 18 years will be notified in writing of the decision of the Board.

If neither a student nor his representative appears, the review panel will permit the administration to summarize the evidence it intended to present. The panel will conclude the hearing and proceed with the requirements of paragraph four (4), (d) and (e) of this section.

## **5. READMISSION AFTER EXPULSION**

- a. The parent or legal guardian of an individual expelled, or the individual if at least 18 or an emancipated minor, may petition the Board of Education for reinstatement, after the minimum period of expulsion has passed, in accordance with the provisions of the Revised School Code (MCL 380.1311). See page 46 of this document.
- b. The petition must be in writing, directed to the Superintendent, and must evidence satisfactory elimination of the cause for expulsion, and compliance with all reasonable conditions established for readmission.
- c. Within 10 school days after receiving a petition for reinstatement, the school board will appoint a committee to review the petition and any supporting information submitted with the petition. The committee shall consist of two school board members, one school administrator, one teacher, and one parent of a student in the school district. The committee will review the petition for reinstatement and any supporting information provided with the petition. The superintendent (or designee) may prepare and submit for consideration by the committee information concerning the circumstances of the expulsion and any factors mitigation for or against reinstatement.
- d. Within 10 school days after the appointment of the committee, the committee will submit a recommendation to the board of education on the issue of reinstatement. The recommendation will be for unconditional reinstatement, for conditional reinstatement, or against reinstatement, and shall be accompanied by the reasons for the recommendation and any recommended conditions for reinstatement. The recommendation shall be based on consideration of all of the following factors:
  - The extent to which reinstatement would create a risk of harm to students or school district personnel.
  - The extent to which reinstatement would create a risk of school district liability or individual liability for the school board or school district personnel.
  - The age and maturity of the individual.
  - The individual's school record before the incident that caused the expulsion.
  - The individual's attitude concerning the incident that caused the expulsion.
  - The individual's behavior since the expulsion and the prospects for remediation of the individual.
- e. Not later than the next regularly scheduled board meeting after receiving the recommendation of the committee, the school board will make a decision to unconditionally reinstate the individual, conditionally reinstate the individual, or deny reinstatement of the individual. The decision of the school board is final.

- f. The school board may require the individual, and his/her parents or legal guardian, to agree in writing to specific conditions before reinstating the individual. The conditions may include, but are not limited to, agreement to a behavior contract (which may involve the individual, parent/legal guardian), an outside agency, participation in or completion of an anger management program or other appropriate counseling, periodic progress reviews, and specified immediate consequences for failure to abide by a condition. The individual and/or parent of legal guardian may propose conditions in a petition for reinstatement.

ARTICLE E  
ELECTRONIC INFORMATION  
ACCESS AND USE  
Regulation 6710

A major goal of the Bloomfield Hills School District is to prepare today's students and staff for life in the 21st century and to insure a technologically literate citizenry and a globally competitive workforce. It is the policy of the district's Board of Education to provide students, staff, volunteers and other authorized users access to the district's technology resources, including its computers and network resources, in a manner that encourages responsible use.

The District encourages and strongly promotes the use of electronic information technologies in educational endeavors. The District provides access to information resources in a variety of electronic formats and for the development of information management skills, including the skill of discerning the validity and value of such information. Together, these allow learners to access current and relevant resources, provide the opportunity to communicate in a technologically rich environment, and assist them to become responsible, self-directed, lifelong learners.

The District, however, expects the staff and students to conform to ethical and legal standards in the use of technology and to demonstrate knowledge and responsibility in the use of resources, processes and systems of technology. All users of Bloomfield Hills Schools technology will comply with the terms of Regulation 6710.1 which governs the use of such technology. It is also the policy of the Board to comply with the Children's Internet Protection Act (CIPA). As required by CIPA, the Board directs the district's administration to monitor minors' online activities and use technology protection measures to block adult and minors' access to visual depictions that are obscene, that constitute child pornography or that are "harmful to minors" when using district computers with Internet access. The term "harmful to minors" means any picture, image, graphic image file or other visual depiction that:

- a. taken as whole and with respect to minors, appeals to a prurient interest in nudity, sex or excretion;
- b. depicts, describes or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and
- c. taken as a whole, lacks serious literary, artistic, political or scientific value as to minors. The technology protection measures may be disabled by an authorized staff member, during adult use, to enable access to bona fide research or for other lawful purposes. Furthermore, the district will:
  - i. Educate minors about appropriate online behavior, including interacting with other people on social networking websites and in chat rooms and cyber-bullying awareness and response.
  - ii. Restrict minors' access to materials that are inappropriate for minors.
  - iii. Prohibit unauthorized access, including so-called "hacking," and other unlawful activities by minors online.
  - iv. Prohibit the unauthorized disclosure, use and dissemination or personal identification information regarding minors.
  - v. Encourage the safety and security of minors when using electronic mail, chat rooms, and other forms of direct electronic communication.

ARTICLE F  
GRIEVANCE PROCEDURE FOR ADDRESSING  
COMPLAINTS OF DISCRIMINATION  
Under Section 504 of the Rehabilitation Act of 1973, Title IX of the  
Education Amendments of 1972 and other civil rights complaints

Bloomfield Hills Schools has adopted the following Grievance Procedure for addressing complaints of discrimination under Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, and all other civil rights complaints. A person is not required to use this procedure and may instead file a complaint directly with the U. S. Department of Education's Office for Civil Rights, 600 Superior Avenue East, Suite 750, Cleveland, OH 44114-2611:

**Step 1:** A person who believes that he/she has been discriminated against by Bloomfield Hills Schools is encouraged, but is not required, to discuss the matter informally with the appropriate building principal, in the case of a student, or his/her immediate supervisor, in the case of an employee.

1. If the building principal or the immediate supervisor is the subject of the complaint, or the grievant is not a student or employee, the grievant may, instead, contact the Bloomfield Hills Schools Section 504 Coordinator or the Civil Rights Coordinator or Title IX Coordinator.

B. The person receiving the complaint shall verbally convey his/her findings to both the person who alleged the violation and the person who is the subject of the complaint within 10 business days.

**Step 2:** If the informal Step 1 process does not resolve the matter, or if the grievant does not wish to use the informal procedures set forth in Step 1, a written complaint may be submitted to the designated Bloomfield Hills Schools Coordinator who will investigate the complaint.

A. If the Coordinator is the subject of the complaint, the complaint should be submitted to the Superintendent of Schools who will appoint another administrator to conduct the investigation.

B. The complaint shall be signed by the grievant and include:

- 1) the grievant's name and contact information;
- 2) the facts of the incident or action complained about;
- 3) the date of the incident or action giving rise to the complaint;
- 4) the type of discrimination alleged to have occurred; and
- 5) the specific relief sought.

6) Note: Witness names and other evidence as deemed appropriate by the grievant may also be submitted.

C. An investigation of the complaint will be conducted within 10 business days following the submission of the written complaint. The investigation shall include an interview of the parties and witnesses, a review of relevant evidence, and any other steps necessary to ensure a prompt and thorough investigation of the complaint.

D. A written disposition of the complaint shall be issued within 10 business days of



completion of the investigation, unless a specific written extension of time is provided to the parties. Copies of the disposition will be given to both the grievant and the person who is the subject of the complaint.

**Step 3:** If the grievant wishes to appeal the decision in Step 2 above, he/she may submit a signed, written appeal to the Superintendent of Schools within 10 business days after receipt of the written disposition. The Superintendent or his/her designee shall respond to the complaint, in writing, within 10 business days of the date of the appeal. Copies of the response shall be provided to both the grievant and the person who is the subject of the complaint.

Bloomfield Hills Schools provides assurance that it strictly prohibits any form of retaliation against persons who utilize this Grievance Procedure. Further, a grievant making a complaint is neither required to prosecute the matter nor confront the alleged discriminator or harasser when that would be inappropriate.

If you have questions regarding these procedures or want to file a complaint, please contact the designated Bloomfield Hills Schools Coordinator:

Inquiries related to discrimination on the basis of disability should be directed to:

**Section 504 Coordinator**  
**Director of Special Education**  
**Bloomfield Hills Schools**  
**7273 Wing Lake Road**  
**Bloomfield Hills, Michigan 48301**  
**(248) 341-5415**

All other inquiries related to discrimination should be directed to:

**Title IX Coordinator**  
**Assistant Superintendent for Human Resources and Labor Relations**  
**Bloomfield Hills Schools**  
**7273 Wing Lake Road**  
**Bloomfield Hills, Michigan 48301**  
**(248) 341-5428**

## FORM SECTION 504 and CIVIL RIGHTS COMPLAINT

Name of Injured Party: \_\_\_\_\_

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

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

If the injured party is a student, please also provide the following information:

School Building Attending: \_\_\_\_\_ Birthdate: \_\_\_\_\_ Grade: \_\_\_\_\_

Complainant's Name: \_\_\_\_\_

Relationship to Student: \_\_\_\_\_

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

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

1. Describe the alleged civil rights violation or violation of Section 504. Please be specific and describe the specific incident(s), as well as identify the individuals involved, dates/times/locations, etc. Attach additional pages if needed.

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2. Describe your proposed resolution to address the alleged problem(s)/violation(s).

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Date: \_\_\_\_\_ Complainant's Signature \_\_\_\_\_

### PLEASE SUBMIT THIS FORM TO:

**504 Coordinator  
Special Education  
Bloomfield Hills Schools  
7273 Wing Lake Road  
Bloomfield Hills, MI 48301  
(248) 341-5415**

**Title IX Coordinator Director of  
Ass't. Supt. For Human Resources  
and Labor Relations  
Bloomfield Hills Schools  
7273 Wing Lake Road  
Bloomfield Hills, MI 48301  
(248) 341-5430**

A person who believes that he/she has been discriminated against by Bloomfield Hills Schools on the basis of disability may file a complaint through the District's grievance procedure. A complaint may also be filed with the Office for Civil Rights (OCR), U.S. Department of Education, 600 Superior Ave East, Suite 750, Cleveland, OH 44114. You may file a complaint with OCR at any time. Filing a complaint with the School District is not a prerequisite to filing with OCR.

**ARTICLE G**  
**PROVISIONS FOR CODE REVIEW**  
Regulation 6301.5

The Board of Education directs all secondary schools within the District to make provisions for periodic review of this *Uniform Code of Student Conduct* every two (2) years.

**1. REVIEW COMMITTEE**

- a. The Review Committee will consist of a representative group of students, parents, teachers and administrators from the elementary, middle and senior high schools. Said students will be selected in such manner as the student governments of the schools will determine.
- b. The Review Committee will be charged with reviewing the entire Code and for recommending changes when necessary.
- c. The Review Committee will submit its recommendation to the Assistant Superintendent for Learning Services.
- d. The Assistant Superintendent for Learning Services will present these recommendations to the Board of Education.

**2. BOARD REVIEW**

The Board president will appoint a Board liaison to the committee to consider the re-visions and to recommend those, which will become policy.

## THE REVISED SCHOOL CODE §380.1311

### THE REVISED SCHOOL CODE (EXCERPT)

Act 451 of 1976

#### **380.1311 Suspension or expulsion of pupil.**

Sec. 1311. (1) Subject to subsection (2), the school board, or the school district superintendent, a school building principal, or another school district official if designated by the school board, may authorize or order the suspension or expulsion from school of a pupil guilty of gross misdemeanor or persistent disobedience if, in the judgment of the school board or its designee, as applicable, the interest of the school is served by the authorization or order. If there is reasonable cause to believe that the pupil is a student with a disability, and the school district has not evaluated the pupil in accordance with rules of the superintendent of public instruction to determine if the pupil is a student with a disability, the pupil shall be evaluated immediately by the intermediate school district of which the school district is constituent in accordance with section 1711.

(2) Subject to subsection (3) and section 1310d, 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 (6). 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.

(3) There is a rebuttable presumption that expulsion under subsection (2) for possession of a weapon is not justified if both of the following are met:

(a) The school board or its designee determines in writing that at least 1 of the factors listed in subsection (2)(a) to (d) has been established in a clear and convincing manner.

(b) The pupil has no history of suspension or expulsion.

(4) If an individual is expelled pursuant to subsection (2), the expelling school district shall enter on the individual's permanent record that he or she has been expelled pursuant to subsection (2). Except if a school district operates or participates cooperatively in an alternative education program appropriate for individuals expelled pursuant to subsection (2) and in its discretion admits the individual to that program, and except for a strict discipline academy established under sections 1311b to 1311m, an individual expelled pursuant to subsection (2) is expelled from all public schools in this state and the officials of a school district shall not allow the individual to enroll in the school district unless the individual has been reinstated under subsection (6).

Except as otherwise provided by law, a program operated for individuals expelled pursuant to subsection (2) shall ensure that those individuals are physically separated at all times during the school day from the general pupil population. If an individual expelled from a school district pursuant to subsection (2) is not placed in an alternative education program or strict discipline academy, the school district may provide, or may arrange for the intermediate school district to provide, appropriate instructional services to the individual at home. The type of services provided shall meet the requirements of section 6(4)(u) of the state school aid act of 1979, MCL 388.1606, and the services may be contracted for in the same manner as services for homebound pupils under section 109 of the state school aid act of 1979, MCL 388.1709. This subsection does not require a school

district to expend more money for providing services for a pupil expelled pursuant to subsection (2) than the amount of the foundation allowance the school district receives for the pupil as calculated under section 20 of the state school aid act of 1979, MCL 388.1620.

(5) If a school board expels an individual pursuant to subsection (2), the school board shall ensure that, within 3 days after the expulsion, an official of the school district refers the individual to the appropriate county department of social services or county community mental health agency and notifies the individual's parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, notifies the individual of the referral.

(6) The parent or legal guardian of an individual expelled pursuant to subsection (2) or, if the individual is at least age 18 or is an emancipated minor, the individual may petition the expelling school board for reinstatement of the individual to public education in the school district. If the expelling school board denies a petition for reinstatement, the parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, the individual may petition another school board for reinstatement of the individual in that other school district. All of the following apply to reinstatement under this subsection:

(a) For an individual who was enrolled in grade 5 or below at the time of the expulsion and who has been expelled for possessing a firearm or threatening another person with a dangerous weapon, the parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, the individual may initiate a petition for reinstatement at any time after the expiration of 60 school days after the date of expulsion. For an individual who was enrolled in grade 5 or below at the time of the expulsion and who has been expelled pursuant to subsection (2) for a reason other than possessing a firearm or threatening another person with a dangerous weapon, the parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, the individual may initiate a petition for reinstatement at any time. For an individual who was in grade 6 or above at the time of expulsion, the parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, the individual may initiate a petition for reinstatement at any time after the expiration of 150 school days after the date of expulsion.

(b) An individual who was in grade 5 or below at the time of the expulsion and who has been expelled for possessing a firearm or threatening another person with a dangerous weapon shall not be reinstated before the expiration of 90 school days after the date of expulsion. An individual who was in grade 5 or below at the time of the expulsion and who has been expelled pursuant to subsection (2) for a reason other than possessing a firearm or threatening another person with a dangerous weapon shall not be reinstated before the expiration of 10 school days after the date of the expulsion. An individual who was in grade 6 or above at the time of the expulsion shall not be reinstated before the expiration of 180 school days after the date of expulsion.

(c) It is the responsibility of the parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, of the individual to prepare and submit the petition. A school board is not required to provide any assistance in preparing the petition. Upon request by a parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, by the individual, a school board shall make available a form for a petition.

(d) Not later than 10 school days after receiving a petition for reinstatement under this subsection, a school board shall appoint a committee to review the petition and any supporting information submitted by the parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, by the individual. The committee shall consist of 2 school board members, 1 school administrator, 1 teacher, and 1 parent of a pupil in the school district. During this time the superintendent of the school district may prepare and submit for consideration by the committee information concerning the circumstances of the expulsion and any factors mitigating for or against reinstatement.

(e) Not later than 10 school days after all members are appointed, the committee described in subdivision (d) shall review the petition and any supporting information and information provided by the school district and shall submit a recommendation to the school board on the issue of reinstatement. The recommendation 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. The recommendation shall be based on consideration of all of the following factors:

- (i) The extent to which reinstatement of the individual would create a risk of harm to pupils or school personnel.
  - (ii) The extent to which reinstatement of the individual would create a risk of school district liability or individual liability for the school board or school district personnel.
  - (iii) The age and maturity of the individual.
  - (iv) The individual's school record before the incident that caused the expulsion.
  - (v) The individual's attitude concerning the incident that caused the expulsion.
  - (vi) The individual's behavior since the expulsion and the prospects for remediation of the individual.
  - (vii) If the petition was filed by a parent or legal guardian, the degree of cooperation and support that has been provided by the parent or legal guardian and that can be expected if the individual is reinstated, including, but not limited to, receptiveness toward possible conditions placed on the reinstatement.
- (f) Not later than the next regularly scheduled board meeting after receiving the recommendation of the committee under subdivision (e), a school board shall make a decision to unconditionally reinstate the individual, conditionally reinstate the individual, or deny reinstatement of the individual. The decision of the school board is final.
- (g) A school board may require an individual and, if the petition was filed by a parent or legal guardian, his or her parent or legal guardian to agree in writing to specific conditions before reinstating the individual in a conditional reinstatement. The conditions may include, but are not limited to, agreement to a behavior contract, which may involve the individual, parent or legal guardian, and an outside agency; participation in or completion of an anger management program or other appropriate counseling; periodic progress reviews; and specified immediate consequences for failure to abide by a condition. A parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, the individual may include proposed conditions in a petition for reinstatement submitted under this subsection.
- (7) A school board or school administrator that complies with subsection (2) is not liable for damages for expelling a pupil pursuant to subsection (2), and the authorizing body of a public school academy is not liable for damages for expulsion of a pupil by the public school academy pursuant to subsection (2).
- (8) The department shall develop and distribute to all school districts a form for a petition for reinstatement to be used under subsection (6).
- (9) This section does not diminish any rights under federal law of a pupil who has been determined to be eligible for special education programs and services.
- (10) If a pupil expelled from a public school district pursuant to subsection (2) is enrolled by a public school district sponsored alternative education program or a public school academy during the period of expulsion, the public school academy or alternative education program shall immediately become eligible for the prorated share of either the public school academy or operating school district's foundation allowance or the expelling school district's foundation allowance, whichever is higher.
- (11) If an individual is expelled pursuant to subsection (2), it is the responsibility of that individual and of his or her parent or legal guardian to locate a suitable alternative educational program and to enroll the individual in such a program during the expulsion. The office of safe schools in the department shall compile information on and catalog existing alternative education programs or schools and nonpublic schools that may be open to enrollment of individuals expelled pursuant to subsection (2) and pursuant to section 1311a, and shall periodically distribute this information to school districts for distribution to expelled individuals. A school board that establishes an alternative education program or school described in this subsection shall notify the office of safe schools about the program or school and the types of pupils it serves. The office of safe schools also shall work with and provide technical assistance to school districts, authorizing bodies for public school academies, and other interested parties in developing these types of alternative education programs or schools in geographic areas that are not being served.
- (12) As used in this section:
- (a) "Arson" means a felony violation of chapter X of the Michigan penal code, 1931 PA 328, MCL 750.71 to 750.79.
  - (b) "Criminal sexual conduct" means a violation of section 520b, 520c, 520d, 520e, or 520g of the Michigan penal code, 1931 PA 328, MCL 750.520b, 750.520c, 750.520d, 750.520e, and 750.520g.

- (c) "Dangerous weapon" means that term as defined in section 1313.
- (d) "Firearm" means that term as defined in section 921 of title 18 of the United States Code, 18 USC 921.
- (e) "School board" means a school board, intermediate school board, or the board of directors of a public school academy.
- (f) "School district" means a school district, intermediate school district, or public school academy.
- (g) "Weapon free school zone" means that term as defined in section 237a of the Michigan penal code, 1931 PA 328, MCL 750.237a.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977 ;-- Am. 1993, Act 335, Imd. Eff. Dec. 31, 1993 ;-- Am. 1994, Act 328, Eff. Jan. 1, 1995 ;-- Am. 1995, Act 250, Imd. Eff. Jan. 2, 1996 ;-- Am. 1999, Act 23, Imd. Eff. May 12, 1999 ;-- Am. 2007, Act 138, Imd. Eff. Nov. 13, 2007 ;-- Am. 2008, Act 1, Imd. Eff. Jan. 11, 2008 ;-- Am. 2016, Act 364, Eff. Aug. 1, 2017

**Popular Name:** Act 451

## **THE REVISED SCHOOL CODE (EXCERPT)**

### **Act 451 of 1976**

#### **380.1310c Restorative practices as alternative or in addition to suspension or expulsion; definitions.**

##### **Sec. 1310c.**

(1) A school board or its designee shall consider using restorative practices as an alternative or in addition to suspension or expulsion under this act. If a school board or its designee suspends or expels a pupil under this act, the school board or its designee shall consider using restorative practices in addition to suspension or expulsion. If a school board or its designee decides not to suspend or expel a pupil for a disciplinary issue, the school board or its designee shall consider using restorative practices to address the disciplinary issue.

(2) Restorative practices may include victim-offender conferences that are initiated by the victim; that are approved by the victim's parent or legal guardian or, if the victim is at least age 15, by the victim; that are attended voluntarily by the victim, a victim advocate, the offender, members or the school community, and supporters of the victim and the offender; and that provide an opportunity for the offender to accept responsibility for the harm caused to those affected by the misconduct and to participate in setting consequences to repair the harm. The attendees, known as a restorative practices team, may require the pupil to do 1 or more of the following: apologize; participate in community service, restoration, or counseling; or pay restitution. The selected consequences shall be incorporated into an agreement that sets time limits for completion of the consequences and is signed by all participants. Restorative practices should be the first consideration to remediate offenses such as interpersonal conflicts, bullying, verbal and physical conflicts, theft, damage to property, class disruption, and harassment and cyberbullying.

(3) As used in this section:

- (a) "Bullying" and "cyberbullying" mean those terms as defined in section 1310b.
- (b) "Restorative practices" means practices that emphasize repairing the harm to the victim and the school community caused by a pupil's misconduct.
- (c) "School board" means a school board, intermediate school board, or the board of directors of a public school academy.
- (d) "School district" means a school district, an intermediate school district, or a public school academy.

**History:** Add. 2016, Act 361, Eff. Aug. 1, 2017

**Popular Name:** Act 451

# **Sexual Harassment**

**Bloomfield Hills Board of Education**

**Policy 4503 and 5304**



## **Sexual Harassment**

The Bloomfield Hills Schools is committed to providing equal opportunity for all staff and Board of Education members and creating an environment which is without sexual harassment, as defined by law. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct or communication of a sexual nature. In the employment and educational context, such actions are prohibited when:

- (i) Submission to such conduct is made an expressed or implied condition of obtaining employment or educational benefit.
- (ii) Submission to or rejection of such conduct is used as a basis for decisions affecting the employment or educational benefit of the individual who submits or rejects; or
- (iii) Such conduct has the purpose or effect of unreasonably interfering with an individual's employment or education or creating an intimidating, hostile, or offensive working or learning environment. Examples of such conduct might include: off-color language, jokes, cartoons, or nicknames, propositions, repeated unwanted social invitations, gestures, touching, sexually oriented posters, suggestive or insulting sounds.

Behavior by any individual that results in the sexual harassment of a staff member or a Board of Education member will not be tolerated. Such conduct may result in disciplinary actions including verbal or written warnings, suspension without pay, or more severe discipline including immediate discharge or removal from office. Students who engage in sexual harassment of staff or Board of Education members are subject to discipline, including suspension or expulsion per the Student Code of Conduct.

Each individual has a special responsibility to assure the success of the District's commitment and to take positive steps to comply with equal employment policies. Any individual who engages in sexual harassment or who fails to comply with the equal employment policies of the District is acting without authority and outside the scope of his or her responsibilities

## POLICY 4503 (2)

If an individual has reason to believe that he or she has been subjected to discrimination in the form of sexual harassment, or that such exists, it shall be reported immediately to the Assistant Superintendent for Human Resources and Labor Relations, 4175 Andover Road, Bloomfield Hills, Michigan, 48302, (248) 341-5425. As an alternative, an individual may report such discrimination to the superintendent.

When an individual wishes to make a sexual harassment charge, the investigative procedure defined in Regulation 4503(1) will be initiated.

Appr: 5/3/94 REV

## **Sexual Harassment Claims Procedure**

### **A. Complaint Initiation**

An individual who believes that sexual harassment has been practiced toward him or her or another individual shall report the claim to the Assistant Superintendent for Human Resources and Labor Relations or the Superintendent.

Upon receiving a report, a meeting will be scheduled immediately with the claimant.

### **B. Procedural Conditions**

Confidentiality is imperative. Only those individuals who have a legitimate need to know will be advised, and they will be advised only of specific facts.

The District may elect to temporarily reassign the parties until the matter is resolved. One or both parties may be given time off with/without pay pending resolution of the claim. The claimant may request reassignment or time off.

