

8000—STUDENTS**TC-8000-1**

- 8010 Equal Educational Opportunity (Cf. 5020) - MCL 380.1146; Civil Right Act of 1964; Title IX
- 8015 Non-Discrimination and Complaint Procedure (CF. 2450,5030)
- 8018 Discriminatory Harassment of Students
- 8020 Attendance - MCL 380.1231; 380.1571; 380.1577; 380.1586; AG Opinion #5414, #6467; R 340.71
Compulsory Attendance - Religious Exemption - MCL 380.1301; 380.1561
- 8040 School Admissions - AG Opinion #6467, #5112, #5642, #5925, First Time Enrollment
Resident Students - MCL 380.1148; 380.1297-1298; AG Opinion #5574
New Resident Students
Non-Resident Students - MCL 380.1401; AG Opinion #5995
Tuition (Cf. 8990) - MCL 380.1401; 380.1406; 380.1408; 380.1411; AG Opinion #6316, #5995
Resident Attendance in Another District
Assignment
To Schools - MCL 380.1204a
To Classes
Transfers and Withdrawals - AG Opinion #5579; MCL 380.1134-1135
- 8041 Children in Transition
- 8043 Placement and Credit for Transfer Students
- 8045 Part-Time Enrollment and Auxiliary Services Athletic Competition Assessment
- 8050 Absences and Excuses (Cf. 7610, 8350) (See 8060) - MCL 380.1561
- 8055 Changing Student Grades - MCL 380.1561
- 8080 Re-admissions - AG Opinion #6271
- 8090 Release of a Student During the School Day (Cf. 8070) - MCL 380.1561(e); R 340.71-75; AG Opinion #6596
- 8130 Searches of Lockers, Students and Automobiles
SN For policy statement regarding searches by school officials
- 8140 Interrogation and Investigations Conducted in School
SN For policy statement regarding interrogation by school officials and law enforcement authorities
- 8190 Behavior Code - MCL 380.1311; 380.1596; PL 103-227
- 8195 Weapons- Gun-Free School Zone Act of 1994 - MCL 380.1311
- 8200 Drug-Free Schools - U.S. House Resolution 5210, Anti-Substance Abuse Act, 1988
- 8210 Alcohol Use - MCL 380.1170
- 8220 Drug Use (Cf. 8190)
- 8230 Tobacco Products (Cf. 8190) - MCL 380.1170; 333.1260 *et seq.*; AG Opinion #5202, #5336; 750.473
- 8240 Student Appearance

8000—STUDENTS**TC-8000-2**

8245	Gangs
8260	Bullying
8270	Hazing
8280	Electronic Communication Devices
8300	Student Discipline - MCL 380.1312
8350	Student Suspension and Expulsion (Cf. 7610, 8080) - MCL 380.1311; PL 103.227; AG Opinion #6271; 380.1204a Suspensions Expulsion Appeals Hearing Officer Written Notices
8360	Student Discipline – Verbal/Physical Assault
8440	Early Graduation
8453	Local Wellness Policy
8455	Unsafe School Choice Policy
8480	Student Health Services - MCL 380.1252; R 325.3271-3276; 325.13091-13096; 333.9101 <i>et seq.</i> Immunization of Students and Vision Testing
8510	Communicable Diseases - Students - MCL 380.1169; R 325.898; R 325.3501-3513
8580	Child Abuse - MCL 722.621 <i>et seq.</i> Access to Students on School Premises Cooperation Between School and Agencies
8590	Student Safety - MCL 380.1288; AG Opinion #6097 Bicycle Use - AG Opinion #6097 Walkers and Riders Eye Protective Devices Safety Patrols
8650	Student Accidents
8660	First Aid - MCL 691.1504
8670	Administration of Medications - MCL 380.1178; AG Opinion #5679, #6476
8700	Student Activities (Cf. 7200) Activity Fees - MCL 380.1332 Activity Fund Management (Cf. 3