The investigation will be conducted by the Assistant Superintendent for Human Resources and Labor Relations, or designee, hereafter known as "investigator."

The parties will be advised that detailed notes will be taken from which a summary of the meeting will be prepared, which the claimant will be asked to sign in order to verify the accuracy of the report.

The charged party will be instructed to desist from contact with the claimant, and the claimant will be instructed to report any contact from the charged party.

The parties will be instructed not to discuss the matter with any other members of the District. If either party wants other persons contacted to assist in corroborating the allegations, he or she shall provide the name, address and telephone number of each person to the Assistant Superintendent for Human Resources and Labor Relations or Superintendent who will interview as required.

Advice and service of legal counsel may be sought and implemented as determined by the District.

### **C. Complaint Investigation**

The initial meeting will be attended by the claimant, the claimant's union representative, upon request (if any), the Assistant Superintendent for Human Resources and Labor Relations, and one other administrative representative. Upon request, the administrative representatives will include one male and one female.

#### REGULATION 4503.1 (2)

A second meeting will be scheduled with the same individuals present, at which time the claimant will be asked to review and sign the report to confirm its accuracy. Copies of the report will be given to the claimant and the Assistant Superintendent for Human Resources and Labor Relations. The claimant will be informed that a copy may be provided to the person against whom the charges were made.

Within two (2) working days following the meeting at which the report is signed, a meeting will take place attended by the Assistant Superintendent for Human Resources and Labor Relations, another administrative representative, the charged individual, and the charged individual's union representative (if any), upon request.

The charged party will be provided a copy of the signed report.

The charged party will be given an opportunity to respond at that time, or at the charged party's option, in a reasonable amount of time not to exceed five (5) days, to prepare a written or oral response. The charged party shall not have contact with the claimant pending resolution of the matter and shall be so instructed by the administration.

#### **D. Review and Recommendation**

Upon conclusion of the investigation, a determination will be made and a report prepared which includes any penalties to be imposed.

Within five (5) working days, each of the parties will be provided with a written response reflecting the final determination. The charged party may appeal a determination.

Hearing and appeal rights shall be determined by applicable grievance procedure. If there is no grievance process, appeal may be made to the Superintendent. A final determination will be made in accordance with the applicable procedure.

Appr: 5/3/94 REV

Sexual Harassment  
(Student)

Bloomfield Hills Schools is committed to providing equal opportunity for all students and creating a learning environment free from sexual harassment, as defined by law. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct or communication of a sexual nature. In the educational context, such actions are prohibited when:

1. Submission to such conduct is made an expressed or implied condition of obtaining an education benefit such as a grade, selection for scholarship or participation in an activity.
2. Such conduct has the purpose or effect of substantially interfering with an individual education or creating an intimidating, hostile or offensive learning environment. Examples of such conduct might include: off-color language, jokes, cartoons, nicknames, propositions, repeated unwanted social invitations, gestures, touching, sexual oriented posters, suggestive or insulting sounds.

Behavior by any individual that results in the sexual harassment of a student will not be tolerated. Such prohibitive conduct by a student may result in disciplinary actions, including suspension or expulsion of a student pursuant to the Student Code of Conduct. Sexual harassment of a student by a staff member or Board of Education member may result in disciplinary action, including verbal or written warnings, suspension without pay, or more severe discipline including immediate discharge or removal from office.

Each individual has a special responsibility to assure the success of the District's commitment and to take positive actions to comply with equal opportunity policies. Any individual who engages in sexual harassment or who fails to comply with the equal opportunity policies of the District is acting without authority.

Any student who believes that he or she, or any other student or individual has been subjected to sexual harassment shall report the claim to the designated building sexual harassment officer. Parents or other adults, including staff members, shall have the obligation to initiate a complaint on behalf of a student. In the event that a claim charges the sexual harassment officer, the student shall file the complaint with the building principal or designee.

When an individual wishes to make a sexual harassment charge, an investigative procedure for students will be initiated.

Revised: 5/3/94

Revised: 3/20/01

## Anti-Bullying

It is the policy of the Bloomfield Hills Schools to provide a safe educational environment for all students. Bullying of a student at school is strictly prohibited. This policy shall be interpreted and enforced to protect all students and to equally prohibit bullying without regard to its subject matter or motivating animus.

### A. Prohibited Conduct

#### 1. Bullying

Bullying of a student at school is strictly prohibited. For the purposes of this policy, “bullying” shall be defined as:

Any written, verbal or physical act or any electronic communication, **including but not limited to cyberbullying**, that is intended or that a reasonable person would know is likely to harm one or more students either directly or indirectly by doing any of the following:

- a. Substantially interfering with educational opportunities, benefits or programs of one or more students;
- b. Adversely affecting a student’s ability to participate in or benefit from the district’s educational programs or activities by placing the student in reasonable fear of physical harm or by causing substantial emotional distress;
- c. Having an actual and substantial detrimental effect on a student’s physical or mental health; or
- d. Causing substantial disruption in, or substantial interference with, the orderly operation of the school.

#### 2. Retaliation/False Accusation

Retaliation or false accusation against a target of bullying, anyone reporting bullying, a witness or another person with reliable information about an act of bullying is strictly prohibited.

### B. Reporting an Incident

If a student, staff member or other individual believes there has been an incident of bullying in violation of this policy, s/he may report such incident to the appropriate principal or designee, or the responsible school official(s) as defined below.

1. **Making the Report:** a report may be made in person, via telephone, or in writing (including electronic transmissions). If an incident of bullying is reported to a staff member who is not the appropriate principal or designee or Responsible School Official, the staff member shall promptly report the incident to one or more of the aforementioned individuals.

2. **Complaints Against Certain School Officials:** Complaints of bullying by a staff member may be reported to the principal or designee. Reports of bullying by the principal or designee may be reported to the Superintendent. Complaints of bullying by the Superintendent may be reported to the President of the Board of Education.

**C. Confidentiality**

To the extent appropriate or legally permitted the identity of any individual who reports an act of bullying will remain confidential. District administrators will conduct the investigation without identifying the reporter and any reports will not include the name of the reporter.

**D. Investigation**

All reported allegations of a policy violation or related complaint about bullying shall be promptly investigated by the building principal or designee. A description of each reported incident, along with a summary of the investigation and conclusions reached by the principal or designee, shall be documented by the principal or designee.

**E. Notice to Parent/Guardian**

If the principal or designee determines that an incident of bullying has occurred, s/he shall promptly provide notification of same to the parent/guardian of the victim of the bullying and the parent/guardian of the perpetrator of the bullying.

**F. Annual Reports**

1. **To the Board of Education:** At least annually, the building principal or designee, or the Responsible School Official shall report all verified incidents of bullying and the resulting consequences, including any disciplinary action or referrals, to the Board of Education. The annual Board report may be given in writing, in person at a regular Board meeting, or as otherwise requested by the Board of Education.

2. **Responsible School Official:** The Superintendent or designee ("Responsible School Official") shall be responsible for ensuring the proper implementation of this policy throughout the district. The foregoing appointment shall not reduce or eliminate the duties and responsibilities of a principal or designee.

3. **Michigan Department of Education (MDE): Reports of verified incidents of bullying will be provided to the MDE according to the form and procedures provided by the MDE.**

**G. Posting/Publication of Policy**

Notice of this policy will be incorporated into the Uniform Code of Student Conduct and the Employee Handbook.

**H. Definitions**

1. **"At School"** means in a classroom, elsewhere on school premises, on a school bus or other school-related vehicle, or at a school-sponsored activity or event whether or not it is held on school premises. "At school" also includes any conduct using a *telecommunications access device or telecommunications service provider* that occurs off school premises if the device or provider is owned by or under the district's control.

2. **"Telecommunication Access Device"** means that term as defined in Section 219a of the Michigan Penal Code, 1931PA 328, MCL 750.219a, as may be amended from time to

time. As of January 2012, “Telecommunication Access Device” is defined to mean any of the following:

- a. Any instrument, device, card, plate, code, telephone number, account number, personal identification number, electronic serial number, mobile identification number, counterfeit number, or financial transaction device defined in MCL750.157m (e.g., an electronic funds transfer card, a credit card, a debit card, point-of-sale card, or any other instrument or means of access to a credit, deposit or proprietary account) that alone or with another device can acquire, transmit, intercept, provide, receive, use or otherwise facilitate the use, acquisition, interception, provision, reception and transmission of any telecommunications service.
- b. Any type of instrument, device, machine, equipment, technology or software that facilitates telecommunications or which is capable of transmitting, acquiring, intercepting, decrypting or receiving any telephonic, electronic, data, internet access, audio, video, microwave or radio transmissions, signals, telecommunications or services, including the receipt, acquisition, interception, transmission, retransmission or decryption of all telecommunications, transmissions, signals, or services provided by or through any cable television, fiber optic, telephone, satellite, microwave, data transmission, radio, internet based or wireless distribution network, system or facility or any part, accessory or component, including any computer circuit, security module, smart card, software, computer chip, pager, cellular telephone, personal communications device,

any other device that is capable of facilitating the interception, transmission, retransmission, decryption, acquisition or reception of any telecommunications, transmissions, signals or services.

3. **“Cyberbullying”** means any electronic communication that is intended or that a reasonable person would know is likely to harm one or more pupils either directly or indirectly by doing any of the following:

- i. Substantially interfering with educational opportunities, benefits or programs of one or more pupils.
- ii. Adversely affecting the ability of a pupil to participate in or benefit from the school district’s or public school’s educational programs or activities by placing the pupil in reasonable fear of physical harm or by causing substantial emotional distress.
- iii. Having an actual and substantial detrimental effect on a pupil’s physical or mental health.
- iv. Causing substantial disruption in, or substantial interference with, the orderly operation of the school.

4. **“Telecommunications Service Provider”** means that term as defined in Section 219a of the Michigan Penal Code, supra, as may be amended from time to time. As of January 2012, “Telecommunications Service Provider” is defined to mean any of the following:

- a. A person or entity providing a telecommunications service, whether directly or indirectly as a reseller, including, but not limited to, a cellular, paging or other



wireless communications company or other person or entity which, for a fee, supplies the facility, cell site, mobile telephone switching office or other equipment or telecommunications service.

- b. A person or entity owning or operating any fiber optic, cable television, satellite, Internet based, telephone, wireless, microwave, data transmission or radio distribution system, network or facility.
- c. A person or entity providing any telecommunications service directly or indirectly by or through any distribution systems, networks or facilities.

Legal Reference: The Matt Epling Safe School Law, MCL 380.1310b

Revised & Adopted: 5/17/12

Revised & Adopted: 8/20/15

Revised & Adopted: 10/26/17

## Corporal Punishment

The Board of Education does not approve of disciplinary measures which make a student an object of ridicule on the part of his/her peers or teachers. Further, the Board of Education does not approve of the administration of corporal punishment to students. Corporal punishment will not be used as a disciplinary action on students in the District. Corporal punishment means the deliberate infliction of physical pain by hitting, paddling, spanking, slapping, or any other physical force used as a means of discipline. However, in accordance with the Revised School Code, reasonable physical force may be used upon a student as necessary to maintain order and control in a school or school related setting for the purpose of providing an environment conducive to safety and learning. In maintaining that order and control, the person may use physical force upon a student as necessary:

- A. To restrain or remove a student whose behavior is interfering with the orderly exercise and performance of school district or public school academy functions within a school or at a school-related activity, if that student has refused to comply with a request to refrain from further disruptive acts.
- B. For self-defense or the defense of another.
- C. To prevent a student from inflicting harm on himself or herself.
- D. To quell a disturbance that threatens physical injury to any person.
- E. To obtain possession of a weapon or other dangerous object upon or within the control of a student.
- F. To protect property.

*Cross Reference: Revised School Code MCL 380.1312*

Revised: 4/14/74

Revised: 3/20/01

## **Sexual Harassment (Student)**

Bloomfield Hills Schools is committed to providing equal opportunity for all students and creating a learning environment free from sexual harassment, as defined by law. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct or communication of a sexual nature. In the educational context, such actions are prohibited when:

1. Submission to such conduct is made an expressed or implied condition of obtaining an education benefit such as a grade, selection for scholarship or participation in an activity.
2. Such conduct has the purpose or effect of substantially interfering with an individual's education or creating an intimidating, hostile or offensive learning environment. Examples of such conduct might include: off-color language, jokes, cartoons, nicknames, propositions, repeated unwanted social invitations, gestures, touching, sexual oriented posters, suggestive or insulting sounds.

Behavior by any individual that results in the sexual harassment of a student will not be tolerated. Such prohibitive conduct by a student may result in disciplinary actions, including suspension or expulsion of a student pursuant to the Student Code of Conduct. Sexual harassment of a student by a staff member or Board of Education member may result in disciplinary action, including verbal or written warnings, suspension without pay, or more severe discipline including immediate discharge or removal from office. Each individual has a special responsibility to assure the success of the District's commitment and to take positive actions to comply with equal opportunity policies. Any individual who engages in sexual harassment or who fails to comply with the equal opportunity policies of the District is acting without authority.

Any student who believes that he or she, or any other student or individual has been subjected to sexual harassment shall report the claim to the designated building sexual harassment officer. Parents or other adults, including staff members, shall have the obligation to initiate a complaint on behalf of a student. In the event that a claim charges the sexual harassment officer, the student shall file the complaint with the building principal or designee.

When an individual wishes to make a sexual harassment charge, an investigative procedure for students will be initiated.

Revised: 5/3/94

Revised: 3/20/01

## Anti-Bullying

It is the policy of the Bloomfield Hills Schools to provide a safe educational environment for all students.

Bullying of a student at school is strictly prohibited. This policy shall be interpreted and enforced to protect all students and to equally prohibit bullying without regard to its subject matter or motivating animus.

### A. Prohibited Conduct

#### 1. Bullying

Bullying of a student at school is strictly prohibited. For the purposes of this policy, “bullying” shall be defined as:

Any written, verbal or physical act or any electronic communication, **including but not limited to cyberbullying**, that is intended or that a reasonable person would know is likely to harm one or more students either directly or indirectly by doing any of the following:

- a. Substantially interfering with educational opportunities, benefits or programs of one or more students;
- b. Adversely affecting a student’s ability to participate in or benefit from the district’s educational programs or activities by placing the student in reasonable fear of physical harm or by causing substantial emotional distress;
- c. Having an actual and substantial detrimental effect on a student’s physical or mental health; or
- d. Causing substantial disruption in, or substantial interference with, the orderly operation of the school.

#### 2. Retaliation/False Accusation

Retaliation or false accusation against a target of bullying, anyone reporting bullying, a witness or another person with reliable information about an act of bullying is strictly prohibited.

### B. Reporting an Incident

If a student, staff member or other individual believes there has been an incident of bullying in violation of this policy, s/he may report such incident to the appropriate principal or designee, or the responsible school official(s) as defined below.

1. **Making the Report:** a report may be made in person, via telephone, or in writing (including electronic transmissions). If an incident of bullying is reported to a staff member who is not the appropriate principal or designee or Responsible School Official, the staff member shall promptly report the incident to one or more of the aforementioned individuals.
2. **Complaints Against Certain School Officials:** Complaints of bullying by a staff member may be reported to the principal or designee. Reports of bullying by the principal or designee may be reported to the Superintendent. Complaints of bullying by the Superintendent may be reported to the President of the Board of Education.

**C. Confidentiality:** To the extent appropriate or legally permitted the identity of any individual who reports an act of bullying will remain confidential. District administrators will conduct the investigation without identifying the reporter and any reports will not include the name of the reporter.

**D. Investigation:** All reported allegations of a policy violation or related complaint about bullying shall be promptly investigated by the building principal or designee. A description of each reported incident, along with a summary of the investigation and conclusions reached by the principal or designee, shall be documented by the principal or designee.

**E. Notice to Parent/Guardian:** If the principal or designee determines that an incident of bullying has occurred, s/he shall promptly provide notification of same to the parent/guardian of the victim of the

bullying and the parent/guardian of the perpetrator of the bullying.

**F. Annual Reports**

1. **To the Board of Education:** At least annually, the building principal or designee, or the Responsible School Official shall report all verified incidents of bullying and the resulting consequences, including any disciplinary action or referrals, to the Board of Education. The annual Board report may be given in writing, in person at a regular Board meeting, or as otherwise requested by the Board of Education.
2. **Responsible School Official:** The Superintendent or designee ("Responsible School Official") shall be responsible for ensuring the proper implementation of this policy throughout the district. The foregoing appointment shall not reduce or eliminate the duties and responsibilities of a principal or designee.
3. **Michigan Department of Education (MDE): Reports of verified incidents of bullying will be provided to the MDE according to the form and procedures provided by the MDE.**

**G. Posting/Publication of Policy:** Notice of this policy will be incorporated into the Uniform Code of Student Conduct and the Employee Handbook.

**H. Definitions**

1. **"At School"** means in a classroom, elsewhere on school premises, on a school bus or other school-related vehicle, or at a school-sponsored activity or event whether or not it is held on school premises. "At school" also includes any conduct using a *telecommunications access device* or *telecommunications service provider* that occurs off school premises if the device or provider is owned by or under the district's control.
2. **"Telecommunication Access Device"** means that term as defined in Section 219a of the Michigan Penal Code, 1931PA 328, MCL 750.219a, as may be amended from time to time. As of January 2012, "Telecommunication Access Device" is defined to mean any of the following:
  - a. Any instrument, device, card, plate, code, telephone number, account number, personal identification number, electronic serial number, mobile identification number, counterfeit number, or financial transaction device defined in MCL 750.157m (e.g., an electronic funds transfer card, a credit card, a debit card, point-of-sale card, or any other instrument or means of access to a credit, deposit or proprietary account) that alone or with another device can acquire, transmit, intercept, provide, receive, use or otherwise facilitate the use, acquisition, interception, provision, reception and transmission of any telecommunications service.
  - b. Any type of instrument, device, machine, equipment, technology or software that facilitates telecommunications or which is capable of transmitting, acquiring, intercepting, decrypting or receiving any telephonic, electronic, data, internet access, audio, video, microwave or radio transmissions, signals, telecommunications or services, including the receipt, acquisition, interception, transmission, retransmission or decryption of all telecommunications, transmissions, signals, or services provided by or through any cable television, fiber optic, telephone, satellite, microwave, data transmission, radio, internet based or wireless distribution network, system or facility or any part, accessory or component, including any computer circuit, security module, smart card, software, computer chip, pager, cellular telephone, personal communications device, transponder, receiver, modem, electronic mechanism or other component, accessory, or part of any other device that is capable of facilitating the interception, transmission, retransmission, decryption, acquisition or reception of any telecommunications, transmissions, signals or services.
3. **"Cyberbullying"** means any electronic communication that is intended or that a reasonable person would know is likely to harm one or more pupils either directly or indirectly by doing any of the following:
  - i. Substantially interfering with educational opportunities,

benefits or programs of one or more pupils.

ii. Adversely affecting the ability of a pupil to participate in or benefit from the school district's or public school's educational programs or activities by placing the pupil in reasonable fear of physical harm or by causing substantial emotional distress.

iii. Having an actual and substantial detrimental effect on a pupil's physical or mental health.

iv. Causing substantial disruption in, or substantial interference with, the orderly operation of the school.

4. **"Telecommunications Service Provider"** means that term as defined in Section 219a of the Michigan Penal Code, supra, as may be amended from time to time. As of January 2012, "Telecommunications Service Provider" is defined to mean any of the following:

a. A person or entity providing a telecommunications service, whether directly or indirectly as a reseller, including, but not limited to, a cellular, paging or other wireless communications company or other person or entity which, for a fee, supplies the facility, cell site, mobile telephone switching office or other equipment or telecommunications service.

b. A person or entity owning or operating any fiber optic, cable television, satellite, Internet based, telephone, wireless, microwave, data transmission or radio distribution system, network or facility.

c. A person or entity providing any telecommunications service directly or indirectly by or through any distribution systems, networks or facilities.

Legal Reference: The Matt Epling Safe School Law, MCL 380.1310b

Revised & Adopted: 5/17/12

Revised & Adopted 8/20/15



## Bloomfield Hills Board of Education

**Type:** Policy

**Policy Number:** 5308

**Regulation:**

## Seclusion and Restraint

### Policy:

Seclusion and restraint of students in schools is prohibited by Michigan law, except in the case of an emergency. In accordance with the law, the Michigan Department of Education developed a policy for the emergency use of seclusion and restraint in schools. Bloomfield Hills Schools will follow the Michigan Department of Education "Policy for the Emergency Use of Seclusion and Restraint" which was adopted by the Michigan Department of Education on March 14, 2017 and updated on July 20, 2017. Emergency seclusion and emergency physical restraint is a last resort intervention that may be used only when a student's behavior poses an imminent risk to the safety of the student or others, and an immediate intervention is required. Consistent with the Michigan Department of Education Policy, the Board directs that staff who have regular contact with students to use positive behavior interventions and support to enhance the academic and social behavior outcomes for all students.

### Legal Reference:

Revised School Code MCL 380.1307-1307h

Michigan Department of Education Policy for the Emergency Use of Seclusion and Restraint March 14, 2017 and updated on July 20, 2017.

### History:

Adopted: 9/14/17

### ATTACHMENTS:

File Name

Description

No Attachments Available

## **Health Services**

### **ENROLLMENT**

Students enrolled in the Bloomfield Hills Schools shall present evidence of any physical examinations, vision examinations and/or immunizations against the common communicable diseases, as required by the regulations of the Michigan Department of Community Health. Alternatively, the parent/legal guardian may sign an appropriate form exempting the child from the medical and immunization requirements because of religious convictions or other objections.

### **ADMINISTRATION OF MEDICATION**

The District Schools will participate in the administration of prescribed medication and procedures and certain over-the-counter medication to a student during the school day, including school sponsored before and after school childcare and other school sponsored activities. (Activities provided through the Recreation & Community Services Department are not included as they are social in nature and not considered part of the student's school day.) Such participation will be permitted only when failure to do so would jeopardize the health of the student or the student would not be able to attend or participate in school if the medication or procedures were not made available during school hours.

### **ADMINISTRATIVE REGULATIONS**

The Superintendent will establish administrative regulations to implement this policy consistent with the requirements of the Michigan School Code.

Legal Reference: MCL 380.1178-1179 and 1179(a) (2013 PA 187)

Revised: 5/76

Revised: 10/18/88

Revised: 7/24/14

Approved: 9/18/14



## **Health Services and Administration of Medication**

### **A. Initial Examination**

Initial enrollment in Bloomfield Hills Schools shall occur at Student Services. All students enrolled in Bloomfield Hills Schools shall present evidence of any medical and vision examinations and immunizations against communicable diseases as required by the Michigan Department of Community Health.

Alternatively, the parent or legal guardian may sign an appropriate form exempting the child from the medical and immunization requirements because of religious convictions or other objections.

The requirements for enrollment (or continued enrollment) include:

1. A comprehensive visual evaluation.
2. A record of inoculations against the common communicable diseases and diseases as required by the regulations of the Michigan Department of Public Health.
3. Identification of any medical conditions which might affect the student's performance in the regular school program; i.e., hemophilia, diabetes, epilepsy, known allergies, etc. (Refer to Student Health Questionnaire).
4. A written description of any regular program of medication, which shall occur during the normal school day.

### **B. Emergency Cards for Students**

Emergency cards shall be prepared for each student. It is the responsibility of the parent/guardian to complete and update the emergency card for each student. The emergency card shall include:

1. The student's full name, address and telephone number.
2. The parent's or legal guardian's name, home telephone number (if different from the student), cell phone number and business telephone number (both business telephone numbers if both parents work).
3. Identification of at least two persons who will assure temporary care of the child if the parents or legal guardians cannot be reached. For each person, the card shall include his/her name and telephone number (including cell phone), in order of preference.
4. The parent's or legal guardian's preference of a physician, dentist, hospital or clinic and the telephone numbers and addresses of each.
5. Name of Medical insurer and insurance numbers (Blue Cross/Blue Shield, etc.).
6. Known allergies (bee stings and other insect bites, penicillin and other medications, food, latex, etc).
7. Chronic health conditions such as diabetes, epilepsy, asthma, heart problems, etc.

Emergency cards will be updated each year and filed in the building's central office. It is the parent or guardian's responsibility to update the student's emergency card.

## C. Administration of Medication or Epinephrine

Ideally, all medication should be given at home. School district personnel are not trained health care professionals. Parents and guardians have the primary responsibility for administering their child's medication. However, the school may cooperate with parents and guardians in administering, or attempting to administer, prescription and non-prescription medication that is authorized by parents, guardians, and, if applicable, physicians. In appropriate cases, the District will prepare individualized medical emergency plans for students in consultation with the parent or guardian. Students with disabilities who have an Individualized Educational Program (IEP) or Section 504 Plan are included under this regulation.

Definition: Medication includes prescription, nonprescription and herbal medications, medications taken by mouth or inhaler, those that are injectable, and those applied as drops to eyes or nose; or medication applied to the skin.

### Non-Prescription Medication

1. Non-prescription medication (Tylenol, cough syrup, antihistamines, etc.) will be administered by school employees to student only if the *Authorization for Medication* form is completed by the parent or legal guardian. Written permission from the parent or guardian may be accepted in lieu of the *Authorization for Medication* form. School employees will not administer aspirin unless it is prescribed by a physician. The procedures set forth in paragraphs 5 through 16 below shall apply to the administration of non-prescription medication, as well as prescription medication.

### Self-Medication by High School Students

2. High school students may carry their own prescription and non-prescription medications and responsibly self-medicate. This procedure is intended to provide older students immediate accessibility to medication in appropriate situations where the student's health would be jeopardized without medication. However, high school students must deliver to the school office the *Authorization for Medication* form, completed by the parent/guardian and the physician (if the medication has been prescribed by a physician) verifying the necessity for the student to carry prescription medication. If a student is carrying an inhaler or epinephrine auto-injector, a second inhaler or epinephrine auto-injector is requested for storage in the school office. See Policy 5403 and Regulation 5403.1 for Epinephrine Auto Injectors.

Students who possess or use prescription medication under these circumstances must always keep the medication in a properly labeled pharmaceutical container. The building administrator may impose discipline for misuse or abuse.

If the child is disabled and needs assistance with medication administration, the procedures set forth in paragraphs 5 through 18 below shall be applied to the secondary school.

Inhalers and Epinephrine Auto-Injectors: Michigan law requires that building administrator notify the student's teachers when a student is in possession of an inhaler for the prevention of asthma symptoms under these circumstances or an epinephrine auto-injector to treat anaphylaxis.

3. The parent/physician *Authorization for Medication* form must be renewed at the beginning of each school year or whenever there is a change. The forms are available in the school.

Medication in Elementary Schools, Middle Schools, Preschools and Latch-Key Programs

The following procedure will be followed when school district personnel administer medication:

4. In preschools and latch-key programs, elementary and middle schools, all prescription and non-prescription medications must be delivered to the school or program office along with the *Authorization for Medication* form. As stated in paragraph one, written permission from the parent may be accepted in lieu of the *Authorization for Medication* form for non-prescription medication. Prescription medication must be delivered in its original container with pharmacy label including the child's name, attached to the container and in the exact prescribed dosage. Non-prescription medication must also be delivered in its original container in the exact dosage. (For example, no baggies full of pills carried to the school by the students.) School personnel will not assume responsibility for dividing or splitting pills. Medication such as metered dose or dry powder inhalers and epinephrine auto-injectors may be kept in the possession of the student if the parent/guardian and physician so indicate on the *Authorization for Medication* form. A second inhaler and/or epinephrine auto-injector provided by the parent, is also requested for storage in the school or program office.

5. Prior to any medication being administered, an *Authorization for Medication* form must be completed and returned to the school or program office. The form must be completed by both the prescribing physician (for prescription medication) and the parent or guardian. As stated in paragraph one, written permission from the parent may be accepted in lieu of the *Authorization for Medication* form for non-prescription medication.

6. The initial dose of any medication shall not be given at school.

7. Administration of medication by school personnel or a volunteer<sup>1</sup> shall be in compliance with the Revised School Code (MCL 380.1178, 380.1179 and 380.1179a) which provides immunity from liability for employees who administer medication to a student, in good faith, under the following circumstances:

a. The medication is administered in the presence of another adult; or without the presence of another adult in an emergency situation that threatens the life or health of the student;

i. The medication is administered by a school employee who is a licensed registered professional nurse regardless of whether the medication is administered in the presence of another adult.

The medication is administered pursuant to written permission of the student's parent or guardian; and

b. The medication is administered in compliance with the instructions of a physician (in the case of prescription medication.)

8. The principal may designate himself or herself, another staff member or a volunteer to administer medication to a student in the school in the presence of another adult. A licensed registered professional nurse may administer medication without the benefit of the presence of another adult.

9. Medication shall be kept in a secure area readily available to school personnel designated to administer it. The person administering medication to a student shall record such activity in a medication log. The witness shall initial the medication log. Administration of medication by a licensed registered professional nurse does not require a witness. If an error is made in recording, the person administering shall line out and initial the erroneous entry and make the correction in the log. All medication administration errors and logging errors must be reported to the building principal or program supervisor, who will contact the parent or guardian where appropriate.

<sup>1</sup>The Revised School Code provides that the immunity from liability is not available for the administration of medication where there is an act or omission amounting to gross negligence or willful and wanton misconduct. The Governmental Liability for Negligence Act, MCL 691.1407, provides governmental immunity for volunteers who administer medication to students pursuant to the direction of school personnel provided the volunteer does not conduct themselves in a grossly negligent manner. Gross negligence is defined as conduct so reckless as to demonstrate a substantial lack of concern for whether an injury results.

10. Each building administrator may set a reasonable designated time for the administration of medications to students at school. Parents or guardians shall be advised of the designated time. The student is responsible for reporting to the office or designated place at the designated time. Exceptions may be made when supported by appropriate information from the student's parent, guardian or physician.

11. Parents or guardians may, and are encouraged, to come and administer their own child's medication through the school or program office. Please note that most antibiotics can successfully be delivered with a dose before school, a dose after school, and a dose at bedtime, eliminating the necessity for in-school administration.

12. It is the responsibility of the parent/guardian to check with school staff to determine if a prescription needs refilling.

13. Any adverse reaction to medication shall result in an emergency call to 911. In addition, the building or program administrator, or designee, shall report the adverse reaction to the student's parents or legal guardian.

14. The building administrator may discontinue the administration of medication upon advance notification to the parent/guardian and/or to the student's physician. Any remaining medication shall be returned to the parent/guardian.

15. Medication left over at the end of the student's school year must be removed by the parent or guardian or the school will dispose of the medication.

15. Medication left over at the end of the student's school year must be removed by the parent or guardian or the school will dispose of the medication.

16. The parent/physician *Authorization for Medication* form must be renewed at the beginning of each school year or whenever there is a change.

### **Life-Threatening Medical Conditions: Epinephrine Auto-Injectors and Inhalers**

17. The administration of adrenalin (epinephrine) in the form of an epinephrine auto-injector may be given to a student in an emergency situation for an allergic reaction to an insect bite, food or other such conditions. After the medication is administered, 911 must be called, followed by a call to the parent or

guardian.

18. If a physician and parent/guardian state on the *Authorization for Medication* form that the student requires the epinephrine auto-injector or inhaler to be carried by the student at all times, the parent/guardian must provide an epinephrine auto-injector or inhaler for this purpose. As stated in paragraph 4 above, a second epinephrine auto-injector or inhaler is requested for the school or program office. Compliance with this request is strongly recommended. As noted in paragraph 2 above, Michigan law requires that the building administrator notify each of the student's classroom teachers when a student is in possession of an inhaler for the prevention of asthma symptoms.

### **Authorization for Regularly Prescribed Medication Included in Cumulative File**

Building administrators shall ensure that the appropriate forms have been completed and included in the student's cumulative file for those students who are required to take medication on a regularly prescribed basis during the normal school hours. (See standard district Authorization for Prescription Medication form.)

#### **D. Other Medication**

For medications other than oral medication or epinephrine, a student's parent or guardian may request that the District administer such medication. In reviewing such a request, the District may seek the advice of the Oakland County Health Division. The District will advise the parent or guardian whether it will assist in the administration of such medication. If the District agrees to assist in the administration of such medication, the procedure outlined in Section C (above) will be followed.

#### **E. Medication Available During Normal School Hours**

The medication will be kept in a secure area of the school's or program's central office at which the student is assigned and will only be available during normal school hours. If a student is engaged in after-school activities or athletic events and requires medication for a potentially life-threatening medical condition, the parent/guardian must advise the sponsor or coach, in writing, of the allergy or medical problem and provide information about any necessary treatment the student may require. The parent/guardian shall supply the coach/sponsor with the medication.

#### **F. Athletic Programs**

Any student participating in a district-sponsored athletic program shall furnish evidence of a comprehensive medical examination preceding the initial involvement in the athletic program. The medical examination shall have occurred on or after April 15 to be in effect for the next school year. The physician conducting this examination shall list any restrictions and/or allergies, which the student may have. (See standard Athletic Physical form.)

#### **G. Physical Education Program**

Signed statements from the student's physician will be required to excuse or exempt any student from involvement in a required physical education program.

#### **H. Field Trips**

A student may participate in school-sponsored field trips provided written permission is received from the parent or guardian on the *Parental Consent Transportation* Form. If the student has an allergy or medical problem, the parent or guardian must advise the school in writing on the *Parental Consent Transportation* form of the allergy or medical problem, and any necessary treatment the student may require. If the student requires medication during the field trip, the parent or guardian must provide the medication to the main office and explain the purpose of the medication, as well as the required dosage of the medication. The field trip sponsor must obtain the necessary medication from the office. The medication must be transported in the original container in the exact prescribed dosage and the necessary information must be entered in the medication log immediately after returning from the activity.

If a student needs to carry an epinephrine auto-injector or inhaler on his/her person at all times, the parent or legal guardian shall provide an epinephrine auto-injector or inhaler for the field trip. If the allergy or medical condition is potentially life threatening, the school may request that the parent, guardian or other adult designated by the parent or guardian accompany the child on the field trip.

## **I. Training**

District administration will periodically in-service staff on issues pertaining to the administration of medication to students at school. In-service leaders should consult and, if practicable, follow any Michigan Department of Education training guidelines.

Legal References: MCL 380.1178, 1179, 1179a

Revised: 8/26/96

Revised: 3/20/01

Revised: 3/10/03

Revised: 12/12/03

Approved: 9/18/14

## Epinephrine Auto Injectors

Anaphylaxis is a severe and life-threatening allergic reaction. Anaphylaxis may occur in minutes or longer after an exposure to an allergen. Epinephrine Auto-Injectors are prescribed and used in an emergency anaphylaxis reaction at school as follows:

### **EPINEPHRINE AUTO-INJECTORS**

1. A student may possess an epinephrine auto-injector at a District School, on District-sponsored transportation or at any activity, event or program sponsored by the District in which the student's school is participating, provided that:
  - a. The student has written approval to possess and use the epinephrine auto-injector from the student's physician or other health care provider authorized by law to prescribe an epinephrine auto-injector and, if the student is a minor, from the student's parent/legal guardian.
  - b. The principal or supervisor of the student's school has received a copy of each written approval required under subdivision (a) for the student.
  - c. There is on file at the student's school a written emergency care plan that contains specific instructions for the student's needs that is prepared by a physician licensed in this state in collaboration with the student and the student's parent/legal guardian and that is updated as necessary for changing circumstances.
2. In each school operated by the District with an instructional and administrative staff of at least 10, there shall be at least two (2) employees at the school who have been trained in the appropriate use and administration of an epinephrine auto-injector. In each school operated by the District with an instructional and administrative staff of fewer than ten, there shall be at least one (1) employee at the school who has been trained in the appropriate use and administration of an epinephrine auto-injector. The training required under this subparagraph shall be conducted under the supervision of, and shall include evaluation by, a licensed registered professional nurse.
3. The District shall acquire or purchase and maintain at least two (2) unexpired epinephrine auto-injectors for and at each school operated by the District.
4. A licensed registered professional nurse who is employed or contracted by the District or a District employee who is trained in the administration of an epinephrine auto-injector under subparagraph (2) above is authorized to administer an epinephrine auto-injector to a student who has a prescription on file at the school.
5. A licensed registered professional nurse who is employed or contracted by the District or a District employee who is trained in the administration of an epinephrine auto-injector under subparagraph (2) above is authorized to administer an epinephrine auto-injector on the grounds of a school to any other individual who is believed to be having an anaphylactic reaction.
6. The District will notify the parent(s)/legal guardian of any student to whom an epinephrine auto-injector has been administered by a District employee or contractor.
7. This policy is not intended, and should not be construed, to create or grant any rights or remedies to any person. This policy is drafted to comply with applicable law, and shall be interpreted and applied in a manner to be consistent with applicable law. In the event that through either administrative, judicial or legislative action the law is clarified or changed such that any provision of this policy is inconsistent with the law by imposing requirements that are less than or exceed the law, then such provision shall no longer be applicable, and instead the requirements of the law as clarified or changed shall be followed.

### **ADMINISTRATIVE REGULATIONS**

The Superintendent will establish administrative regulations to implement this policy consistent with the requirements of the Michigan School Code.

Approved: 9/18/14





## Bloomfield Hills Board of Education

**Type:** Policy

**Policy Number:** 5400

**Regulation:**

## Firearms and Other Weapons

### Policy:

To the full extent permitted by law, the District prohibits firearms and other weapons on District premises and at District-related functions. District employees and students who violate this policy are subject to discipline, including permanent expulsion or discharge. Others who violate this policy are subject to being banned from District premises and District-related functions. This policy shall not be interpreted to prohibit the possession of firearms and other weapons on District grounds by members of law enforcement or others authorized by the District to protect student and staff safety. The District reserves the right to report to police authorities any person who violates this policy.

### History:

Adopted 4/19/18

### ATTACHMENTS:

File Name

Description

No Attachments Available

## **Guidelines for Responding to an Anaphylaxis Emergency at School**

### **Definition**

**Anaphylaxis** is a serious allergic reaction that is rapid in onset and may cause death. A variety of allergens can cause anaphylaxis, but the most common are food, insect bites, medications, and latex. Anaphylaxis typically begins within minutes or even seconds of exposure. The symptoms of anaphylaxis may be different for different individuals, and may also be different for one person over time. Reported symptoms include:

- Skin reactions, including hives along with itching and flushed or pale skin (almost always present with anaphylaxis)
- A feeling of warmth
- The sensation of a lump in the throat
- Constriction of the airways and a swollen tongue or throat, which can cause wheezing and trouble breathing
- A weak and rapid pulse
- Nausea, vomiting or diarrhea
- Dizziness or fainting

Initial emergency treatment is the administration of injectable epinephrine along with immediate summoning of emergency medical personnel and emergency transportation to the hospital. These guidelines are intended to help schools respond to the challenge of an emergency anaphylaxis situation.

### **Individuals with Known Allergies.**

For students who have a known severe allergy:

- The provisions and requirements of Policy 5402 Health Services: Enrollment & Administration of Medication regarding self-possession and self-administration of prescription medications also apply to epinephrine.
- All students who have had a prior anaphylactic reaction or have otherwise been identified as at-risk for having a severe allergic reaction should have this addressed specifically in an individualized health care plan. The parent/guardian of a student with known allergies that may be severe enough to cause anaphylaxis should be requested to provide the school with student-specific medical orders, a medical management plan at the start of the school year or upon the student's transfer to the school.
- The parent/guardian of a student with a known serious allergy may be requested to provide an extra epinephrine auto-injector to the school for use by authorized personnel in case of emergency. A parent or guardian may not be required to provide an extra epinephrine auto-injector to the school.
- A school official will notify each of the student's teachers when aware that a student is in valid possession of an epinephrine auto-injector in accordance with the school's medication policies.
- Consistent with state law and Board of Education policy, a student may possess an epinephrine auto-injector at a school, on District-sponsored transportation, or at any activity, event, or program sponsored by the student's school or in which the student's school is participating, provided that:
  - (a). The student has written approval to possess and use the epinephrine auto-injector from the student's physician or other health care provider authorized by law to prescribe an epinephrine auto-injector, and, if the student is a minor, from the student's parent or legal guardian.
  - (b). The principal of the student's school has received a copy of each written approval required under subdivision (a) for the student.
  - (c). There is on file at the student's school a written emergency care plan that contains specific instructions for the student's needs, that is prepared by a physician licensed in this state in collaboration with the student and the student's parent or legal guardian, and that is updated as necessary for changing

circumstances.

### **Individuals without Known Allergies.**

For students, staff, and any other individual on school grounds:

- As required by state law Policy 5403: Epinephrine Auto-Injectors, every school in the District shall maintain a stock of at least two epinephrine auto-injector devices at all times regardless of whether or not any student/staff have been diagnosed with allergies. Schools may maintain more than two devices, particularly if their student population includes a number of students with known allergies.
- Each school should determine the appropriate dose of epinephrine auto-injector based on their school student population. (*i.e.*, Junior or Adult).
- As required by state law Policy 5403, each school with ten or more instructional and administrative staff will designate at least two employees at the school for authorization to administer an epinephrine auto-injector. Schools with fewer than ten staff will designate at least one such employee.
- Each school shall designate a staff member who will check the expiration dates of the stock auto-injector devices at least twice per year. Expired stock will be discarded in a biohazard sharps container or locate a needle disposal facility and replace any device past its expiration date.

### **Training Guidelines from the Michigan Department of Education for Staff on Allergies, Anaphylaxis, and Emergency Response.**

The training program for non-nursing staff designated to use an epinephrine auto-injector is to be conducted under the supervision of, and shall include evaluation by a licensed, registered professional nurse. The training should include:

- Instruction on the provisions of state laws regarding the emergency use of epinephrine at school for situations of a suspected life-threatening anaphylaxis reaction.
- Instruction on the District's medications policies and procedures.
- Orientation to the causes, signs, symptoms, and treatment of anaphylaxis and the anticipated effects and possible adverse effects of epinephrine.
- Demonstration and instruction using realistic auto-injector models.
- Skill-based practice using epinephrine auto-injectors in simulated anaphylaxis emergency response situation.
- Development and implementation of an emergency anaphylaxis response plan of action.
- Instruction on the procedures for informing emergency contacts, completing a school incident report, and notifying parent/guardian of a student to whom an epinephrine auto-injector has been administered.
- Instruction on the procedures regarding epinephrine acquisition, expiration date monitoring, maintenance, and storage requirements.
- A licensed, registered professional nurse is responsible for providing and supervising the training, which shall include a training evaluation. Documentation of the training competency assessment should be provided to the school demonstrating that the employee was adequately trained.

The attached Sample Protocol for Responding to Anaphylaxis is provided for guidance only.

### **Storage of Epinephrine Auto-Injectors and Additional Materials.**

- All epinephrine auto-injectors should be stored according to manufacturer's directions to maintain effectiveness and in a clearly labeled, unlocked, easily accessible cabinet at room temperature (between 59-86 degrees F).
- Expiration dates on epinephrine auto-injectors should be monitored and documented on an appropriate log. The shelf-life of an epinephrine auto-injector is approximately 12 to 18 months.
- The fluid in an epinephrine auto-injector should be clear and colorless. If the fluid has turned brown or is cloudy, the auto-injector should be discarded. Auto-injectors should not be exposed to sunlight, heat, cold, or freezing temperatures.
- Additional materials associated with responding to suspected anaphylaxis should be stored with the epinephrine auto-injectors (*e.g.*, copy of anaphylaxis emergency response plan with emergency contact numbers, incident report, etc.).

### **District and School Reporting**

At least annually, the District is required to report to MDE all instances of administration of an epinephrine

auto-injector to a student at any school in the District. Each school shall therefore report the required information to the District administration on an annual basis, at a time established by administration. Each school shall report the following:

- The number of instances of administration of an epinephrine auto-injector to a student at the school in a school year.
- The number of students who were administered an epinephrine auto-injector at school that were not previously known to be severely allergic.
- The number of students who were administered an epinephrine auto-injector at school using the school's stock of epinephrine auto-injectors.

### **Immunity/Liability**

Under state law, the following persons are immune from criminal charges or civil damages unless an act or failure to act was due to gross negligence or willful and wanton misconduct:

- A licensed registered professional nurse who is employed or contracted by the District or a school employee who is trained in the administration of an epinephrine auto-injector who in good faith administers an epinephrine auto-injector to a pupil who has a prescription on file at the school.
- A licensed registered professional nurse who is employed or contracted by the District or a school employee who is trained in the administration of an epinephrine auto-injector who in good faith administers an epinephrine auto-injector to any other individual on school grounds who is believed to be having an anaphylactic reaction.

### **SAMPLE PROTOCOL FOR RESPONDING TO ANAPHYLAXIS**

*Please note this protocol is for guidance only*

#### **RESPONDING TO ANAPHYLAXIS – CALL 911**

1. Based on symptoms; determine that an anaphylactic reaction appears to be occurring. Look for a medical alert bracelet or necklace. Act quickly. It is safer to give epinephrine than to delay treatment. Anaphylaxis is a life-threatening reaction.
2. If you are alone and are able to provide epinephrine, call out or yell for help as you immediately go to get the epinephrine. Do not take extra time seeking others until you have provided the epinephrine.
3. If you are alone and do not know how to provide epinephrine, call out or yell for help. If someone is available to help you, have them get the personnel trained to provide epinephrine and the epinephrine while you dial 911 and follow the dispatcher's instructions. Tell the 911 operator that anaphylaxis is suspected and epinephrine is available. Your goal is to get someone -- trained school staff, or emergency medical staff (EMS) -- to provide epinephrine and care as soon as possible.
4. Select appropriate dose of epinephrine auto-injector to administer, based on weight.
  - **Dosage:** Junior 0.15 mg epinephrine auto-injector if estimated weight is between 33 and 66 pounds; Regular 0.30 mg epinephrine auto-injector if estimated weight is 66 pounds or greater.
  - **Frequency:** If symptoms persist or return, a second dose should be administered 5 to 15 minutes after first dose.
5. Inject epinephrine via auto-injector:
  - Pull off safety release cap.
  - Place gently on the upper, outer thigh and push firmly (through clothing if necessary).
  - Hold in place for 10 seconds (5 seconds if using Auvi-Q) to deliver medication and then remove.
  - Massage the area for 10 seconds. Note the time.
6. Keep the individual either lying down or seated. Watch for vomiting or choking. If they lose consciousness, check if they are breathing. If breathing, position on side and continue to monitor. If not breathing, begin cardiopulmonary resuscitation (CPR), call out for help.
7. Call school nurse/front office school personnel and advise of situation.
8. Provide EMS with epinephrine auto-injector labeled with name, date, and time administered to transport to the emergency room with the student.

Approved: 9/18/14

## **Food Allergy Management**

The Bloomfield Hills Schools Board of Education recognizes the increasing prevalence of potentially life-threatening food allergies among children. Effective management of food allergies in the school setting includes implementing strategies for avoidance of offending foods by allergic children and emergency planning to ensure prompt identification and treatment of allergic reactions that may occur. The Board supports the education of school personnel, students and parents regarding food allergy management to maintain a safe school environment for allergic children.

Cross Reference: Health Services and Administration of Medication Policy and  
Regulation 5402

Approved: 12/6/07

## Management of Food Allergies in Schools

The goal of the following administrative regulation is to assist an identified allergic student\* in avoiding exposure to allergies. It is recognized, however, that the school district cannot guarantee the elimination of allergens from the school environment.

1. Recognizing that peanuts, peanut products, tree nuts and tree nut products can be associated with the most severe types of allergic reactions, they shall not knowingly be used in the classroom for instructional purposes when an allergic student is present.
2. Recognizing the need for reliable communication from all student locations to the school office, all schools shall have a facility-specific communications system, such as a walkie-talkie, available to summon help to any location in an emergency during the time classes are in session. If an emergency occurs during an activity that takes place at a time other than when classes are in session, emergency medical services shall be utilized by calling 9-1-1.
3. School personnel will implement, in collaboration with the District or Building Section 504 Coordinator and parent(s), a written plan (health plan or 504 plan) for the avoidance of offending foods by an identified allergic student. This plan will be communicated to all personnel with whom the student has contact during the school day, including the bus driver(s) if transportation is provided. Specific provision will be made to share the plan with substitute personnel. If appropriate, a student's emergency card may be used as the written plan (e.g. allergic reaction such as hives). However, a detailed written health plan is preferred.

Recognizing the need for identified students to avoid specific allergens, the elements of a plan may include, but are not limited to, the following provisions as may be warranted by the needs of the individual identified allergic student:

- A. Providing parents, staff and students with detailed information regarding the ingredients of the school lunch.
- B. Requiring school personnel to determine whether foods brought to school are safe for an allergic child to consume.
- C. Providing an identified allergen-free table in the school cafeteria, which is thoroughly washed prior to the first lunch shift and in between lunch shifts.
- D. Washing classroom desktops as necessary to remove identified allergens.
- E. Requiring staff and students who have been in contact with an allergen to wash thoroughly before resuming contact with the allergic student.
- F. Requiring that all classroom lessons in art, family and consumer science, mathematics and other subjects that use food for instructional purposes to not knowingly include offending foods when an allergic student is present.
- G. Requiring epinephrine to be available if prescribed by the student's physician or health care provider.
- H. On field trips, if an allergic student will eat lunch/snacks other than those brought from home, providing contact information to permit the menu to be reviewed by the parent(s) prior to the trip to determine whether the child may eat the food. If the parent is unable to make the determination or the menu is unavailable, the parent will send safe food on the trip

with the student. High school students may be able to make their own safe choices. If prescribed by a physician, Epinephrine shall accompany the allergic student on field trips and be readily available. A communications system for calling Emergency Medical Services (EMS) shall be available at all times on field trips.

- I. Training staff on the administration of epi-pens for use when an allergic response triggers anaphylactic shock. (Note: Epi-pens will only be used by district personnel when prescribed by a physician for the identified allergic student.).
- J. If applicable, post signs in the classroom, school bus and latchkey alerting students, staff and the community to the allergy.
- K. If appropriate, notify students and parents at the classroom, grade level or school wide of the allergy.

4. School personnel will follow the Health Services and Administration of Medication Regulation 5402.1

\* An “identified allergic student” is one who is identified in writing by the student’s health care provider as having a life threatening food allergy. Such students are likely subject to “anaphylaxis,” which is a severe allergic reaction that occurs rapidly and causes a life-threatening response involving the whole body. This reaction can lead to difficulty in breathing and shock and ultimately leading to death.

\*\* Section 504 references Section 504 of the Rehabilitation Act of 1973 which prohibits discrimination on the basis of handicap in any district-sponsored curricular or co-curricular program offering.

Approved: 12/6/07



## **Cardiac Emergency Response Plan**

### **Sudden Cardiac Arrest**

Sudden cardiac arrest is the sudden, unexpected loss of heart function, breathing and consciousness. Sudden cardiac arrest is a medical emergency. If not treated immediately, it causes sudden cardiac death. Sudden cardiac arrest symptoms are immediate and drastic and may include sudden collapse, no pulse, no breathing or loss of consciousness. Sometimes sudden cardiac arrest is preceded by fatigue, weakness, palpitations or vomiting. Other times, sudden cardiac arrest occurs without warning. Reference: Mayo Clinic website.

### **Cardiac Response Plan**

The Michigan Fire Prevention Code, as amended by 2014 PA 12 (MCL 29.19(12)), provides that a cardiac emergency response plan be adopted and implemented by the school district, and shall address and provide for at least all of the following:

- 1) Use and regular maintenance of automated external defibrillators, if available.
- 2) Activation of a cardiac emergency response team during an identified cardiac emergency.
- 3) A plan for effective and efficient communication throughout the school campus.
- 4) If the school includes grades 9 to 12, a training plan for the use of an automated external defibrillator and in cardiopulmonary resuscitation techniques.
- 5) Incorporation and integration of the local emergency response system and emergency response agencies with the schools' plan.
- 6) An annual review and evaluation of the cardiac emergency response plan.

The administration shall develop regulations as necessary to comply with and implement a cardiac response plan in accordance with 2014 PA 12 and any subsequent amendments.

This Cardiac Emergency Response Plan is adopted by Bloomfield Hills Schools to comply with 2014 PA 12, (MCL 29.19(12)). This plan is not intended and should not be construed to grant rights or remedies to individuals, including district students, staff members or other members of the public.

Approved: 10/16/14

# **Cardiac Emergency Response**

## **Introduction**

This regulation was adopted to comply with 2014 PA 12 (MCL 29.19(12)). This regulation is not intended, and should not be construed, to grant rights or remedies to individuals, including district students, staff members or other members of the public.

## **Equipment**

The district will purchase and maintain a sufficient number of automated external defibrillators (AEDs) so that an AED is available at each school building. Regular inspections of the AEDs will be conducted by the School Security Officer. Regular maintenance of the AEDs will be conducted by the Plant Facilities Department. Each building will be responsible for informing staff members where AEDs are located. Each building principal will be responsible for posting the locations of AEDs in a public place and in the office.

## **Training**

All building principals (or designees), and at least three other individuals at each school building, will be trained and certified in cardiopulmonary resuscitation (CPR) techniques and the use of the AEDs.

Exception: Bowers Academy and Model High School will have at least two individuals trained. The high school athletic trainer, the high school athletic coordinator and the district's athletic director will also be trained. Each building principal will be responsible for informing all school staff members of the identities of trained staff members and informing his/her supervisor if the number of trained staff members falls below the requirements of this regulation.

## **Sudden Cardiac Arrest**

Sudden cardiac arrest is the sudden, unexpected loss of heart function, breathing and consciousness.

Sudden cardiac arrest is a medical emergency. If not treated immediately, it causes sudden cardiac death.

Sudden cardiac arrest symptoms are immediate and drastic and may include sudden collapse, no pulse, no breathing or loss of consciousness. Sometimes sudden cardiac arrest is preceded by fatigue, weakness, palpitations or vomiting. Other times, sudden cardiac arrest occurs without warning. Reference: Mayo Clinic website.

## **Emergency Response to Sudden Cardiac Arrest**

Each school's cardiac emergency response team will consist of the building principal or his/her designee, building support staff and up to two other personnel. The goal is to designate four (4) individuals per school building as the Cardiac Response Team. Exception: The goal at Bowers Academy and Model High School is to have two individuals on the Cardiac Response Team.

Any staff member who observes a student or other person who may be experiencing sudden cardiac arrest at school must immediately call 911 and notify the operator of the victim's name, sex, age or approximate age, condition and location; notify the office; notify a trained staff member and retrieve the nearest AED.

The building emergency manual contains CPR and AED defibrillator guidelines.

Building administrators, upon observing or being notified that a student or other person may be experiencing sudden cardiac arrest at school, must immediately call 911 (and report to the operator as described above); secure the emergency card (in the case of a student); report to the scene of the emergency with an AED and any medication prescribed for the student; and attend to the victim according to their training. The building principal (or designee) must notify the family of any student who may have experienced a sudden cardiac emergency at school.

All staff members are responsible for removing students from the area of the emergency and taking steps to provide for their appropriate supervision.

## **Report**

The building principal must report all incidents of suspected sudden cardiac arrest in writing to the Superintendent or to his/her designee.

## **Annual Review and Evaluation**

The School Security Officer in conjunction with the Plant Facilities Department will review this regulation

annually and, if warranted, provide recommendation for revision.

Approved: 10/16/14

## **Transportation**

The Board of Education shall provide such student transportation, as it may deem appropriate. Transportation is not mandatory and any abuse of the transportation being provided by the Board of Education by any student or group of students may result in withdrawal of the transportation privilege.

Revised: 8/21/73

## **Transportation**

The Transportation Manager and designated administrator shall develop a set of rules and regulations for student conduct while using district-provided transportation.

Infractions of the conduct rules covering the use of district-provided transportation may result in a student being denied the use of district transportation facilities. Whenever possible, parents shall be informed when this denial of use of facilities is being considered by the school and given an opportunity to work with their child in order to improve the behavior on school transportation.

### **Damage to equipment**

Students and their parents or legal guardian shall be held financially responsible for student-inflicted damage to transportation equipment.

### **Intra-district transferring of students**

Transfer students electing to attend a school other than their regular attendance school shall assume responsibility (or their parents shall) for any necessary transportation. Such students may apply for a seat on an existing transportation run, if it does not result in a violation of the State Safety Code or the establishment of a change in bus run or bus stop.

### **Volunteer drivers**

With the approval of a building administrator, Bloomfield Hills Schools students who have passed their eighteenth birthdays may be used as volunteer drivers for field trips and other school-related activities, provided they possess a valid Michigan driver license and can show proof of insurance.

Students between the ages of 16 and 18 may be used as volunteer drivers with prior approval of the building administrator and parents of driver and passengers. The student must possess a valid Michigan driver license and proof of insurance.

Building principals may approve adult siblings to be volunteer drivers as long as these individuals possess valid Michigan driver licenses and proof of insurance.

Parents may be used as volunteer drivers as long as they possess a valid driver license and proof of insurance.

In all cases where building administrator and/or parental approval is required, this must occur before the actual trip.

Revised: 10/20/00

Revised: 3/20/01

Policy 5407

## **Food Services**

The Board of Education shall provide such food services as are deemed appropriate to enable students to secure a nutritionally sound lunch during the school day at a reasonable cost.

Revised: 8/21/73

Regulation 5407.1

## **Food Services**

Students may avail themselves of the food services offered in each building so long as they conform to the conduct standards set by the building principal and the cafeteria manager.

Food services offerings must comply with the regulations established by the State Department of Education and the U.S. Government.

Revised: 10/20/00

Revised: 3/20/01

## **Organizations**

The Board of Education shall encourage all students to participate in school-sponsored organizations such as athletics, fine arts groups, clubs, student government, student publications, and any others having administrative approval.

These organizations are to be established to meet the interests of all students.

Student government shall be established to provide for students to have elected and representative government bodies who shall share in the formation of general school policies, discuss matters of faculty/student relations and other matters of student concern. Students have the responsibility to participate actively in the student government process, to make sure that all students are allowed to vote, and that offices are open to all who qualify. Students may be invited to school meetings, by the administrator conducting the meeting.

School-sponsored publications are encouraged to remain within the normal rules of responsible journalism; for instance, the avoidance of libel, obscenity, defamation, false statements or material advocating racial or religious prejudice.

Revised: 8/21/73

Revised: 3/20/01



## **School Clubs**

4. All students are to be encouraged to form and participate in school clubs which are based upon student interest and need.
5. All clubs in each school must have a faculty sponsor and the approval of the building principal.
6. The purposes and activities of each club will be defined in writing and made available to all students.
7. Club activities are to be related to curricular activities whenever desirable.

Club activities are to be evaluated periodically but at least once a year by students and faculty

Revised: 8/21/73

## **Student Government**

All schools are encouraged to have a student government which provides opportunities for all students to participate.

2. Each student government shall have its functions clearly defined by constitution and by-laws and with authority delegated by the building principal.
3. Each student government shall have a faculty sponsor.
4. Each student government shall provide for any student who possesses the qualifications stated in the constitution and by-laws to be nominated and elected to office. The officers shall be elected by all students or their representatives.

Revised: 8/21/73

Regulation 5502.3

## **School Publications**

1. All school publications shall have a faculty sponsor.
2. Student publications are to avoid untrue or offensive statements.

Rules regarding school-sponsored publications are contained in the Uniform Code of Student Conduct, Regulation 5301.1.

Revised: 8/21/73

Revised: 3/20/01

## **Social Events**

The Board of Education shall support building principals in the development of meaningful and interesting social events for students which meet their interests. Secret organizations, fraternities, and sororities for students are not permitted in the schools.

Revised: 8/21/73

## **PTO's, Booster Clubs and Similar Organizations**

The District encourages PTO's, Booster Clubs and similar parent groups organized in support of students and their activities. These shall include groups using the names of the Bloomfield Hills School District, any of its schools, and/or any of the nicknames associated with those schools. It is explicitly recognized that, even as independent organizations, those groups operate under the general supervision of the school district. The financial statements of those groups shall be subject to periodic audit by the District or its auditors (at no cost to the group). In addition, any monetary disbursements shall be subject to the review and approval of the building principal and/or athletic coordinator.

The District encourages PTOs, Booster Clubs and similar parent groups in their fund raising activities. However, PTO and Booster Club activities will never serve to coerce, exclude, place hardship on, or otherwise penalize any student, family member or the school community. Students will not be excluded from school activities on the basis of their failure to participate in fund-raising. In addition, PTOs, Booster Clubs and similar parent groups are expected to be aware of the rules of the Michigan High School Athletic Association and follow those rules with respect to the expenditure of their funds.

References: Policy 5604: Gifts to Schools; Policy 1203: Parent Teacher Organizations

Approved: 2/7/06

## **Fund Raising**

Required programs\* in the Bloomfield Hills School District will not be dependent upon supplemental fund-raising activities for their existence. Fund-raising may be undertaken to enhance the program or the school environment.

Fund-raising activities will never serve to coerce, exclude, place hardship on, or otherwise penalize any student, family or member of the school community. Students will not be excluded from school activities on the basis of their failure to participate in the fund-raising activity or their ability to pay.

\*Required programs are programs and/or program materials routinely supplied by the Board of Education. This shall include all materials or costs essential to maintain a program.

Revised: 9/6/88

Revised: 3/20/01

## **Guidelines for Fund-Raising**

1. School and District-wide fund-raising activities must be approved by the Principal/Assistant Superintendent for Instruction. No project shall begin prior to such approval.
2. Fund-raising activities sponsored by a school organization for enrichment purposes that have implications for other schools must be approved by the joint principals= group. No fund-raising activity shall begin prior to such approval.
3. Fund-raising activities carried on for special trips (out-of state/country and overnight trips) or special projects should not be started until approval of the trip or project is granted by the building principal and consensus is reached by the Assistant Superintendent for Instruction and principals= group.
4. Every attempt shall be made to coordinate fund-raising activities among buildings and various school organizations in order that excessive demands are not made upon members of the community.
5. No student will be permitted to raise funds by selling on a door-to-door basis.
6. No student incentives of a monetary nature will be permitted.
7. Solicitation in shopping centers and other public places must involve two or more students working together on site. Adult supervision is required for elementary and middle school students and is strongly recommended for high school students.
8. All requests for bingo, raffles or millionaire=s parties must have prior approval from the building principal, and the requesting organization must comply with the following procedures:

Application must be made for a license approved by the Bureau of State Lottery as required for each activity.

Upon license application, the requesting organization must obtain final approval from the Assistant Superintendent for Instruction.

Revised: 2/26/96

Revised: 3/20/01

## **Guidelines for Accepting Contributions from Individuals or Groups for the Purchase of Athletic Unifo**

Contributions by individuals or groups may be made to the Bloomfield Hills Schools Department of Athletics for purchase of uniforms and supplies within the following guidelines:

1. The item(s) to be purchased/donated must be within one year of normal replacement on the Department of Athletics uniform replacement schedule.
2. The contributor must submit, in writing to the building principal, the building athletic coordinator or the District athletic coordinator, the desire to donate.
3. The District athletic coordinator, building athletic coordinator and building principal will review the proposed contribution with the appropriate principals= group, i.e., middle school request reviewed with middle school principals. The District athletic coordinator, building athletic coordinator and building principals may reject the proposal with no further action. However, if building support for the contribution is anticipated, the project must be reviewed by the appropriate principals= groups and consensus reached as to the appropriateness of the contribution.
4. The Department of Athletics will determine all specifications, obtain quotes or bids, select vendors, and purchase the item(s) through established district purchasing procedures.
5. The contributor shall provide the funds for the item(s) to the Bloomfield Hills Schools, care of the Department of Athletics, prior to the item being purchased. All purchases become the property of the school district.
6. Under no circumstances shall an individual or organization be allowed to purchase/provide uniforms and supplies outside these guidelines. Such item(s) shall be immediately returned to the contributor.

Revised: 2/27/96

Revised: 3/20/01



## **Solicitation of Students**

Recognizing that both students and staff are potential audiences for collecting certain information or for raising money for outside organizations, commercial enterprises, and individuals, the Board of Education shall strive to safeguard the students and their parents from money-raising plans of outside organizations and individuals and to limit the collecting of information by questionnaires by outside individuals and community groups.

Outside organizations shall not be permitted to advertise events through the school or use the children to sell tickets except those generally school-sponsored or school approved parent-teacher activities and the United Way. No undue pressure will be placed on individual students to either solicit or contribute to any activities. All information, advertising, tickets, and other materials must carry the name of the sponsor.

Unless developed by a district teacher as an integral part of the specific teaching unit or by an administrator as a specific part of the school district's program, no surveys will be taken or questionnaires administered to either students or staff unless the instrument is approved in advance by the Superintendent or designee. A copy of the survey instrument and of the results shall be provided to the Superintendent of Schools, and no public release of results nor interpretation thereof shall occur without written approval of the Board of Education.

Revised: 8/21/73

Revised: 3/20/01

## **Solicitations by Students**

Students are entitled to circulate petitions and materials which do not interfere with, or disrupt, the educational process. Distribution or circulation may take place during lunch hours and prior to and/or after school in designated areas which provide reasonable access to students and are agreeable to the building administrator. Any such distribution shall not be for personal gain of individual students nor for outside organizations or groups without the recommendation of the Superintendent of Schools or approval of the Board.

Students wishing to circulate or distribute materials must identify themselves prior to circulation to the building administrator. Materials to be distributed must contain the names of students involved.

Revised: 8/21/73

Revised: 3/20/01

## **Gifts and Payments to Staff Members**

### Gifts

Pupils, parents, and other residents of the district shall be discouraged from the routine presentation of gifts to district employees. Employees shall be sensitive to the perception that gifts could influence the treatment of students. Therefore, receipt of any gift in excess of \$50 from a single donor shall be reported to the principal or other administrative supervisor. (Note: a single donor is considered to be a family.)

The Board of Education shall welcome, and in most cases consider it more appropriate than gifts, the writing of letters or a personal statement to staff members expressing gratitude or appreciation.

This policy is not intended to discourage acts of generosity by individuals in unusual situations and simple remembrances expressive of affection or gratitude and will not be regarded as violations of this policy.

### Stipends, Salary, Supplements

1. Stipends, salary supplements and similar forms of compensation from non-district sources shall not be accepted by employees for those duties that are part of the employee's responsibilities with Bloomfield Hills Schools.
2. The following are permissible with the approval of the principal or other administrative supervisor:
  - Employees presenting at a conference or providing consulting services for another educational organization may accept a reasonable honorarium.
  - Employees providing consulting or professional development services for another educational organization, not occurring during the employee's regular work schedule (which includes all school district paid activities) may accept compensation.
  - Individualized instruction and tutoring as provided by Policy 6217.

Revised: 8/21/73

Revised: 3/20/01

Revised & Approved: 11/29/05

## **Gifts to Schools**

The Board of Education encourages individuals or organizations \* to donate gifts to the school district for the purpose of enhancing existing programs/facilities or for the purpose of developing new programs/facilities. The approval process for accepting gifts will be listed in the administrative regulation 5604.1 and specifically address the following issues: ownership, influence, enhancement, equity and the gift's long-term impact. The acceptance of these gifts will be consistent with District philosophy, objectives and standards and will not compromise or alter District policies, regulations or procedures.

\* Examples may include PTO's, Booster groups, student groups, classes, businesses, clubs, corporations and companies.

Reference: Policy 5599: PTOs, Booster Clubs and Similar Organizations

Revised: 8/20/96

Revised: 3/20/01

Revised & Approved: 2/7/06

## Guidelines for Accepting Gifts

1. All gifts made to the Bloomfield Hills School District must comply with the school district's policies, guidelines, and procedures.
2. Gifts to the school district must be approved per the attached chart, "Guidelines for Accepting Gifts." A Donation Committee will be convened by the Superintendent according to the attached chart. Minutes of all Donation Committee meetings will be distributed to the Board of Education.
3. The approval process for accepting gifts requires the careful review of the following criteria:
  - Ownership - Donor's gifts become the property of the school district, and acceptance of gifts will not influence decisions made by employees of the school district or members of the Board of Education.
  - Enhancement - Gifts which are accepted must serve as program or facility enhancements. Gifts should not replace public funding of the district's programs/facilities.
  - Equity - In order to reduce potentially adverse competition and conflict within the school district, acceptance of gifts in terms of district-wide equity will be considered in the decision-making process.
  - Long-Term Impact - Gifts shall be evaluated in terms of the long-term advantages and disadvantages.
4. All monetary donations will be processed through the Business Office where they will be deposited in the district or Hills Fund accounts. The Business Office will be responsible for a complete and accurate record of all monetary donations accepted by the District. Donor anonymity will be protected upon request whenever possible.
5. Gifts of a non-monetary nature require approval by the appropriate school district administrator(s) regarding the cost of maintenance, cataloging, delivery, insurance, display, and any space requirements for exhibition or storage.
6. It shall be the responsibility of the donor, not the District, to obtain an appraisal of the gift for tax purposes when the gift is given to the District with the intent of the donor to claim a tax deduction.
7. Should the donor designate the use of the donation, the appropriate school district administrator(s)/representative(s), and where appropriate the Donation Committee, shall grant approval or require modification of the conditions of the donation.
8. Restricted gifts can impose legal obligations on the District; therefore, the terms of each restricted gift will be thoroughly reviewed. The terms of each gift must include language to permit the Board of Education to assign different, alternative, modified, but related use of such funds as conditions dictate in the future. Such action may be authorized by the donor by including the following clause in the transfer of the assets.

"If, in the opinion of the Bloomfield Hills Board of Education, all or part of the funds cannot be usefully applied to the purpose designated (or manner requested), the Bloomfield Hills Board of Education may use the funds for any purpose within its powers to decide or for any other purpose which, in its opinion, will most nearly accomplish the purposes, wishes, and intent of the donor(s)."

Approval Process (2/7/06)

Type	Under \$1,000	\$1,000 - \$5,000	Over \$5,000 (Board of Education Approval Required)	Equity Issues/Long-Term Impact	Donation Committee
PTO	Principal	Principal Superintendent	Principal Asst Supt Business Asst Supt Instruction PTOC President Superintendent	Upon appeal by a District administrator, over \$5,000, construction/renovation or addition of personnel	Neutral Principal Superintendent Board of Education Member
Co-Curricular Booster	Athletic Director or Sponsor  Principal	Athletic Director Or Sponsor  Principal Superintendent	Building Athletic Directors at that level (when sports related) Principals at that level Asst Supt Business Asst Supt Instruction Superintendent	Upon appeal by a District administrator, over \$5,000, construction/renovation or addition or personnel	Athletic Director of Sponsor  Neutral Principal Superintendent Board of Education Member
Private	Principal (if building specific) Assistant Superintendent for Business	Principal (if building specific) Assistant Superintendent for Business	As determined by the Superintendent	Upon appeal by a District administrator, over \$5,000 construction/renovation, or addition of personnel	Neutral Principal (if building specific) Asst Supt Business Superintendent Board of Education Member
Designated District-Wide	Assistant Superintendent for	Assistant Superintendent for	As determined by the Superintendent	Upon appeal by a District administrator over	Asst Supt Business Superintendent

District Wide	Superintendent for Business Superintendent	Superintendent for Business Superintendent	the Superintendent	administrator, over \$5,000, construction/renovation or addition of personnel	Superintendent Board of Education Member
In-Kind Gifts	Assistant Superintendent for Business	Assistant Superintendent for Business	As determined by the Superintendent	Upon appeal by a District administrator, over \$5,000, construction/renovation, or addition of personnel	Superintendent Board of Education Member

2/7/06

Revised: 8/14/96

Revised: 2/7/06

## **Religious Liberty**

The Board of Education recognizes its obligation to protect and preserve the religious liberty rights of students of all faiths and of no faith, and to ensure that religion and religious conviction, as well as the absence thereof, are treated with fairness, respect, and neutrality. In this regard, the Bloomfield Hills Schools possesses substantial discretion to effect rules of order and restrictions upon all student behavior and activities that are reasonably necessary to the operational integrity of its educational, co-curricular, and athletic programs. When exercising this discretion, the Bloomfield Hills Schools shall not engage in or permit activities that either unconstitutionally sponsor religion or unconstitutionally interfere with the free exercise of religion. Knowledge of the origins and cultural significance of the world's religions adds, however, to a student's understanding of history as well as to his/her respect for the pluralism of our own society and, therefore, has a positive role in education. Shared knowledge of the major religions is appropriate to the extent that it enhances understanding and tolerance. Respect for others, their diverse beliefs, and their individual differences is an ongoing concern of the School District, and sensitivity to these differences will be reflected in all District activities.

Revised: 10/4/2013

Approved: 10/17/2013

## Guidelines for Religious Liberty

The content and process of instruction, and other school-sponsored activities, shall comply with all of the following:

- The purpose must be secular and educational
- Religion may not be advanced or inhibited
- Excessive involvement by the Bloomfield Hills Schools with religion must not be encouraged or required
- The appearance of Bloomfield Hills Schools' endorsement or discouragement of religion must not occur
- Students must not be coerced to participate in religious activity or to refrain therefrom
- Religious expression of students shall not substantially interfere with the ability of other students to fully participate within and receive the benefits of the School District's educational, co-curricular, and athletic programs

### Religious Expression and School Activities

Students may engage in student-initiated religious expression, including prayer, when not engaged in school sponsored events and activities or instruction, subject to the same rules designed to prevent disruption of the educational program and/or operation of the schools that are applied to other privately initiated student expressive conduct. Students may also engage, at any time, in individual silent prayer.

Students may also participate in student-initiated and student-led voluntary religious expression, including prayer, prior to, following, or during recess/intermission of, school-sponsored events and activities such as school club and team meetings, banquets, commencements, assemblies and athletic events, subject to the same rules and regulations pertaining to other student-initiated and student-led expressive activities. Representatives of the Bloomfield Hills Schools, including teaching, supervisory and administrative staff members, shall not participate in any student-initiated and student-led prayer nor shall any such person encourage or discourage student participation therein.

Activities in music, art, literature, and drama having religious themes are permitted in classrooms and in public performances when approved by the building principal prior to the activity being presented to students; all activities must be presented in a manner consistent with any applicable guidelines and regulations of the Bloomfield Hills Schools.

When observance of religious holidays affects an individual or group of students and conflicts with the normal school schedule, sensitivity will be shown by staff and administration in scheduling:

1. Review for tests
2. Tests and quizzes
3. Field trips
4. District or building arranged after-school activities
5. Building Open House programs
6. Board of Education meetings



## **Communicable Diseases**

In order to protect the health and welfare of all the members of the school community, the Superintendent or designee may exclude from school any student, staff members or other person reasonably suspected of having a reportable communicable disease.

The Superintendent or designee may consult the Oakland County Department of Health regarding policies for exclusion or readmission for specific health conditions. It shall be the District=s prerogative to require a physician=s statement indicating the student, staff member or other person is free of the communicable disease and may return to school premises without restrictions.

The District may require an examination by a physician of its choice at District expense to confirm freedom from communicable disease of the individual wishing to return.

The District will consider policy/regulation and procedure and current recommended county, state and federal rules and guidelines on a case-by-case basis in reaching a decision regarding attendance at school or work.

For definition purposes as it concerns reportable and non-reportable diseases, the District will apply the administrative rules as developed by the Department of Public Health.

Revised: 6/3/86

## **Communicable Diseases**

### Purpose

The purpose of these regulations is to provide a safe school environment for all students and employees of the Bloomfield Hills School District and to ensure that proper procedures are taken to assure that both the rights of the individual and the concerns of the community are addressed.

Therefore, the District will assure that staff members or students who have contracted a communicable disease, which is of a serious nature, will be able to have their individual situation reviewed by a Review committee and have that Committee recommend whether they may continue to be involved in the public school setting.

### Identification

It is the practice of the Bloomfield Hills Schools to respond to individuals experiencing the more common communicable diseases in a manner consistent with the recommended procedures of the Oakland County Health Division.

When it is suspected that an individual may be infected by a serious communicable disease such as Hepatitis B, AIDS (Acquired Immune Deficiency Syndrome), P re-AIDS (Lymphadenopathy Associated Virus), ARC (AIDS Related Complex), HTLV III (Human T-Cell, Lymphotropic Virus type III) and other like diseases that are transmissible, the Superintendent or designee shall be informed immediately. Upon this information being received, the following action may be initiated by either the individual or the District, in addition to the required reporting procedures of appropriate public health agencies.

A consultation with the Superintendent or designee and the affected student with his or her parent or guardian or the affected staff member and appropriate union representative if requested. The consultation shall include:

1. A review of the individual's personal physician's statement, if any.
2. A review of the affected student's educational placement or the affected employee's work assignment.

Findings of the consultation and individual review of the matter will be discussed with local, state or federal health authorities and a district selected physician for the purpose of making a recommendation to the Superintendent. Privacy in all matters will be required and only individuals with a need to know for the purpose of making decisions or recommendations under this regulation will be informed.

A decision with respect to continued attendance of a student or work of a staff member will be made by the Superintendent based upon the information provided. The Superintendent may appoint a review committee if deemed necessary.

Should a student be excluded and homebound instruction is determined appropriate, such will be provided per state guidelines.

Staff members salary and insurance benefits will be determined by applicable law and pursuant to the terms of the collective bargaining agreement or employee handbook, whichever is applicable.

#### Review Committee

- Upon request of an affected individual (or the parent or guardian if the affected individual is a minor) who has been excluded from school or work, or who has been permitted to continue to attend school or work but with restrictions, a team will be appointed to review the Superintendent's decision and the relevant facts. The team shall be referred to as the Review Committee and it shall be chaired by the Deputy Superintendent.

The Review Committee shall normally consist of the following individuals:

#### Student is Affected Individual

- Parent/Guardian  
Director of Special Education  
Oakland County Health Representatives  
  
District appointed physician (at District's option and expense)  
Building Principal or designee (at Individual's option and expense)

#### Staff Member is Affected Individual

Staff Members Union Representative  
Oakland County Health Dept. Representatives  
District appointed physician (at District's option and expense)  
  
Director of Personnel  
Individual's personal physician (at individual's option and expense)

- Other individuals may be invited to participate as agreed upon by the chairperson and the subject individual.

#### Review Committee Considerations

- Any individual who may be excluded due to a serious communicable disease will have the facts of the matter considered privately and separately from other similar cases.

- Included in the consideration will be the stated health condition as indicated by all physician(s) statements, and local, state and federal laws or guidelines. Additionally, the committee will consider the following health aspects:

- Behavioral characteristics of the individual
- Physical condition of the person
- Expected normal type of interaction with others
- Current recommendations of health agencies
- Compliance with applicable laws

Should a student be excluded and homebound instruction is determined appropriate, such will be provided per state guidelines.

Staff members' salary and insurance benefits will be determined by applicable law and pursuant to the

terms of the collected bargaining agreement or employee handbook, whichever is applicable.

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Return to School of Work

-  
Excluded individuals or individuals who have been permitted to remain in school or at work, but with restrictions, will be returned to school or work or have the restrictions removed upon occurrence of the following:

1. Receipt by the District of a written release from the individual's personal physician which confirms that the individual does not pose a health risk to the individual, staff or students, or,
2. A recommendation by the Review Committee which is accepted and concurred in by the Superintendent that return of the individual may return without substantial risk to the individual, staff or students.
3. As an additional condition, the Superintendent may request a written statement from public health authorities confirming that the individual may return without substantial risk to the individual, staff or students.
4. In the event the District has not previously sought an opinion of a physician of its own selection, it may, at its own expense, retain a physician to confirm that the ability to return to school or work does not pose a substantial health risk to the individual, staff or students. In the event that the individual has an objection to the selected physician, an option to select a physician from a list of three to six physicians approved by the District will be available
5. The Superintendent shall have the discretion to establish such conditions of return to school or work as deemed necessary to avoid risk to the individual, staff or students.

Revised: 12/86

Revised:3/20/01

## **Parent Involvement and Parent Participation in Title I Programs**

### **Parental Involvement Policy and Parental Participation in Title I Programs**

### **Parental Involvement Policy and Parental Participation in Title I Programs**

#### **Parental Involvement**

The Board of Education of Bloomfield Hills Schools recognizes and values parents and families as children's first teachers and decision-makers in education. The Board believes that student learning is more likely to occur when there is an effective partnership between the school and the student's parents and family. Such a partnership between the home and school and greater involvement of parents in the education of their children generally result in higher academic achievement, improved student behavior, and reduced absenteeism.

The term "families" is used in order to include children's primary caregivers, who are not their biological parents, such as guardians, foster caregivers, grandparents and other family members. To ensure collaborative partnerships between parents and families, and schools, the Board, working through administration, is committed to the following:

#### **A. Relationships with Families**

1. Cultivating school environments that are welcoming, supportive, and student-centered;
2. Providing family activities that relate to various cultures, languages, practices, and customs, and bridge economic and cultural barriers;
3. Providing coordination, technical support and other support to assist schools in planning and implementing family involvement activities;
4. Providing professional development for school staff that helps build partnerships between families and schools.

#### **B. Effective Communication**

1. Establishing effective two-way communications with all parents respecting the diversity and differing needs of families;
2. Providing information to families about school policies, procedures, programs, and activities;
3. Communicating with families in a format and language that is understandable, to the extent practicable;
4. Providing families with timely and meaningful information regarding Michigan's academic standards, State and local assessments, and pertinent legal provisions.

C. **Volunteer Opportunities**

1. Providing volunteer opportunities for families to support their children's school activities;
2. Supporting other needs, such as transportation and child care, to enable families to participate in school-sponsored family involvement events.

D. **Learning at Home**

1. Offering training and resources to help families learn strategies and skills to support at-home learning and success in school;
2. Working with families to establish learning goals and help their children accomplish these goals.

E. **Involving Families in Decision Making and Advocacy**

1. Providing support and cooperation for school staff and parents to implement and sustain appropriate parent involvement from kindergarten through grade twelve;
2. Involving parents as partners in District-wide and building school improvement committees;
3. Addressing parents and families concerns in ways that encourage constructive criticism.

F. **Collaborating with the Community**

1. Utilizing schools to connect students and families with community and other external resources that provide educational enrichment and support;
2. Other activities will be conducted as appropriate to the plan;
3. Provide a copy of the policy in the Student Handbook, Code of Student Conduct or similar publication that is distributed to all pupils and parents.

## **Parental Participation In Title I Programs**

### **Part 1: General Expectations**

Bloomfield Hills Schools has elected to enhance the educational programs of disadvantaged students by the use of federal funds available through the Every Student Succeeds Act (Formerly No Child Left Behind Act), Title I, Part A. In accordance with the requirement of Section 1118 of Title I, the School District must jointly develop, agree, and distribute, to parents of participating children a written Parental Involvement Policy that contains information required by Section 1118(a)(2) of the Elementary and Secondary Education Act (ESEA)

Bloomfield Hills Schools will put into operation programs, activities and procedures for the involvement of parents in all of its schools with Title 1, Part A programs, consistent with section 1118 of the Elementary and Secondary Education Act (ESEA). Those programs, activities and procedures will be planned and operated with meaningful consultation with parents of participating children. The Superintendent shall ensure that the following statutory requirements are met:

1. Consistent with Section 1118, the School District will work with its schools to ensure that the required school-level Parental Involvement Policies meet the requirements of 1118(b) of the ESEA, and each include, as a component, a school-parent compact consistent with Section 1118(d) of the ESEA.

2. The school district may incorporate the Parental Involvement Policy into its Local Education Plan developed under Section 1112 of the ESEA.
3. Schools will notify parents of the policy in an understandable and uniform format and, to the extent practicable, in a language the parents can understand. The policy will be made available to the local community and updated periodically to meet the changing needs of parents and the school.
4. In carrying out the Title I, Part A parental involvement requirements, to the extent practicable, the school district and its schools will provide full opportunities for the participation of parents with limited English proficiency, parents with disabilities, and parents of migratory children, including providing information and school reports required under Section 1111 of the ESEA in an understandable and uniform format and, including alternative formats upon request, and to the extent practicable, in a language parents understand.
5. If the school-wide program plan for Title I, Part A, developed under Section 1112 of the ESEA, is not satisfactory to the parents of participating children, the school will submit any parent comments with the plan when the school submits the plan to the State Department of Education.
6. The School District will involve the parents of children served in Title I, Part A schools in decisions about how funds reserved under this part are spent for parent involvement activities.
7. Schools will provide parental involvement activities under section 1118 of the ESEA in the areas of improving student achievement, child development, child rearing and additional topics parents may request. The School District will involve the parents of children served in Title I, Part A schools in decisions about how funds reserved under this part are spent for parent involvement activities.
8. The School District will be governed by the following statutory definition of Parental Involvement and expects that its Title I schools will carry out programs, activities, and procedures in accordance with this definition:
9. *Parental Involvement the participation of parents in a regular, two-way, meaningful communication on the student's academic learning and/or other school activities, including assuring that--*
  - ? *Parents play an integral role in assisting their child's learning,*
  - ? *Parents are encouraged to be actively involved in their child's education at school,*
  - ? *Parents are full partners in their child's education and are included, as appropriate, in decision making and on advisory committees to assist in the education of their child, and*
  - ? *Activities are carried out such as those described in Section 1118 of the Elementary and Secondary Education Act (ESEA).*

## Part II: Description of How Title I Schools will Implement Required School Parental Involvement Policy Components

Programs supported by Title I funds must be planned and implemented in consultation with the parents of children participating in the programs. Each Title I school shall develop a "Title I Parent Involvement Policy". The Superintendent shall ensure that the Title I has been developed with, approved by, and distributed to parents of participating students. The policy will be reviewed annually for each Title I school. The Superintendent shall also ensure that the school Title I Parental Involvement policy includes a description of how the school will implement or accomplish each of the following components (Section 1118(a)(2), ESEA):

1. Actions to involve parents in the joint development and review of its school parental involvement policy under Section 1112 of the ESEA.
2. Actions to involve parents in the process of school review and improvement of programs under Section 1116 of the ESEA.
3. Actions to provide necessary coordination, technical assistance, and other support to assist Title I, Part A schools in planning and implementing effective parental involvement activities to improve student academic achievement and school performance.
4. Actions to coordinate and integrate parental involvement strategies in Part A with parental involvement strategies under the following other programs: Great Start Readiness Program (GSRP), Preschool, Reading Recovery, English Language Learners (ELL)- Bilingual Services.
5. Actions to conduct, with the involvement of parents, an annual evaluation of the content and effectiveness of the parental involvement policy in improving the quality of its Title I, Part A school. The evaluation will include identifying barriers to greater participation by parents in parental involvement activities (with particular attention to parents who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background).
6. The Title I school and the School District will use the findings of the evaluation about its parental involvement policy and activities to design strategies for more effective parental involvement, and to revise, if necessary (and with the involvement of parents) its parental involvement policies.
7. Actions to build the schools' and parent's capacity for strong parental involvement, in order to ensure effective involvement of parents and to support a partnership among the school involved, parents, and the community to improve student academic achievement, through the following activities:
  - A. Provide assistance to the parents in understanding topics such as the State of Michigan's academic content standards, the State's student academic achievement standards, and the State and local academic assessments including alternate assessments; the requirements of Title I, Part A; how to monitor their child's progress; and how to work with educators.
  - B. Provide materials and training to help parents work with their children to improve their children's academic achievement, such as literacy training, and using technology, as appropriate, to foster parental involvement.
  - C. Educate the teachers, pupil services personnel, principals and other staff, in how to reach out to, communicate with, and work with parents as equal partners, in the value and utility of contributions of parents, and in how to implement and coordinate parent programs and build ties between parents and schools.
  - D. To the extent feasible and appropriate, coordinate and integrate parental involvement programs and activities with Great Start Readiness Program, preschool programs and other related programs, and conduct other activities, such as, parent resource centers that encourage and support parents in more fully participating in the education of their children.
  - E. Ensure that information related to the school-parent programs, meetings, and other activities, is sent to the parents of participating children in an understandable and uniform format, including alternative formats upon request, and to the extent practicable, in a language the parents can understand.
  - F. School-Parent Compact: Jointly develop with parents of participating students a School-Parent Compact that outlines how parents, staff and students will develop a



partnership to help children achieve the State's high academic standards. The compact shall be discussed at least annually during Parent-Teacher conferences, as it relates to the individual child's achievement.

#### **Migrant Education Program (MEP) Parent(s)/Guardian(s) Involvement**

Parent(s)/Guardian(s) of students in the MEP will be involved in, and regularly consulted, about the development, implementation, operation, and evaluation of the program.

#### **Limited English Proficiency (LEP) Parent(s)/Guardian(s) Involvement**

In accordance with federal law, parent(s)/guardian(s) of LEP students will be provided notice regarding their child's placement in and information about the District's LEP program. Parent(s)/Guardian(s) will be notified about their rights regarding program content and participation including the right to choose among programs if alternatives are available. The notice must also include an explanation of the value of the program in terms of academic development, mastery of English, and the achievement of promotion and graduation standards. The notice will also include an explanation of the right to remove the child from an LEP program and to place the child in the regular program. The notice must be in a format that families can comprehend and, if possible, in a language that is understood by the family.

LEGAL REF: 20 USC 6318 **Every Student Succeeds Act (Formerly No Child Left Behind Act of 2001)**  
**Title I, Part A, Sections 1111 and 1118**

MCL 380.1294(PA 107 of 2004)

20. U.S.C. 2701 et seq., Elementary and Secondary Education Act of 1965, as  
**amended**

34 C.F.R. Part 200 et seq.

Approved: 12/14/04

**Revised: 2/4/16**

**Revised: 3/3/16**

Approved: 12/14/04

**Revised: 2/4/16**

**Revised 3/3/16**

## **Wellness**

### **Wellness Committee and Policy Leadership**

#### Committee Role and Membership

The committee will represent all school building levels (elementary and secondary schools) and include to the extent possible, but not be limited to: parents and caregivers, students, representatives of the school nutrition program, physical education teachers, health education teachers, and school health professionals.

#### Wellness Policy Leadership

Bloomfield Hills Schools has established a wellness policy leadership of one or more district and/or school building officials who have the authority and responsibility to ensure each school building complies with this policy. The designated officials for oversight are the Physical Education and Health curriculum coordinator and Food Service Director.

### **Nutrition**

#### Nutrition Education

Every year, K-12 students shall have the opportunity to receive nutrition education that is aligned with the Michigan Health Education Grade Level Content Expectations and the Michigan Merit Curriculum Guidelines for Health Education. Nutrition education that teaches the knowledge, skills, and values needed to adopt healthy eating behaviors shall be integrated into the curriculum.

Secondary students will have access to nutrition education through health classes in their respective schools. Elementary students will receive nutrition education at a minimum of once per year provided from either their teacher, food service department or through a third party volunteer/community member.

#### Nutrition Promotion

Nutrition promotion and education positively influence lifelong eating behaviors by using evidence-based techniques and nutrition messages, and by creating food environments that encourage healthy nutrition choices and participation in school meal programs.

The Food Service Department will provide healthy eating and nutrition information on the food service website for parents and community members as well as posters and health-related fliers posted in cafeterias. The district will promote healthy food and beverage choices for all students throughout the school campus, as well as encourage participation in school meal programs. Each school cafeteria will conduct occasional taste testing on any new menu options designed to encourage healthy eating choices.

#### Standards and Nutrition Guidelines for all Foods and Beverages

Reimbursable school meals must meet requirements found in United States Department of Agriculture (USDA)'s Nutrition Standards for School Meals. Fresh fruit & veggie bars will be encouraged in all K-12 schools where they can be supported. In certain circumstances where it is not viable, other alternatives will be provided for students. All foods and beverages sold to students outside the federally regulated child nutrition programs (referred to as "competitive" foods and beverages) must be consistent with USDA's Smart Snacks in School nutrition standards and Michigan Department of Education Administrative Policy No. 21 regarding Non-Compliant Food Fundraiser Guidance. These standards apply in all areas where foods and beverages are sold which may include, but are not limited to, à la carte lines, fundraising events, school stores, snack carts, and vending machines.

Every building will have one person in charge of monitoring and recording all non-compliant food fundraisers during school. All non-compliant food fundraiser logs will be maintained and sent to the Food Service Department at the end of the school year. All exempt fundraisers shall be subject to recordkeeping requirements and other documentation pursuant to food service administrative guidelines. All fundraisers involving food must also comply with any building allergen issues.

Nutrition guidelines are provided for all foods and beverages provided, but not sold to students during the school day (e.g., classroom parties, classroom snacks provided by parents, or other foods used as incentives). The district will encourage the use of healthy food for all classroom parties, snacks and celebrations. For example fresh fruit, vegetables, and whole grain items. Birthday treats will be strongly discouraged. Instead, other non-food rewards or items will be promoted.

#### Food and Beverage Marketing

Food and beverage marketing is defined as advertising and other promotions in schools. Food and beverage marketing often includes oral, written, or graphic statements made for the purpose of promoting the sale of a food or beverage product made by the producer, manufacturer, seller, or any other entity with a commercial interest in the product. For example coolers, cups, banners, and vending machine graphics must be compliant with USDA Smart Snack nutrition standards.

#### **Physical Activity and Physical Education**

The District shall offer physical education opportunities that include the components of a quality physical education program. Physical education shall equip students with the knowledge, skills, and values necessary for lifelong physical activity. Physical education instruction shall be aligned with the Michigan Physical Education Grade Level Content Expectations and the Michigan Merit Curriculum Guidelines for Physical Education.

Students in grades K-5 will have physical education at least 60 minutes per week, while those in grades 6-8 will have physical education every other day throughout the school year at a minimum duration of 45 minutes per class. All High School students will follow the District graduation requirements. Physical education can be modified based on student's needs.

#### **Other School-based Activities that Promote Student Wellness**

K-12 students, shall have the opportunity to participate regularly in supervised physical

activities, either organized or unstructured, intended to maintain physical fitness and to understand the short- and long-term benefits of a physically active and healthy lifestyle. All schools are encouraged to offer before/after school clubs and activities that promote physical activity or healthy eating. Examples include healthy cooking clubs, ski club and more.

## **Implementation, Assessment, Documentation, and Updates**

### Implementation

Bloomfield Hills Schools will implement this plan for Fall 2017. A HSAT will be conducted by the wellness committee in the first year to assess needs and goal implementation.

### Triennial Assessment

The Bloomfield Hills Schools will conduct an assessment of the wellness policy every three years, at a minimum. The assessment will determine: building level compliance with the wellness policy, how the wellness policy compares to model wellness policies, and progress made in attaining the goals of the wellness policy. The Food Service Director and Health/PE Coordinator for the district's physical and health education curriculum are responsible for the Triennial Assessment.

### Documentation

Bloomfield Hills Schools will retain records to document compliance with the wellness policy requirements. Documentation maintained will include: a copy or web address of the current wellness policy, documentation on how the policy and assessments are made available to the public, the most recent assessment of implementation of the policy, and documentation of efforts to review and update the policy, including who was involved in the process, their relationship to the Wellness Committee, and how stakeholders were made aware of their ability to participate. Required documentation will be maintained at the Food Services office. This Board Policy 5800, Wellness, can be found on the District's website at <http://www.bloomfield.org/about-us/board-of-education/board-policies>.

### Updates to the Policy

Bloomfield Hills Schools will update or modify the wellness policy as appropriate based on the results of the HSAT and Triennial Assessments; as District priorities change; community needs change; wellness goals are met; new health science, information, and technology emerges; and new federal or state guidance or standards are issued. The wellness policy will be updated at least every three years, following the Triennial Assessment.

### Public Updates

Bloomfield Hills Schools will inform the public annually about the local wellness policy, including its content and any updates to and about the policy. The Triennial Assessment, including progress toward meeting the goals of the policy, will also be made available to the public. The District will provide information on how the public can participate on the wellness committee and assist with the development, implementation, and periodic review and update of the wellness policy. All communication will be culturally and linguistically appropriate and will be available via the district website and/or district- wide communications (email, newsletters, and mailings.)

Approved – 9/14/17

## **Curriculum**

The Board of Education has studied the Michigan Merit Curriculum, and has determined that the document meets the rigorous demands of the District Core Values and Mission Statement. Therefore, the Board has approved the Common Core State Standards as the primary source of our standards and benchmarks for curriculum content.

In addition, the District Core Values and Mission Statement drive the District to expand the core curriculum to include, but not be limited to, the study of the arts, world languages, physical education, career and college readiness skills, technology, health, life management and media literacy.

## **Course Adoption, Deletion & Revision**

The Board of Education recognizes the importance of maintaining stability in the District's course and program offerings. All new courses, programs, those recommended for elimination, and revisions to existing courses or programs require Board approval. Board approved courses shall be offered each year unless enrollment does not justify offering the course.

Approved: 12/17/91

## **Instituting New Courses**

The Board of Education supports courses which meet the needs, interests, and achievements of students. Teachers and administrators are encouraged to suggest new courses or programs which promote the philosophy of the district.

### **Initiating Requests for New Courses**

Requests for new courses may be initiated by teachers or administrators and should be submitted to the building principal. The District's Course Proposal Form' shall be used.

### **Approving Requests for New Courses or Programs**

The following process shall be used when submitting new courses for approval:

1. Completed 'Course Proposal Forms' shall be submitted to the building department members for discussion;
2. The proposal shall be submitted to the other district schools of the same level for departmental discussion;
3. The proposal shall be presented to the building principal and will be presented to a designated school committee for discussion;
4. The proposal shall be presented at the principal's meeting for discussion and recommendation for adoption;
5. The Assistant Superintendent shall recommend to the Board of Education those courses for adoption which have been recommended by the principals;
6. Final approval for new courses and programs rests with the Board of Education.

Approved: 12/17/91

Revised: 5/16/00



## **Revising Existing Courses**

The Board of Education supports the revision of courses in order to meet the needs, interests, and achievements of students. Teachers and administrators are encouraged to suggest revisions to existing courses which promote the philosophy of the district.

The following process shall be used in order to revise existing courses:

1. Agreement for all revisions must be reached by the departments of all schools of the same level before revisions are submitted to the building principal;
2. Major revisions will be presented to a designated school committee for discussion.
3. Upon approval of building principal, the revisions will be submitted to the immediate supervisor and assistant superintendent;
4. Upon approval by the Assistant Superintendent, the revisions will be presented to the Board of Education;
5. Final approval for revisions of courses and programs rests with the Board of Education.

Approved: 12/17/91

Revised: 5/16/00

## **Transfer of Credit**

Each local school district within the state of Michigan is authorized to determine which credits will be accepted and which will be denied when a student transfers to a school district. In order for high schools within Bloomfield Hills Schools to meet the requirements for North Central Association accreditation, the following standards have been established:

- A) A student who has transferred from an accredited high school to a high school within Bloomfield Hills Schools will receive comparable course credit, and the grade which was earned for each credited course will be included in the student's grade point average in Bloomfield Hills Schools.
- B) A student who has attended a home-based school program and wishes to receive course credit in Bloomfield Hills Schools may do so if one of the following criteria is met:
  - 1) The student must present written evidence to the principal or his/her designee that the Bloomfield Hills high school's course curriculum has been met.
  - 2) If the written evidence which is submitted is not accepted by the principal or his/her designee, a comprehensive examination will be administered for each course for which transfer credit is requested. If a passing grade is earned on the examination(s), credit will be granted.

Approved 5/7/96

## **Individualized Training, Instruction, Tutoring and/or Coaching**

The Board of Education recognizes additional individualized training, instruction and/or tutoring beyond the regular instructional program may enrich learning. This type of arrangement will not interfere with classroom activities.

### **District Teachers**

District teachers may provide individualized training, instruction and/or tutoring, which complements the students' classroom experiences. However, teachers may not receive remuneration for provision of such services to those pupils enrolled in the teacher's respective school.

**However, for the 2013-14 school year at the high school level, teachers may receive remuneration for providing the services for students enrolled in the teacher's school, provided the students are not on the teacher's class load.**

### **District Co-Curricular Coaches**

District co-curricular sponsors and coaches may provide individualized training, instruction and tutoring which complements the students' co-curricular experiences. However, sponsors and coaches may not receive remuneration for providing such services to those students who are current members of the co-curricular team or are eligible to be a member of the team within the next 12 months.

Revised: 04/19/00

Revised: 5/16/00

Revised: 12/5/00

Revised: 10/01/03

Approved: 12/16/03

Revised & Approved: 6/6/13

## **Controversial Issues**

In order to encourage the development of critical thinking, the Board of Education affirms: the student's right to study controversial issues which have political, economic, or social significance; the right to study under competent instruction in an atmosphere free from bias and prejudice; and the right to access all information freely available in school media centers or public libraries.

Revised: 02/00

Revised: 5/16/00

## **Creative Expression in the Arts**

Consistent with its Core Values of Safe Learning Environment, Choices and Purpose and Meaning, the Board of Education recognizes the importance of freedom of expression to the creative process and encourages creativity both in teaching and learning of the visual and performing arts. Further, it understands the distinction between creating art (generally, classroom instruction between student and teacher), and displaying or demonstrating art (which includes a potentially broad segment of the public). And, in valuing arts education equally with other disciplines, it supports those instructional practices designed to maximize the creativity and accomplishments of our student artists.

The Board also understands that there are differing standards within our community and between our school communities; differing levels of maturity between pre-school, elementary school, middle school and high school students and even within each of those levels; and different intellectual capacities reflective of our students' ages. In addition, schools are used by a variety of community members during the day and evening who may not reflect the same age group as typically attends the school.

Content in the display of visual arts and in the performing arts must be sensitive to the issues identified above. Administration will develop regulations to provide guidance when violent, sexual, vulgar, obscene, profane or otherwise potentially controversial subjects are addressed. The purpose of such regulations will be to allow as much creative expressions as possible, for the widest audience possible, while recognizing that some material may in fact be inappropriate for public viewing in a school setting.

Approved: 11/20/08

## **Creative Expression in the Arts**

### **Performing Arts**

When violent, sexual, vulgar, obscene, profane or otherwise controversial subjects are part of a performance:

1. Building administration will review the material in advance
2. In consultation with the supervising faculty or sponsor, will choose from the following:
  - a. No action to restrict performances
  - b. Performance by invitation only \*
  - c. Performance for specific audiences only \*
  - d. Reservation of specific performance using modified material
  - e. Prohibiting the performance (requires approval of the Assistant Superintendents of Instruction and Human Resources)

\* Pre-teaching may be required

### **Visual Arts**

1. Building administrator will review the artwork in advance.
2. In consultation with supervising faculty or sponsor, will choose from the following:
  - a. No restriction on display
  - b. Display in classroom only
  - c. Display in semi-public spaces (e.g., media center, offices, etc.) where the general public has limited access
  - d. No display of the artwork.
3. In the event agreement cannot be reached, a committee consisting of the principal, teacher or sponsor involved, and a community artist shall decide.

## **Creative Expression in the Arts**

### **Performing Arts**

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  - a. No action to restrict performances
  - b. Performance by invitation only \*
  - c. Performance for specific audiences only \*
  - d. Reservation of specific performance using modified material
  - e. Prohibiting the performance (requires approval of the Assistant Superintendents of Instruction and Human Resources)

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2. In consultation with supervising faculty or sponsor, will choose from the following:
  - a. No restriction on display
  - b. Display in classroom only
  - c. Display in semi-public spaces (e.g., media center, offices, etc.) where the general public has limited access
  - d. No display of the artwork.
3. In the event agreement cannot be reached, a committee consisting of the principal, teacher or sponsor involved, and a community artist shall decide.

## **Selection of Media Center Materials**

It is the policy of the Bloomfield Hills School District to provide a wide range of instructional materials and to allow the review of allegedly inappropriate instructional material through established procedures. Materials which are selected shall:

1. Enrich and support the curriculum and personal needs of the users, taking into consideration their varied interests, abilities and learning styles;
2. Stimulate growth in factual knowledge, literary appreciation, aesthetic values and ethical standards;
3. Provide a background of information which will enable pupils to make intelligent judgments in their daily lives;
4. Realistically represent our pluralistic society and reflect the contributions made by these groups and individuals to our American heritage;
5. Place principle above personal opinion and reason above prejudice in the selection of materials of the highest quality in order to help assure a comprehensive media collection appropriate for the users, always recognizing that it is incumbent upon the schools to recognize and work within the value structure of the community.



## **Selection of Media Center Material**

### **Responsibility for Selection**

The responsibility for the selection of media materials is delegated to the media specialist with final approval subject to the building administrator. In the case of a disagreement, final approval will be made by the Assistant Superintendent.

### **Procedures for Selection**

In selecting materials for school media programs, the certified media personnel will: evaluate the existing collection; assess curricular needs and/or examine materials; and consult reputable professionally prepared selection aids. Recommendations for acquisitions will be solicited from faculty and students. Gift materials will be judged by the criteria used for all other media materials and should be accepted or rejected on the basis of those criteria. It should be understood that selection is an ongoing process which will include the removal of material no longer appropriate and the replacement of lost and worn material still of educational value.

At least once each year the media specialist should schedule a conference with the building administrator to review the planned implementation of these selection procedures.

Revised: 2/23/00

## **Procedures for Reconsideration of Materials**

Occasionally, objections to instructional materials are made despite the care used in the selection process. If an objection is made, the following procedures should be followed:

1. The building principal shall be immediately informed of the concern.
2. The building principal will schedule a meeting with appropriate parties to review the concern in a timely manner.
3. A report and/or recommendation will be submitted to the Assistant Superintendent after the meeting; this report and/or recommendation will be available to all interested parties.
4. The Assistant Superintendent will review the report/recommendation, approve or deny it, and inform the Superintendent and Board of Education of the actions which have been taken. The report to the Board should be detailed so that the Board is aware of the items which have generated concern.
5. If concerns remain, a conference may be requested with the Superintendent and the President of the Board of Education to review the matter.
6. The Board of Education will serve as the final arbitrator regarding the selection of materials only if the concern cannot be resolved using one of the previous five steps.

## Copyright

It will be the policy of the Bloomfield Hills School District to comply with the United States copyright law (Copyright Act of 1976).

### **Copyrighted Works for Educational Purposes**

Sections 107 and 110 of the Copyright Act of 1976 are of special importance to the educational community. Section 107 deals with limitations on the exclusive rights in copyrighted works and the doctrine of "fair use." Section 110 provides for exemptions to the law for educational purposes.

Sections 107 and 110 are to be distributed to District staff members. When a copyright law affecting the educational community is revised, staff members are to be informed of the modifications to the law. Neither the legal representation nor the insurance protection of the District will be extended to employees who knowingly violate copyright laws.

Legal Reference: Copyright Act of 1976; 17 USC §§ 106, 107 and 110

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Revised: 5/16/00

Revised & Approved: 11/20/14

Policy 6302

## **Class Size**

The Board of Education recognizes that class size has a bearing upon the quality of the instructional program. Therefore, in accordance with terms of the master agreement, the Instructional Division will develop procedures for establishing reasonable and equitable class enrollments for each staff member.

Approved: 12/17/91

## Class Size

### 1. Elementary Schools

#### a. Kindergarten

(1) Half-day kindergarten enrollment: minimum of 12, maximum of 28. Classes will be split when enrollment reaches 29 students. If enrollment is less than 12, the administration may exercise options, such as:

- (a) combining these students with an extended-day kindergarten class in that building;
- (b) clustering these students with another half-day kindergarten class in another building;
- (c) operating the class with an enrollment of less than 12.

The Instructional Division is responsible for determining options which may be implemented for kindergarten scheduling.

(2) Extended-day kindergarten enrollment: minimum of 20, maximum of 28. Classes may be split when enrollment reaches 40, provided there is classroom space available. If space is not available, further enrollment will not be accepted after the 28th student is enrolled; however, parents may request that their child be transferred to another building. Also, if enrollment is less than 20, parents may request that their child be transferred to another building. The school district will not be responsible for transportation when a transfer is requested.

b. Grades 1-5: In grades 1-5, the average enrollment range should be 20-26 students per class. The building principal may combine and schedule classes as required.

c. Under the following circumstances a combination class, may be scheduled:

- (1) When the number of students at a given grade level is in excess of the limit of Board Policy, but does not warrant the hiring of an additional teacher.
- (2) When a determination is made by the principal (in consultation with his/her staff) that it is in the best interest of the instructional program to include more than one grade level of students in a single class group.

d. While combination classes are an acceptable way to balance classes, each grade level should have at least one straight section.

- e. Other combination classes may be proposed by the building principals and approved by the Instructional Division.

2. Middle Schools

- a. Block Teachers: Although class size will vary, block teacher allocation will be premised on a ratio average of 25 to 1.
- b. Exploratory and Elective Teachers: The average class size will be 17.5 based on the formula of the number of students divided by 17.5 divided by 3 = total exploratory teachers.
- c. Each class with an enrollment of less than 15 students must have the approval of the Instructional Division before scheduling of the class.

3. High Schools

- a. Although class size will vary, teacher allocation will be premised on a ratio average of 27.5 to 1.
- b. Staff members must be assigned a full load, five classes for a six-period day and five classes plus a duty period for a seven-period day. Other part-time staff may be employed, or modification of a full schedule may be made, but only at the direction of the Assistant Superintendent.
- c. Writing Lab is considered a class assignment.
- d. Scheduled classes, with the exception of special education and Program of Assistance for General Education Students (PAGES) classes, must have an enrollment of 15 or more students.

4. Placing of new teachers and call back from layoff:

The District may establish an allocation bank for additional staff that is budgeted to the instructional division to allow placing additional staff beyond normal building allocations. This provides for increased enrollment and other unexpected conditions that may exist in staffing.

Approved: 12/17/91

Revised: 11/99

## **Outside of the Classroom Learning Activities**

The assignment of learning activities to students by their teachers is encouraged, provided that it is not excessive, that it is meaningful, and that it is related to course or classroom objectives. Learning activities and/or homework will not be used as punishment for student behavior. Learning activities which are assigned to students and completed outside of the classroom should be well-defined, and reinforce important knowledge, attitudes, and skills taught in class.

1. Graded summer vacation homework assignments may not be given to students prior to the completion of tenth-grade.
2. This statement does not apply to summer school.
3. Exceptions will be approved by the Superintendent or designee.

Revised: 5/16/00

## **Instructional Division Field Trips and Excursions**

Student trips will be permitted to the extent that they provide an effective means of accomplishing objectives related to given aspects of the instructional program. Trips are to be considered as a method of instruction and planned with definite objectives determined in advance.

Revised: 5/16/00



## **Instructional Division Field Trips and Excursions**

In arranging for field trips, the following procedures are in effect:

### General

1. Transportation for field trips will be restricted to school vehicles, vehicles belonging to a commercial carrier contracted by the District, or a private vehicle for which an approved certificate of insurance is on file.
2. On all school-sponsored trips involving pupils, provision will be made for proper supervision. Non-certificated staff and parents may assist in supervision.
3. Trip cancellation insurance will be offered to individuals on overnight field trips and/or field trips exceeding 200 miles.
4. Students going on field trips should be counted as present and permitted to make up any regular school work that has been missed.
5. Proper procedures are to be followed and deadlines observed in requesting school transportation services.
6. Payments for trips are to be coordinated through building procedures approved by the principal.
7. Adequate travel time must be allowed for the field trip. District bus drivers must return in time to make regularly scheduled runs.
8. The route of travel should be left to the discretion of the driver. If principals or teachers have a preferred route, the preference should be mutually agreed upon at the beginning of the trip.
9. Pupils on field trips must abide by all rules listed in the Uniform Code of Student Conduct.

Responsibilities of the Teacher - as used herein, parent(s) means parent(s) of student(s) who are under the age of eighteen (18) years of age.

1. The teacher is responsible for determining which field trips are beneficial and have educational value for pupils.
2. The teacher is responsible for submitting a general plan to the principal for review and approval.
3. Upon approval of the trip, the teacher is responsible for timely written notification of plans to parents and obtaining signed parent permission slips. The District's "Parent Consent Transportation" form will be used for all field trips and should include the following information: purpose and destination of trip; transportation arrangements; and date and time of departure and estimated time of return.

4. The teacher is responsible for providing parents with additional information such as: chaperone arrangements, overnight accommodations, and a detailed itinerary when a field trip will extend beyond the school day.
5. The teacher is responsible for making arrangements for all transportation plans.
6. The teacher is responsible for handling all field trip financial arrangements.
7. The teacher should urge students to keep the bus clean and not to deposit debris during the field trip.
8. The teacher is responsible for having an accurate written list of names of all persons to be transported.
9. The teacher is responsible for deportment and discipline of the pupils for the duration of the trip.
10. The teacher is responsible for notifying the school principal before returning if a pupil is missing.
11. In the event of an accident the teacher is responsible for immediately notifying the principal.
12. The teacher is responsible for notifying the principal of any situation that will cause a change in plans.

#### Responsibilities of the Principal

1. The principal is responsible for reviewing and approving plans with the faculty members involved determining the educational value of the trip. Precautions to provide for the health and welfare of all the individuals concerned should be addressed.
2. The principal will forward pertinent data to the immediate supervisor for all overnight field trips by forwarding copies of all pertinent data.
3. The principal is responsible for approving transportation plans.
4. In the event of an accident, the principal will notify the immediate supervisor and submit an appropriate report.
5. The principal is responsible for approving all field trip financial arrangements.
6. The principal is responsible for submitting a written request to the Assistant Superintendent for all trips longer than 200 miles, or extending over two nights or more, or requiring a non-budgeted expenditure of \$5 or more per pupil.

#### Responsibilities of the Assistant Superintendent

1. The Assistant Superintendent is responsible for reviewing and approving plans submitted by the principal to determine that the trip is related to aspects of the instructional program.
2. The Assistant Superintendent is responsible for immediately notifying the Superintendent of any accident.
3. The Assistant Superintendent is responsible for approving all trips longer than 200 miles, or extending over two nights or more, or requiring a non-budgeted expenditure of \$5 or more per pupil.

#### Use of Privately-Owned Vehicles

The use of privately owned vehicles is discouraged. In the event that privately owned vehicles are to be used, the arrangement must be approved by the building principal. When privately owned vehicles are used, the owners must be informed that in case of an accident their own insurance company is primarily liable.

A *Volunteer Field Trip Driver* form must be completed by the vehicle owner before the field trip.

#### Student Drivers

Students should be discouraged from driving on field trips. In the event that a student driver is used, he/she must be 18 years of age and follow the policy of the use of privately owned vehicles.

Revised: 02/00

Revised: 5/16/00

## **Travel and Exchange Instructional Programs**

The Bloomfield Hills Board of Education recognizes that students can gain additional understanding of different cultures, viewpoints, and customs in a variety of different environments through travel and exchange instructional programs. Therefore, on an elective basis, travel and exchange programs of an instructional nature will be individually approved by the principal, provided such programs conform to instructional objectives of the District, program specifications approved by the Assistant Superintendent, and acceptable legal, financial, and business arrangements which protect the District, staff members, and students from undue liability.

Revised: 5/16/00

## **Instructional Travel Programs**

A program which falls under this regulation is one which combines instruction with in-state or out-of-state travel for an extended period of more than 24 hours. Such programs may include a specific course of study or merely place emphasis upon exposure to foreign cultures or unique environments. Student participants may be from the same or different grade levels or classes.

Travel programs as defined above must be approved by the building principal and immediate supervisor. Travel arrangements will be handled through teachers and the building principal.

### Procedures for Program Approval

1. Staff members will gain approval to develop preliminary plans for an instructional travel program from their building principal.
2. Preliminary plans will be reviewed by the building principal and, if approved, the building principal will apprise the Assistant Superintendent that such preliminary plans have been approved. This notification must provide a minimum of three-months lead time for vendor/travel agent contact.
3. Following approval of the preliminary plan, the staff will develop a detailed, written proposal, describing the intended program. Written proposals will include:
  - a. A statement of the objectives of the activity and an outline of educational experiences or the course of study to be followed;
  - b. An itinerary, including types of transportation, desired meals, accommodations, and an approximate cost range for the services to be provided;
  - c. A list of related expenses not included in the basic cost estimates, i.e., required inoculations, passport and visa expenses, charges for baggage in excess of specified allowances, laundry and other items of a personal nature, and optional trip insurance;
  - d. A recommendation of the vendor/travel agent to be used;
  - e. A list of recommended chaperones to accompany students on the trip, providing justification for the number recommended;
4. Complete proposals for travel programs will be submitted by the building principal to the Assistant Superintendent for assessment of instructional value and final approval.

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### Travel Arrangements

Following approval of the program by the Assistant Superintendent, the teachers and principal will assure that travel companies recommended meet the following criteria:

1. Have experience in handling school groups;
2. Can provide customer references of satisfactory service;
3. Have quoted a fee which is competitive for services provided;
4. Have well-defined and punctual procedures for handling any personal emergencies of the participants;
5. Have procedural and financial provisions which minimize the legal liabilities of the school district;
6. Have a local representative other than an instructor-chaperone.

Bids from vendor/travel agent must include:

1. A detailed itinerary for the program, including departure time and date, specifics of travel schedule and return time and date;
2. A description of transportation arrangements with assurance that:
  - a. When public transportation is required, only a government-approved carrier with a certificate of insurance will be employed; and/or
  - b. When private transportation is required, vehicles will be driven by properly insured adults;
3. Identification of specific accommodations with assurance that they are nondiscriminatory and meet adequate health and safety standards;
4. Trip cancellation insurance must be purchased for trips involving air travel.

The teacher(s) and/or principal will develop appropriate contracts between the school district and the vendor/travel agent. He/she will also assure that proper procedures have been developed for maintaining an accurate financial accounting of approved travel programs.

#### Chaperones

The building principal will approve professional and personally qualified adults to serve as trip chaperones.

## **Grading, Assessment and Reporting**

Combination of policies: 5203, 6601, 6604, 6704

The Board of Education believes that students should be provided with a challenging world-class academic program. A reliable and consistent system of grading and assessment is an integral part of any quality academic program. To ensure success, students must receive appropriate and timely feedback on assignments, projects and assessments, and be provided a grading and reporting system that accurately depicts the degree to which a student has met the curricular expectations.

Building principals shall ensure that teachers provide appropriate feedback to students and/or parents on all course or subject-related tests. Students will be allowed to make up assignments or examinations that are missed for valid reason and encouraged, when appropriate, to retake tests when new levels of understanding are achieved. A process and timeline for students to complete missed work or retake tests will be established by teachers in collaboration with the building principal.

Classroom grading systems must be developed in alignment with district regulations and [Bloomfield Hills Schools' 10 Guiding Principles](#). All grading systems must be fully explained in the course syllabus.

Further, the Board will ensure that a system of reporting student progress shall include written reports, parent conferences with teachers, and other means of communication as necessary.

August 2015

Revised & Approved: 9/17/15



## Bloomfield Hills Board of Education

**Type:** Policy  
**Policy Number:** 6601  
**Regulation:** 6601.1

### Assessment Return and Use

#### Policy:

All teachers, under the guidance of their building principal, shall ensure appropriate feedback to all students on summative assessments\*. Further, students and/or parents may request a copy of a summative assessment, for home use, after the assessment has been scored and returned to students. Requests for copies of assessments must be made within the current semester. This regulation excludes district-level common assessments, placement tests, end of course exams, high school final exams and other district sanctioned assessments. Proprietary materials from College Board or International Baccalaureate are exempt

from this regulation. In the case of a final exam, the student and/or parent may request, in writing, an appointment with the teacher to review the final assessment.

Teachers seeking to exclude their assessment from this regulation shall submit a request and rationale in writing to the Assistant Superintendent for Learning Services in advance of test administration for prior approval.

\*For the purposes of policy, summative assessments are the various tools used to gauge academic achievement at the conclusion of a defined instructional period.

#### History:

9/17/15

#### ATTACHMENTS:

File Name

Description

No Attachments Available





## **Bloomfield Hills Board of Education**

**Type:** Policy  
**Policy Number:** 6601  
**Regulation:** 6601.3

# **Grading and Reporting Pupil Progress**

## **Policy:**

1. The purpose of pupil progress reporting and grading is to inform parents and legal guardians of the academic and social progress of individual students through written and/or oral reports.
2. Elementary Reporting:
  - A. The progress of each elementary student should be reported to his/her parents or guardian a minimum of four times per year, twice in parent-teacher conferences and twice in the form of a written progress report. Interim reports on children having special difficulties should be reported as needed.
  - B. The reporting instrument must be approved by the Superintendent of Schools, or his/her designee.
  - C. Progress reports must include:
    1. Student's name, grade and school
    2. Progress in relation to specific skills for each academic area
    3. Progress in development of work-study habits, social-emotional and physical development
    4. Attendance
3. Secondary Reporting:
  - A. The progress of each secondary student in each subject area shall be reported to his/her parents in writing a minimum of four times per year. The standardized secondary school report card shall be used by all schools for the report. Students whose performance is unsatisfactory in terms of quantity and /or quality of work completed must have a written interim report to parents at the midpoint of each marking period.
  - B. The reporting instrument used for the written progress report shall be the standardized secondary school grade report form and shall include the following information:
    1. Student's name, grade and school
    2. Courses in which the student is currently enrolled
    3. An evaluation of the student's progress in each course each marking period
    4. A citizenship evaluation for each class in which the student is enrolled

5. The attendance record for the student in each course for each marking period.
- C. As a minimum, secondary school interim reports shall record all cases where the quality or quantity of work completed is below acceptable standards.
4. Standardized Test Results: The Superintendent of Schools, or his/her designee, will assure that standardized test results are reported to parents.
3. Secondary Reporting:
  - A. The progress of each secondary student in each subject area shall be reported to his/her parents in writing a minimum of four times per year. The standardized secondary school report card shall be used by all schools for the report. Students whose performance is unsatisfactory in terms of quantity and /or quality of work completed must have a written interim report to parents at the midpoint of each marking period.
  - B. The reporting instrument used for the written progress report shall be the standardized secondary school grade report form and shall include the following information:
    1. Student's name, grade and school
    2. Courses in which the student is currently enrolled
    3. An evaluation of the student's progress in each course each marking period
    4. A citizenship evaluation for each class in which the student is enrolled
    5. The attendance record for the student in each course for each marking period.
  - C. As a minimum, secondary school interim reports shall record all cases where the quality or quantity of work completed is below acceptable standards.
  4. Standardized Test Results: The Superintendent of Schools, or his/her designee, will assure that standardized test results are reported to parents.
  4. Attendance

## History:

9/17/15

## ATTACHMENTS:

File Name

Description

No Attachments Available



## Bloomfield Hills Board of Education

**Type:** Policy  
**Policy Number:** 6601  
**Regulation:** 6601.2

### Grade Appeal Procedures

#### Policy:

Students desiring to appeal a final semester or year-long grade decision should first meet with the staff member who assigned the grade and attempt to resolve the discrepancy. If the discrepancy is not resolved, students and/or parents should meet with the student's counselor and associate principal to review and attempt to resolve the discrepancy. Any unresolved academic discrepancies may be appealed in writing to the

building principal within three weeks of the last day of the semester. If the issue remains unresolved, appeals can be then taken to the Assistant Superintendent for Learning Services for consideration by the District-wide

appeals committee.

Appeals are considered based on the following criteria:

1. There is evidence that the student earned a different grade than what was reported.
2. The grade the student earned is not consistent with the teacher's published grading procedures.
3. There are extenuating circumstances that need to be considered.

The District-wide appeals committee's decision is final.

#### History:

9/17/15

#### ATTACHMENTS:

File Name

Description

No Attachments Available

## **Teacher Conferences with Students and Parents**

The Board of Education recognizes the importance of effective communication among teachers, students, and parents. To enhance communication, the Superintendent of Schools is authorized to establish procedures to facilitate student-teacher conferences and/or parent-teacher conferences. It is the expectation of the Board of Education that time designated as "preparation" time under the terms of the master contract shall be available as conference time. Teachers will make themselves available during such time on a reasonable basis for conferences with students and/or parents to discuss academic and other school-related concerns.

Approved: 12/17/92

## **Electronic Information Access and Use Policy**

A major goal of the Bloomfield Hills School District is to prepare today's students and staff for life in the 21<sup>st</sup> century and to insure a technologically literate citizenry and a globally competitive work force. It is the policy of the district's Board of Education to provide students, staff, volunteers and other authorized users access to the district's technology resources, including its computers and network resources, in a manner that encourages responsible use.

The District encourages and strongly promotes the use of electronic information technologies in educational endeavors. The District provides access to information resources in a variety of electronic formats and for the development of information management skills, including the skill of discerning the validity and value of such information. Together, these allow learners to access current and relevant resources, provide the opportunity to communicate in a technologically rich environment, and assist them to become responsible, self-directed, life-long learners.

The District, however, expects the staff and students to conform to ethical and legal standards in the use of technology and to demonstrate knowledge and responsibility in the use of resources, processes and systems of technology. All users of Bloomfield Hills Schools technology will comply with the terms of Regulation 6710.1 which governs the use of such technology.

It is also the policy of the Board to comply with the Children's Internet Protection Act (CIPA). As required by CIPA, the Board directs the district's administration to monitor minors' online activities and use technology protection measures to block adult and minors' access to visual depictions that are obscene, that constitute child pornography or that are "harmful to minors" when using district computers with Internet access. The term "harmful to minors" means any picture, image, graphic image file or other visual depiction that (1) taken as whole and with respect to minors, appeals to a prurient interest in nudity, sex or excretion; (2) depicts, describes or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and (3) taken as a whole, lacks serious literary, artistic, political or scientific value as to minors. The technology protection measures may be disabled by an authorized staff member, during adult use, to enable access to bona fide research or for other lawful purposes. Furthermore, the district will:

- Educate minors about appropriate online behavior, including interacting with other people on social networking websites and in chat rooms and cyberbullying awareness and response.

- Restrict minors' access to materials that are inappropriate for minors.

- Prohibit unauthorized access, including so-called "hacking," and other unlawful activities by minors online.

- Prohibit the unauthorized disclosure, use and dissemination of personal identification information regarding minors.

- Encourage the safety and security of minors when using electronic mail, chat rooms, and other forms of direct electronic communication.

Approved 3/4/97

Revised & Adopted: 6/21/12

## Electronic Information Access and Use Regulation

All users of Bloomfield Hills Schools technology will comply with the terms of this regulation governing the use of such technology.

### Users

All account holders on the District network are users and will be granted access to all network services upon receipt by the system administrator of acknowledgment of the policies set forth in this Electronic Information Access and Use Policy in the attached form. The following people may hold accounts on the District network:

- a. *Students.* Students who are currently enrolled in the District may be assigned a network account upon agreement to the terms of this Electronic Information Access and Use Policy.
- b. *Faculty and Staff.* Current employees of the District may be assigned a network account upon agreement to the terms of the Electronic Information Access and Use Policy.
- c. *Others.* Anyone may request assignment of a special account on the District network. These requests will be considered on a case-by-case basis, which will take into account need and resource availability.

### District Rights and Responsibilities

The District is responsible for the management of the structure, hardware and software<sup>[1]</sup> used by the District to allow access to information technologies for educational purposes. These include:

- a. Assigning and removing user accounts.
- b. Maintaining and repairing District equipment.<sup>[2]</sup>
- c. Selecting software for the network.
- d. Establishing this Electronic Information Access and Use Policy.
- e. Providing resources to support the District's goals, and
- f. Providing training opportunities for use and application of information technologies, including training and information on new technologies, software and media as they are acquired and put into use in the District.

The District has the right to review and edit all publicly posted material and may remove any content that it finds to be objectionable or not in support of the District's goals. Nevertheless, because the District cannot comprehensively monitor the content of the equipment, the District is not responsible for unauthorized actions or resources.

The District does not warrant that the equipment meets any specific requirements or that it will be error free. The District hereby disclaims liability for any direct, indirect, incidental or consequential damages, including lost data, information, or time, sustained or incurred in connection with the use operation, or inability to use the equipment. The District shall have no liability for any cause or action or other claim arising from the use of the equipment, whether from authorized or unauthorized uses.

## **Rights of Users**

The use of the District equipment is a privilege which may be revoked by the District pursuant to this Electronic Information Access and Use Policy.

Users have the right:

- a. To use authorized equipment for which they have received training to facilitate learning and to enhance educational information exchange, and
- b. To use the authorized equipment to access information from outside resources that facilitates learning and enhances educational information exchange.

Users have the conditional right to subscribe to Internet listservs and news groups that facilitate learning and enhance educational information.

## **Responsibilities of Users**

Users are responsible for:

- a. Using the equipment only for facilitating learning and enhancing educational information exchange consistent with the goals of the District. Use of the equipment for private business, product advertisement, political lobbying, unauthorized entry into other computer systems, or for making any financial commitments is strictly prohibited.
- b. Attending appropriate training sessions in the use and care of the equipment.
- c. Adhering to rules established from time to time by the District for the use of the equipment.
- d. Observing and maintaining privacy of passwords.
- e. Using only approved, contamination-free software that is properly purchased. Users are advised that unauthorized use of software may violate the copyright laws of the United States, that they are strictly prohibited from using any software in connection with District equipment unless such use is authorized by the copyright owner and such authorization is fully documented in accordance with standards established from time to time by the system administrator. Users are advised to use extreme care in the transfer of files to avoid contamination of the system with viruses and that they will be held responsible for damages to the equipment resulting from inappropriate transfer of files.



- f. Obtaining the approval of the system administrator prior to subscribing to any listserv or news group.
- g. Maintaining the integrity of the equipment, including the electronic mail (e-mail) system, reporting violations of privacy and making only those contacts that facilitate learning and enhance educational informational exchange. Use of the equipment to make discriminatory or harassing statements, vulgarities, obscenities or disparaging comments, including the transmission of pornography, is strictly prohibited. Each user agrees to delete diligently old mail messages from the personal mail directory to avoid excessive use of the electronic mail disk space. Each user authorizes the District to delete mail messages at such intervals as the District may deem necessary or desirable from time to time, and the District shall not be liable for any such deletion.

## **Privacy**

Users acknowledge:

- a. That there is no expectation of privacy in the use of the equipment. The District reserves the right to retrieve and review any message composed, sent, received or stored through the use of the equipment.
- b. That all passwords and encrypted information are the property of the District. Users may not use a password that has not been assigned to that user by the system administrator.
- c. That the District reserves all rights to material contained in the equipment and may remove any information that the District, in its sole discretion, deems inappropriate or unauthorized.

## **Consequences of Inappropriate or Unauthorized Behavior**

Users are liable for all consequences, including any monetary damages, resulting from unauthorized use of the equipment or failure to comply with this Electronic Information Access and Use Policy.

The system administrator may, in his/her sole discretion, revoke the privileges and close the account of any user who fails to comply with any provision of this Electronic Information Access and Use Policy.

Users violating this Electronic Information Access and Use Policy may be subject to additional disciplinary action in accordance with District disciplinary policies and guidelines.

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[1] Software@ means computer programs in any form and related print and non-print resources.

[2] District equipment includes, but is not limited to, computers, disk drives, printers, scanners, networks, Internet sites, software, video and audio recorders, cameras, photocopiers and facsimile machines, phones and e-mail accounts and related electronic resources.

Approved 3/4/97

## Acknowledgment Electronic Information Access and Use

I, \_\_\_\_\_, hereby apply for access to the Bloomfield Hills Public Schools network services. I confirm that I have read and understand the attached Electronic Information Access and Use Regulation and agree to be responsible for and abide by the terms of this agreement. I understand that should I commit any violation, my privileges may be revoked and that school disciplinary or legal action may be taken.

Printed Name: \_\_\_\_\_

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

**Students: If you are a student, your parent or guardian must also execute this Acknowledgment.**

As the parent or guardian of the above-named student, I acknowledge that I have read the attached Electronic Information Access and Use Regulation and consent to the District's grant of access to network services.

Printed Name: \_\_\_\_\_

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

### Wireless Communication Device Usage

Bloomfield Hills Schools students and staff are allowed to use personal wireless computing devices while on school campuses. Wireless communication device (referred to hereafter as WCD) refers to any device that connects to a wireless or cellular network for the purpose of running academic applications, such as word processing or accessing the Internet. This includes laptops, netbooks, tablet computers, E-Readers, personal digital assistants (PDAs), and smartphones. If the device also functions as a cellphone that functionality falls under the cell phone policy of the individual building where the user is located.

### District Policies

In addition to the guidelines and restrictions laid out in this document, WCD usage is subject to the *Uniform Code of Student Conduct* (Policy 5301) as well as the District's *Electronic Information Access*

*and Use Policy (Policy 6710).*

Students are prohibited from using a WCD in any way that harasses, embarrasses, bullies, threatens or otherwise intimidates others in violation of the Uniform Code of Student Conduct.

Students are prohibited from using WCDs to record or transmit audio, still images or video of any person in the school without the express consent and prior knowledge of the building administration.

WCDs may not be used in any situation where a reasonable expectation of personal privacy exists.

These include, but are not limited to, locker rooms, shower facilities, restrooms, changing areas and any other area where students or others may be in any stage or degree of disrobing or changing clothes.

### **Security Guidelines**

Students and staff are personally and solely responsible for the care and security of their WCDs.

Bloomfield Hills Schools is not responsible for theft, loss, damage, vandalism or the compromise in security of any WCDs brought onto its property, or the unauthorized use of such devices. Devices should not be left unattended for any period of time.

WCDs used on District premises must be properly maintained with all current operating system security patches and must be running security (anti-virus) software with current virus definitions if such software is available for the device in question.

WCDs used on District property must be using only legally obtained and installed, contamination free software. Software that violates copyright laws or is designed to bypass, alter, test or otherwise circumvent the security of District or personally owned equipment is strictly prohibited.

Users acknowledge that there is no expectation of privacy while using WCDs while on District property or while connected to the District network. The District reserves the right to monitor all activity, communication and network transmissions as necessary to ensure compliance with District, State and Federal guidelines and to ensure the safety and security of District students, personnel and assets.

### **General Usage**

The use of personal WCDs while on District property is permitted for instructional and educational purposes. The use of WCDs for any other purposes is at the discretion of the building administration. Personal WCDs may connect to the wireless network designated as BHS-Guest only. Devices not owned by the District may not connect to the secured network designated as BHS or to any physical Ethernet connection without the express prior consent of the Information Services department. Bloomfield Hills Schools does not provide technical support for personal devices, nor does the District warrant that wireless access will be error free or guarantee any specific level of wireless bandwidth.

The use of WCDs during instructional time is at the sole discretion of the classroom teacher or supervising adult who may allow or disallow their use for educational or instructional purposes as desired. This includes disallowing their use or collecting them for the duration of the class period. Use of WCDs in common areas during non-instructional periods is allowed provided such use is not disruptive. If a staff member or supervising adult feels that the use of a WCD is disruptive they may ask the student to put it away or modify its use, the student must comply with all such requests.

Students should make every effort to be considerate of others and avoid disrupting instructional time while using WCDs. Devices should be kept muted unless a supervising adult permits the use of headphones. Students should avoid recreational use such as watching video or playing games where others could be distracted.

### **Violation of Wireless Communication Device usage policy**

Possession of a WCD on District property is a privilege that may be forfeited by anyone who fails to abide by the terms of this regulation or otherwise attempts to abuse or misuse this privilege. The privilege may also be suspended at the discretion of the building administration for any reason or at the

request of the Information Services department.

7/27/11

## **Recreation/Community Services Field Trips and Excursions**

The Recreation/Community Services Division is authorized to make trips available to adults/non-adults for educational and recreational purposes.

Transportation for such related travel may be arranged and/or facilitated by appropriate District personnel or agencies including, but not limited to, school vehicles, vehicles belonging to commercial and/or common carriers contracted by or through the appropriate District personnel or agencies, or a private vehicle for which an approved certificate of insurance is on file. To the extent that such trips are offered, trip packages will contain and individuals shall purchase trip cancellation insurance for trips involving air travel.

Approved: 12/1791

Revised: 5/16/00

## **Day Care, Preschool, Latch Key and Recreation Summer Camp**

The Board of Education recognizes the community's need for and interest in provision of child care programs by the Bloomfield Hills School District. To this end, the Board encourages the development and implementation of day care, preschool, and latch key, and summer camp programs that will be available on a fee basis to children of residents of the Bloomfield Hills School District and children of staff members of the school district. Based on space availability, day care, preschool and Recreation summer camp programs will be available for children of nonresidents.

Approved: 7/14/92

Revised: 1/23/00

Bylaws 8000

## **General Powers School District**

The official name of the school district shall be Bloomfield Hills Schools, Oakland County, Michigan, and the District shall operate as a general powers school district in accordance with the Revised School Code and any amendments thereto.

Legal Reference: MCL 380.11 *et seq.*

*Note: The Revised School Code changed Bloomfield Hills Schools from a Fourth Class School District to a General Powers School District effective 7/1/96.*

Adopted: 8/96



## Powers and Duties of the Board of Education

### A. Powers of the Board

The Board of Education shall exercise all lawful powers granted to the boards of education of a general powers school district including:

1. All of the rights, powers and duties expressly stated in the School Code;
2. A power implied or incident to any express power stated in the School Code, and
3. Except as otherwise provided by law, a power which is incidental or appropriate to the performance of any function related to the operation of the school district in the interests of public elementary and secondary education including, but not limited to, all of the following:
  - a. Educating pupils. In addition to educating pupils in grades K-12, this function may include operation of preschool, child care, lifelong education, adult education, community education, training, enrichment and recreation programs for other persons.
  - b. Providing for the safety and welfare of pupils while at school or a school-sponsored activity, or while en route to or from school or a school-sponsored activity.
  - c. Acquiring, constructing, maintaining, repairing, renovating, disposing of, or conveying school property, facilities, equipment, technology, or furnishings.
  - d. Indemnifying its employees.
  - e. Receiving, accounting for, investing or expending school district money; borrowing money and pledging school district funds for repayment; and qualifying for state school aid and other public or private money from local, regional, state or federal sources.

### B. Duties of the Board

The Board considers that its duties include, but are not limited to, the following:

1. **Legislative or Policy Making:** The Board is responsible for the development of bylaws and policy and for the employment of a superintendent who shall carry out the Board's policies through the development and implementation of regulations.
2. **Educational Planning:** The Board is responsible for acquiring and requiring reliable information from responsible sources which shall enable it to make the best possible decisions about the scope and nature of the educational program.
3. **Staffing and Appraisal:** The Board is responsible for employing a superintendent of schools and the staff necessary for carrying out the instructional program, for approving salaries and other terms and conditions of employment. The Board is also responsible for evaluating the superintendent's performance and effectiveness by providing for his/her regular evaluation.
4. **Financial Resources:** The Board is responsible for adopting a budget that will provide the financial basis for buildings, staff, materials and equipment which will enable the District to carry out the educational program.
5. **School Facilities:** The Board is responsible for determining school housing needs, for communicating these needs to the community, for purchasing and disposing of properties, and for approving building plans that will support and enhance the educational program.
6. **Communication with the Public:** The Board is responsible for keeping the public informed about the schools and for keeping itself informed about the wishes of the public.

Adopted: 8/96  
Revised: 6/6/00

## **Members of the Board of Education/Term of Office**

The Board of Education shall consist of seven members who are elected from the District at large. The term of office of each school board member is four years. Only persons who are qualified school electors in the Bloomfield Hills School District are eligible to be elected as members of the Board of Education. (A qualified school elector must be at least 18 years of age, a citizen of the United States, a resident of the state of Michigan for at least 30 days, a resident of the school district on or before the 30th day prior to the date of the election, and a registered voter.)

Adopted: 8/96

Revised & Adopted: 2/7/08

## **Orientation of Board of Education Candidates and Elected Members**

### **Candidates**

If a resident of the Bloomfield Hills School District is interested in becoming a candidate for the Board of Education, the president of the Board, the president's designee, the Superintendent and the Superintendent's designee will assist each candidate in broadening his/her understanding of school district matters. Board bylaws, policies and accompanying administrative regulations will be made available for each candidate's review, upon request.

### **Elected Members**

An orientation for newly elected members of the Board of Education will be held. The Superintendent and Superintendent's designee will assist each newly elected Board member in broadening his/her understanding of school district matters.

Adopted: 8/96

Revised: 6/6/06

Revised: 2/5/08

## **Officers of the Board, Election and Term of Office, Removal of Officers, Vacancies**

### **Composition**

The Board of Education shall have the following officers: President, Vice President, Secretary and Treasurer.

### **Election and Term of Office**

Members of the Board shall elect officers at the Board's annual organizational meeting in January of each year. Officers shall be members of the Board of Education. The length of the term of office shall be one year from the Board's organizational meeting to the following Board organizational meeting.

Any officer of the Board of Education may be removed for cause by the majority vote of the members elected to and serving on the Board. In such an event, the Board shall elect another member to fill the office so vacated.

### **Vacancies**

Board officer vacancies shall be filled at the next regular or special meeting of the Board by way of election. Nominations for the vacant officer position will be made at the Board meeting. The term of office for a person elected to fill a vacancy shall be the remainder of the original officer's term.

*Bylaw Reference: 8304 Types of Board of Education Meetings  
8115 Officer Nominations Committee*

Adopted: 8/96

Revised: 10/3/07

Reviewed: 11/14/07 by Policy Committee

Revised: 2/5/08

Revised: 6/2012

## **Board Officer Nominations Committee**

On or before the first regular Board of Education meeting in December, a vote will be taken to determine whether the Board President or committee will develop a proposed slate of officers for the succeeding year. Prior to the December vote, a Study Session may be held to discuss the process, exchange information about a proposed slate and to discuss whether the Board President or Committee will develop the slate of officers. In either case, the proposed slate will be premised on the input of current Board members, consideration of criteria for each office and District goals. If a committee develops the proposed slate of officers, members of the committee shall be the Vice President, Secretary, and Treasurer. The Vice President shall serve as committee chair. At the organizational meeting, the Board President or committee chair will present the proposed slate which may include more than one nominee per office. Other Board members may be nominated at the organizational meeting. If this occurs, the Board will individually vote on each officer position.

*Bylaw Reference: 8130 Board Committees*

Adopted: 8/96

Revised & Adopted: 2/7/08

Revised & Adopted: 6/19/12

## **Duties of the President**

It shall be the duty of the President of the Board to:

1. Preside at all meetings of the Board and appoint all committees unless otherwise directed by the Board.
2. When authorized by the Board, execute on behalf of the District any documents such as contracts, conveyances of property, and evidences of debt and co-sign checks.
3. In general, act as public spokesperson for the Board. The President shall have the right to call Special Meetings of the Board and at all Board meetings may, as other members of the Board, offer resolutions, discuss questions, and vote on all matters.
4. Perform such other duties as established by the Board or required by law.

Adopted 8/96

Revised: 6/6/00

Reviewed: 4/14/08

## **Duties of the Vice President**

It shall be the duty of the Vice President to:

- ◆ Preside at Board meetings when the President is unable to attend.
- ◆ Fulfill the duties of the office of President when a vacancy in that office occurs until the vacancy is filled in accordance with Bylaw 8114.
- ◆ Coordinate the evaluation of the Superintendent.
- ◆ In cooperation with other Board members provide information regarding professional development opportunities for Board Members.
- ◆ Perform other duties incident to the office of Vice President or as established by the Board or required by law.

Adopted: 8/96

Revised: 6/6/00

Revised: 11/20/08



## **Duties of the Secretary**

It shall be the duty of the Secretary of the Board to:

- Preside at meetings in the absence of the President, Vice President and Treasurer.
- Maintain a record of Board meeting minutes, resolutions and other proceedings:
  - Signifying presence or absence of Board members at all Board meetings.
  - Reviewing and calling for acceptance of the minutes of regular and special meetings of the Board.
  - Signing all official minutes after acceptance of same by Board at official meeting.
    - Prepare reports as required by the state Board of Education.
    - Executing, on behalf of the District, documents as authorized by the Board.
    - Perform all duties incident to the office of Secretary, and other duties as established by the Board or required by law.

Adopted: 8/96

Revised: 4/14/08

Adopted: 9/18/08

## **Duties of the Treasurer**

It shall be the duty of the Treasurer of the Board to review the financial conduct of the District through the office of the chief financial official. Duties include but are not limited to:

- ◆ Preside at meetings in the absence of the President or Vice President.
- ◆ The care and custody of all the monies of the District.
- ◆ Co-sign checks on behalf of the District and cause its lawful debts to be paid.
- ◆ Review financial records in accordance with accounting requirements prescribed by law.
- ◆ Present to the Board at the close of each school year, an audited financial report, or delegate this duty to a member of the District's staff.
- ◆ Execute documents on behalf of the District as required by law.
- ◆ Perform all duties incident to the office of the Treasurer and established by the Board of education or by law.
- ◆ At the option of the Board, selected duties may be assigned to district staff.

Adopted: 8/96

Revised: 6/6/00

Revised: 8/14/08

Adopted: 9/18/08

## **Administration of Oaths**

The following individuals may administer oaths for qualifying school officers and oaths required in any transaction connected with, or related to, the District's schools: members of the Board, notaries public, judges, clerks of the court and members of the legislature.

Adopted: 8/96

## **Board Committees**

To enhance the effectiveness of the Board of Education, the President of the Board may appoint up to three Board members to serve on ad hoc and/or standing committees established by the President. Appropriate administrators shall be appointed by the Superintendent to serve as liaisons to Board committees. A Board member shall be appointed by the President to serve as chair of each committee.

Board committees shall not act for the Board; rather, they shall act in an advisory role to the full Board. Board committees may serve in different capacities: committees may act as information-gathering agencies for the full Board; committees may also be used as sounding boards for administrative recommendations, and as referral agencies for additional study; committees may be called upon to generate ideas and to discuss future priorities; additionally, committees may function as hearing agencies for special concerns for members of the staff, student body, and community. At times it is necessary for the District to seek expert advice. Committees may be asked to review the need for and credentials of consultants, and to advise the full Board regarding the employment of consultants.

Agendas for Board committee meetings shall be developed by the administrative liaison in cooperation with the committee chair. Board members and administrators may refer matters for possible committee consideration through the Board President or the Superintendent. Written reports of each committee meeting shall be prepared by the administrative liaison and the committee chair, in a timely fashion. Reports shall contain all advice clearly noted and shall be distributed to all Board members and to others designated by the Board President and Superintendent. Committee chairs may request of the Board President the opportunity to present an oral update at Board meetings.

Adopted: 8/96

Revised: 6/6/00

## **Selection of Professional Services**

The Board may select, appoint and employ qualified individuals or firms to provide professional services for the school district. Those services include, but are not limited to, legal, insurance, architectural, engineering, auditing/accounting, consulting and other professional services.

In accordance with Policy 3460, the District shall use the professional assistance and services of persons not regularly employed by Bloomfield Hills Schools when the Superintendent and/or Board determine such assistance and services are required. The appointment of the following services is subject to the approval of the Board of Education: (1) legal and auditing services; (2) architectural, engineering and other consulting services which are expected to exceed \$15,000 per project or in total within a single year.

The Superintendent will provide background information and other information that may be requested by the Board prior to any interviews or decisions by the Board.

Reference: Policy 3460

Adopted: 8/96

Revised: 6/6/00

Revised: 5/4/00

## **Board/Superintendent Relations**

The Board, in all phases of District operations, will endeavor to work through the Superintendent who shall direct District employees in regard to such operations unless another method is mutually agreed upon between the Board and the Superintendent. The Board shall extend to the Superintendent, the responsibility for implementing Board policy decisions.

Adopted: 8/96

Revised: 6/6/00

Revised: 2/27/08

## **Board Member Development Opportunities**

The Board recognizes the need for continuing in-service education and development for Board members. Board members are encouraged to participate in meetings and activities of area, state and national school board associations, as well as activities of other educational groups and programs of other states and countries. Board members are also encouraged to study and examine materials received from these organizations, as well as publications and tapes, and report back to the Board of Education when appropriate.

To help individual members develop an understanding of the District's programs, the Superintendent may request that members of the staff appear before the Board from time to time to present and discuss new developments in the various programs of the District.

The Board recognizes the importance of maintaining memberships in professional organizations including, but not limited to, the Michigan Association of School Boards and a direct affiliate membership in the National School Boards Association. The Board also encourages its members to attend local, state, and national conferences and business meetings.

Adopted: 8/96

Revised: 6/6/00

## **Reimbursement of Board Member Expenses**

Board members shall be reimbursed for actual and necessary expenses incurred in discharging their official duties and in performing functions authorized by the Board.

### **A. Schedule of Pre-Approved Reimbursable Expenses**

The Board designates the following specific categories of duties and functions are pre-approved as reimbursable expenses; however, the Board must vote to approve payment of the reimbursement before payment is made to the Board member who has incurred the expenses:

1. Local, state and national educational conferences and business meetings.
2. County and regional education-related associations or inter-governmental meetings.
3. Educational or civic programs.
4. Education-related seminars, continuing education classes, workshops and educational programs of other states and countries.
5. Expenses include registration fees, costs of travel, lodging and meals where these expenses are directly related to attendance at the conference, seminar, class, workshop or educational program of other states or countries.
6. The cost of travel includes air travel at coach rate, automobile mileage at the Internal Revenue Service approved rate per mile, parking tolls, taxi or rental car allowances at the current prevailing rates for travel outside the District, when necessary, to attend a function.
7. Other expenses related to the professional development of the Board member. These expenses include, but are not limited to, professional reading materials, books, audio tapes and visual materials which enhance the professional development of the Board member.
8. Telephone calls, facsimile expenses and other applicable communication expenses.

### **B. Non-Scheduled Categories of Expenses**

If a Board member incurs an expense for an official duty or function not appearing on the schedule of pre-approved reimbursable expenses, the Board shall not reimburse that expense unless a motion to approve the non-scheduled expense is adopted before the expense is incurred.

### **C. Expense Vouchers**

To receive reimbursement, a Board member shall submit to the District's business office an expense voucher and supporting receipts or other evidence to verify each expense incurred.

### **D. Spouses and Other Family Members**

Expenses for spouses accompanying Board members in discharging their official duties or performing authorized functions are not reimbursable.

### **E. Budget**

Funds shall be budgeted on an annual basis for Board members to attend and participate in the meetings, workshops, associations, conferences and other activities described in this bylaw.



**F. Procedures**

The Superintendent or designee is authorized to develop procedures for reimbursement for expenses incurred by members of the Board of Education in accordance with this bylaw.

*Legal Reference: Revised School Code, MCL 380.1254*

Adopted: 8/96

Revised: 6/6/00

Revised: 4/14/08

Adopted: 9/18/08

## Board Member Vacancies

Board member vacancies shall be filled as provided by the Michigan Election Law as follows:

If less than a majority of the offices of school board member become vacant, the remaining school board members shall fill each vacant office by appointment. If a vacancy in the office of school board member is not filled within 30 days after the vacancy occurs or if a majority of the offices of school board member become vacant, the intermediate school board shall fill each vacancy by appointment.

An individual appointed by the Board majority or the intermediate school board serves until a successor is elected and qualified.

1. If a vacancy occurs in an office of school board member more than 90 days before a regular school election, an election shall be held at that regular school election to fill that office for the remainder of the office's unexpired term, if any. This requirement is applicable regardless of whether an individual is appointed to fill the vacancy.
2. Within three (3) days after an appointment is made to fill a vacancy, the secretary of the school board shall notify the school district election coordinator, in writing, of the name, address and office of the person who vacated the office as well as the person filling the office.

Persons appointed to fill a vacancy shall file acceptance of the office, including an affidavit of eligibility, with the secretary of the Board, and shall take the oath of office prescribed by law. The appointee shall hold office until the next regular school election.

Resignations are effective without acceptance or approval by the Board.

*Legal Reference: MCL **168.311**; 15.261-15.275 (Mich. Open Meetings Act);*

Adopted: 8/96

Revised: 6/6/00

## **Adoption, Revision & Repeal of Bylaws**

The Board of Education of Bloomfield Hills Schools has adopted bylaws to govern the internal affairs of Bloomfield Hills Schools. The bylaws may be adopted, revised or repealed by a simple majority of members elected and serving on the Board of Education.

Adoption, revision or repeal of bylaws is usually done in a two-step process. The first step requires a first reading of the proposed bylaw that is being adopted, modified or repealed. The first reading is done at a regular or special meeting of the Board of Education and, at that time, the proposed bylaw may be discussed. After the first reading is completed, suggested revisions may be initiated and the bylaw then scheduled for a second reading at a regular or special meeting of the Board of Education. At that time, the proposed bylaw may be acted upon by the Board.

However, if a majority of the elected and serving members of the Board of Education vote to deviate from the usual two-step process described above, the proposed bylaw may have more than two readings, or the Board may take action on a proposed bylaw at the first reading.

Adopted: 8/96

Bylaws 8301

## **Suspension of Bylaws and Policies**

The Board's bylaws and policies may be suspended by a majority vote of the members elected to and serving on the Board.

Adopted: 8/96

## **Formulation and Adoption of Policies**

The Board of Education is responsible for the formulation and adoption of school district policy. Such policies are the basic method by which the Board will exercise its governance of the District.

Origination, adoption, revision or repeal of Board policies is typically done in a multi-step process:

1. Proposed policies for adoption, revision or repeal may originate or be referred to a Policy Committee (typically composed of three volunteer Board members) or the appropriate Board standing committee (Board Instruction Committee (BIC) or Finance/Facilities/Legal Affairs Committee (FFLA)). The Superintendent or designee will serve as the primary advisor to the committees. In addition the Superintendent, or a member of Cabinet, may also draft and propose policy regarding current/changed school laws or as policy issues are identified.
2. After review by one of the Board subcommittees or Cabinet, the proposed policy will have a first reading and discussion at a regular or special meeting of the Board. Typically a second reading of the proposed policy is required before the Board of Education votes on the policy. However, the Board may, at its discretion, choose to adopt the policy immediately after the first reading.
3. If further revision or discussion is necessary or desired, the proposed policy will be referred to as many regular or special meetings of the Board as necessary to finalize the policy.
4. Upon the recommendation of a Board subcommittee or Cabinet, the Board Agenda Committee may elect to place the proposed policy on the Consent Agenda.
5. Board of Education policies will be reviewed every five (5) years, or as needed, by the appropriate standing committee.

Revised & Approved: 12/11/14

## **Formulation of Administrative Regulations**

The Board shall delegate to the Superintendent the function of specifying required actions and designing the detailed arrangements under which the schools will be operated. These rules and detailed arrangements shall constitute the administrative regulations governing the schools, and must be consistent in every respect with the policies adopted by the Board.

Reference: Policy 2303

Adopted: 8/96

## **Board of Education Meeting Procedures**

### **Public Meetings**

All business which the Board of Education is authorized to perform shall be conducted at a public meeting of the Board except as provided in Bylaw 8306 (closed sessions). No action shall be valid unless voted upon at a public meeting of the Board by a majority vote and a record made of the vote. No person shall be excluded from public meetings of the Board except for a breach of the peace actually committed at the meeting.

### **Notice of Regular Meetings**

Within 10 days after the July organizational meeting of the Board each year, a public notice signed by the Superintendent or the Secretary of the Board stating the dates, times, and places of the regular meetings shall be posted at the principal office of the Board of Education.

### **Quorum**

A majority of the members elected to and serving on the Board shall constitute a quorum for the transaction of business. An act of the Board will not be valid unless voted at a meeting by a majority vote of the members elected to and serving on the Board, and a proper record is made of the vote.

### **Information to Precede Action**

It is the policy of the Board to defer action on matters not on its agenda which are brought to the Board's attention for the first time in a public meeting, in order to provide members adequate time for study. However, matters placed for the first time on the agenda for a regular or special Board meeting may be acted upon during that meeting.

### **Rules of Order**

The Rules of Parliamentary Practice contained in "Robert's Rules of Order" shall govern the conduct of all meetings of the Board of Education except where such rules conflict with the standing rules and orders of this Board or the laws of the state of Michigan.

*Legal Reference: Open Meetings Act, MCL 15.261, 15.263, 15.265.*

Adopted: 8/96

Revised: 6/6/00

Reviewed by Policy Committee 11/14/07

## **Types of Board of Education Meetings**

### **Organizational**

The organizational meeting of the Board shall be held within the first three weeks of July of each year.

### **Regular Meetings**

Regular monthly meetings of the Board of Education shall be held at least once each month and will be held at the time and place established by the Board on or before its July organizational meeting.

If the time of the regular meeting falls on a holiday, or requires change for other reasons, then the meeting may be rescheduled by the Board of Education, and notice of the change shall be posted within three days after the meeting at which the change is made. The regular meeting shall be held in a place available to the general public.

### **Special Meetings**

A special meeting of the Board of Education may be called by the President or any two members of the Board. A request for a special meeting shall be communicated to either the Secretary of the Board of Education or the Superintendent, who shall sign and post a public notice of the meeting which shall set forth the date, time, place of the meeting, the purpose and by whom called. Such notice shall be posted at least 18 hours before the meeting. Each member of the Board shall be served with a copy of such notice in one of the following methods:

1. By delivering the same to each member personally at least 24 hours before the time of such meeting.
2. By depositing the same in the United States mail at least 72 hours before the time of such meeting, addressed to each Board member at their residence.
3. By providing the same to each member by electronic mail at least 24 hours before the time of such meeting, addressed to each Board member at their BHS email address and personal email address.

Only items set forth in the meeting notice may be acted upon. No new business may be introduced without the approval of a quorum of the Board.

### **Study Sessions**

In addition to its regular monthly meetings, the Board of Education may schedule a study session which will be open to the public. The agenda for a study session shall consist of any item which members of the Board may wish to discuss, study, or have reported on in detail. No final action shall be taken on issues studied or discussed at a study session. Such action shall be delayed until a regular meeting of the Board of Education.

### **Emergency Meetings**

The Board may meet in emergency session in the event of a severe and imminent threat to the health, safety, or welfare of the community when 2/3 of the members serving on the Board decide that a delay would be detrimental to efforts to lessen or respond to the threat. Such an emergency session may be held even though there is not sufficient time to post a public notice of the meeting as required by policy.

### **Adjourned Meetings**

A meeting of the Board may be adjourned to a specific date, time, and place. Only items on the agenda which were not acted upon at the meeting prior to adjournment thereof may be acted upon at the meeting when reconvened unless a quorum of the Board agrees.

If a meeting is adjourned for more than 36 hours, public notice, equivalent to that required for a special meeting, must be posted.



## **Closed Sessions**

After a meeting of the Board of Education is duly called to order, a closed session may be held to discuss special matters as provided by Section 8 of Act No. 267 of the Public Acts of 1976 (Open Meetings Act), as amended.

### **Two-Thirds Vote Required**

A roll call vote approved by two-thirds of the members shall be required to convene a closed session of the Board to consider the following items:

1. To consider the purchase or lease of real property up to the time an option to purchase or lease that real property is obtained.
2. To consult with the Board's attorney regarding trial or settlement strategy in connection with specific pending litigation, but only when an open meeting would have a detrimental financial effect on the litigating or settlement position of the Board.
3. To review the specific contents of an application for employment or appointment to a public office when the candidate requests that the application remain confidential.
4. To consider material exempt from discussion or disclosure by state or federal statute.

### **Majority Vote Required**

A vote of a majority of the members elected to and serving on the Board in attendance at the meeting shall be required to convene a closed session of the Board to consider the following items:

1. To consider the dismissal, suspension, or disciplining of, or to hear complaints or charges brought against, or to consider a periodic personnel evaluation of a public officer, employee, staff member, or individual agent, when the named person requests a closed hearing. The named person may rescind the request for a closed hearing at any time, in which case the matter at issue shall be considered thereafter only in open session.
2. To consider the dismissal, suspension or disciplining of a student when the student or the student's parent or guardian requests a closed hearing.
3. For strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement when either negotiating party requests a closed hearing.

A separate set of minutes shall be taken by the clerk or the designated secretary of the Board at the closed session which shall be retained by the Board in accordance with Section 7 (2) of the Open Meetings Act as amended.

*Legal Reference: The Open Meetings Act, MCL 15.261, 15.265, 15.267, 15.268*

NOTE: The Board is able to determine its own special meeting procedure to notify all Board Members.

Adopted: 8/96

Revised: 6/6/00

Reviewed by Policy Committee: 11/14/07

Revised: 4/14/08

Adopted: 9/18/08

Bylaws 8311

## **Preparation of the Agenda for Board Meetings**

The President of the Board of Education and/or other Board members, in consultation with the Superintendent of Schools or a designee, shall be responsible for the preparation of the agenda for all Board meetings.

Adopted: 8/96

Reviewed: 4/14/08

## **Public Notices**

Public notices of the meetings of the Board of Education shall be signed by the Secretary of the Board or the Superintendent of Schools. All such notices shall include the Board's name, address and telephone number, the date, time and place of the meeting and the location where minutes of the meeting are available for public inspection. The notices shall be posted at the principal office of the Board at 4175 Andover Road, Bloomfield Hills, Michigan, and any other location considered appropriate by the Board. Cable television and the school district web site may also be utilized for the purposes of posting public notice.

*Legal Reference: Revised School Code MCL 15.264*

Adopted: 8/96

Revised: 4/14/08

Adopted: 9/18/08

## Official Meeting Minutes

The purpose of official Board minutes is to serve as written documentation of business and actions taken by the Board of Education.

### **Contents of Minutes**

The Board shall keep minutes of each meeting showing the date, time, place, members present, members absent, any decisions made at a meeting open to the public, and the purpose or purposes for which a closed session is held. The minutes shall include all roll call votes taken at the meeting, a reference to reports presented, a record of those speaking at the public comment session and the topic on which they spoke, and items discussed when no action is taken.

### **Minutes Signed By Secretary**

The minutes of each Board meeting shall be signed by the secretary. In the absence of the secretary, the president shall appoint a temporary secretary who shall sign the minutes of the meeting. The vice president shall act in the absence of the president.

### **Availability of Proposed Minutes**

Copies of the proposed minutes of an open meeting shall be provided upon request to members of the public within eight (8) business days of the meeting, and copies of approved minutes within five (5) business days of the meeting at which they were approved. Minutes shall be presented for approval at the next regular meeting of the Board.

### **Minutes Shall Not Include Personally Identifiable Information in Violation of FERPA**

The minutes shall not include any personally identifiable information that, if released, would prevent the school district from complying with the Family Educational Rights and Privacy Act (FERPA) of 1974.

### **Preparation of Minutes of Regular, Special Emergency or Work/Study Board Meetings**

1. Official minutes of the Board will include, but are not limited to, the items enumerated above. Attachments to official minutes may include:
  - Copy of Board meeting agenda
  - Enclosures on which Board action is taken
  - Sign-in sheet of those in attendance
  - Informational material such as recognition lists and other data as determined by the Board secretary
2. Minutes shall be recorded by the recording secretary and a draft may be sent by electronic mail or by U. S. Mail to the Board secretary. Audiotapes and other attachments shall be forwarded to the Superintendent's office to a person designated by the Board secretary. Following review and recommended corrections, official minutes shall be prepared for approval at the next regular Board meeting.
3. **Correcting Minutes**

Corrections in the minutes must be made at the next meeting following the meeting recorded in the minutes.
4. The recording secretary shall prepare brief notes identifying future discussion and projected dates. Such shall be forwarded to the designee in the Superintendent's office and included as attachment to minutes awaiting approval.
5. Official minutes shall be retained in perpetuity. A hard copy shall be maintained for a period of two (2) years. A back-up copy may be retained in a separate location. Minutes older than two years may be transferred to microfilm or other appropriate medium.

**Closed Session Minutes Preparation**

A separate set of minutes will be taken by the Board secretary for all closed sessions of the Board and shall be retained in the Superintendent's office. The minutes are not available to the public, except as specified by current law, and will be released only by court order. The minutes of closed sessions of the Board may be destroyed one year and one day after approval of minutes of the regular meeting at which the closed session was authorized.

**Content of Minutes of Closed Sessions**

Closed session minutes shall include:

- The date and place of the meeting.
- Board members and other individuals present and Board members absent.
- Time of the beginning and adjournment of the session.
- Reason for going into closed session.

*Legal Reference: MCL 380.11 et seq.; 380.1201; 380.1202; 15.269;  
20 USC 1232g (Family Educational Rights & Privacy Act)*

Adopted: 8/96

Revised: 4/14/08

Adopted: 9/18/08

## Public Participation at Board Meetings

The Board of Education of the Bloomfield Hills School District has adopted the following bylaw establishing rules for public participation at school Board meetings. The Agenda of regular meetings of the Board of Education will provide for public comment:

1. The public participation portion of the meeting is limited to one-half hour, but exceptions may be made at the discretion of the Board president.
2. Each person will be allowed to speak for up to five minutes, except where the number of speakers per topic exceeds the time limit. In those instances, the President of the Board of Education may either reduce the five-minute limit to a three-minute limit for each speaker or the President of the Board of Education may waive the half-hour time limit.
3. Each person wishing to address the Board of Education must identify himself or herself by name and address. If the person is representing an organization or group, the person should indicate whether the comments or presentation represents the official view of the organization or group.
4. All written statements should be given to the Secretary of the Board of Education, so that copies may be made available to members of the Board. All written statements and documents presented by an individual or group to the Board of Education during the meeting are considered public documents.
5. Individuals addressing the Board should take into consideration the rules of common courtesy. The public participation portion of the meeting cannot be used to make personal attacks against a school Board member or school district employee.
6. Individuals who want to publicly address the Board of Education must appear at the Board of Education meeting and participate during the Public Comment portion of the agenda. Individuals may send letters to the Board of Education; however, the letters will not be read into the record during the public participation portion of the agenda. The prohibition against reading letters during Public Comment may be waived by the President of the Board of Education.
7. Board of Education members may question speakers, but may not answer questions or make statements or commitments in response to issues raised by the public. The public participation of the agenda is not intended for dialogue with the Board of Education. In general, such issues will be referred to the Superintendent for investigation, study, and recommendation or designated as future agenda items for Board of Education consideration.
8. Handling of Complaints: Complaints shall first be considered through proper channels before being considered by the Board. The Board shall not hear complaints at an open meeting about named District personnel unless the named person requests the Board to hear the complaint at an open session.

*Legal Reference: Open Meetings Act, MCL 15.263*

*Policy Reference: 1224 Complaints Regarding School Personnel*

Adopted: 8/96

Revised: 6/6/00



## Conflict of Interest

### General

The Public Servant Conflicts of Interest Act (the Act), MCL 15.321, et seq., and Section 1203 of the Revised School Code, MCL 380.1203, prohibit Board members and School District employees from certain actions which the Legislature has defined as actual or presumed conflicts of interest.

A Board member may not be a direct or indirect party to any contract with the Bloomfield Hills Schools (the School District) or take part in the negotiation, renegotiation, amendment or approval of such a contract. Nor may a Board member represent any party to such a contract.

A Board member may not vote on a contract or financial transaction if he or she or his or her family member has a financial interest or competing financial interest in the contract or financial transaction.

### Definition of Family Member

Family member, as used here, means a Board member's: spouse or spouse's sibling or child; sibling or sibling's spouse; child or child's spouse; parent or parent's spouse; and, these relationships as created by adoption or marriage.

### Prohibitions

With certain exceptions, noted below, neither a Board member nor a School District employee may, directly or indirectly, be a party to a contract with the School District. Additionally, neither a Board member nor a School District employee may, directly or indirectly, solicit a contract with the School District on behalf of: him or herself; any firm of which he or she is a partner, member or employee; any corporation in which he or she owns more than 1% of the total outstanding stock, if the stock is not listed on a stock exchange, or stock with a market value in excess of \$25,000, if the stock is listed on a stock exchange, or of which he or she is a director, officer or employee; or, any trust of which he or she is a beneficiary or trustee. Furthermore, neither a Board member nor a School District employee may: take part in the negotiations for such a contract or the renegotiation or amendment of the contract or the approval of the contract; or, represent either party in the transaction. These prohibitions do not apply to a School District employee's personal employment contract or collective bargaining agreement with the District. Additionally, these prohibitions do not apply to a School District employee who is paid for working an average of 25 hours per week or less for the School District. Additionally, a Board member may not vote on a contract or financial transaction if he or she has reason to believe a prohibited conflict of interest exists. Instead, the Board member must abstain from voting and disclose the conflict of interest. A Board member is presumed to have a prohibited conflict of interest with respect to a contract or financial transaction in which he or she, or a family member, has a financial interest or competing financial interest.

### Safe Harbor and Exceptions

The Board may enter into a contract in which one or more Board members or School District employees have a prohibited conflict of interest if all of the following steps are taken:

#### Disclosure

The conflict of interest must be promptly disclosed in writing to the Board President or, if the Board President has the prohibited conflict of interest, to the Board Secretary. The written notice will be incorporated into the official minutes of the Board and will, at a minimum, include: the interest of the Board member, Board member's family member or School District employee; the name of each party involved in the contract; the proposed terms of the contract, including duration, financial consideration, facilities or services included in the contract; and, the nature and degree of assignment of School District employees for fulfillment of the contract.

#### Abstention

A Board member who has a prohibited conflict of interest will abstain from voting on the contract, except as provided below.

### Voting

With respect to a conflict of interest that is not prohibited or presumed by Section 1203 of the Revised School Code, the contract must be approved by an affirmative vote of not less than 2/3 of the Board's full membership, not including any Board member with a conflict. If 2/3 of the Board's members are not eligible to vote or to constitute a quorum, a Board member with a prohibited conflict may be counted for quorum purposes and may vote if he or she will benefit from the contract in an amount less than \$250 and less than 5% of the public cost of the contract; but, only if he or she files a sworn affidavit to that effect with the Board and the affidavit is incorporated into the Board's minutes.

With respect to a conflict of interest that is prohibited or presumed by Section 1203 of the Revised School Code, if a majority of the Board members are required to abstain, then the remaining members constitute a quorum of the Board and a majority of the remaining members is required to approve the contract or financial transaction.

### Exceptions

A Board member or a Board member's family member is not considered to have a financial interest in a contract or other financial transaction within the meaning of Section 1203 of the Revised School Code if: the other party is a corporation in which the Board or family member owns 1% or less of the total stock outstanding in any class, if the stock is not listed on a stock exchange, or owns stock that has a market value of \$25,000 or less, if the stock is listed on a stock exchange; the Board or family member is a beneficiary of a trust which owns 1% or less of the total stock outstanding in any class, if the stock is not listed on a stock exchange, or owns stock that has a market value of \$25,000 or less, if the stock is listed on a stock exchange; the other party is a Michigan professional limited liability company and the Board or family member is an employee but not a member; the other party is a corporation in which the Board or family member is not a director, officer or employee; the other party is a firm, partnership or other unincorporated association in which the Board or family member is not a partner, member or employee; the other party is a corporation or firm that owes money to the Board or family member; the contract is between an intermediate and constituent school district; or, the contract is awarded to the lowest qualified bidder upon receipt of sealed bids pursuant to and consistent with published notice for bids (provided, however, exception does not apply to amendments or renegotiations of a contract or to additional payments that were not authorized by the contract at the time of award).

Legal References: Public Servant Conflicts of Interest Act MCL 15.321 and Revised School Code, MCL 380.1203

Related Policy & Regulation: Policy 4604 Conflict of Interest for Employees and Regulation 4604.1 Conflict of Interest: Public Servants

Adopted: 10/6/1998

Revised & Approved: 8/15/2013

## **Regular and Special Elections**

### **A. Compliance with Laws**

All school elections shall be conducted in accordance with the relevant provisions of the Revised School Code, MCL 380.1001, *et. seq.*, and the relevant provisions of the Michigan Election Law, MCL 168.1, *et. seq.*

### **B. Regular Elections**

Board members shall be elected at the school District's regular election which is a bi-annual election held on the even-year state authorized general election date in November. The Board may change the regular election date upon resolution adopted by December 31 of the year prior to the new election date.

### **C. Special Elections**

The Board may call special elections upon proper notice at such time and place as it shall designate and for such purposes as determined by the Board in compliance with current law.

### **D. Candidates for the Board of Education**

Candidates for election should contact the appropriate municipality for information and instructions concerning the legal procedures and requirements for seeking a seat on the Board of Education.

*Legal Reference: MCL 380.1001 et. seq.; 380.1052 et. seq.; 168.1 et. seq.*

Adopted: 8/96

Revised: 10/3/07

Revised & Adopted: 2/7/08

## **Appointment of Board of Education and Administrative Representatives to the Bloomfield Hills Foundation**

The Board of Education for Bloomfield Hills Schools has established the Bloomfield Hills Schools Foundation as a 501(c)(3) organization. This bylaw is consistent with the bylaws created and accepted by the Foundation.

The Foundation will be governed by an 11 member Board of Directors, up to four of which will be comprised of two current members of the Board of Education and two current members of the administrative Cabinet. Also, as directed by the Foundation bylaws, the remaining Directors will be members of the greater school district community.

### **Process for the Appointment of Board of Education Representatives**

The President of the Board of Education will appoint up to two members of the Board of Education to the Board of Directors of the Foundation. The Board of Education President may choose to appoint him/herself to one of these two positions.

### **Process for the Appointment of Administrative Representatives**

The Superintendent of Schools will appoint up to two members of the administrative cabinet to the Board of Directors of the Foundation. The Superintendent may choose to appoint him/herself to one of these two positions.

The Board of Education's appointments and the Superintendent's appointments shall be known collectively as the District Directors for the Foundation.

If any District Director who is a member of the Board of Education ceases to qualify as a member of the Board of Education or is otherwise no longer a member of the Board of Education, he or she shall be replaced by an appointment made by the President of the Board of Education. If any District Director who is an administrator with Bloomfield Hills Schools ceases to be engaged by Bloomfield Hills Schools or is placed on a leave of absence, he or she shall be replaced by an appointment made by the Superintendent.

Approved: 8/16/07

Revised: 6/19/14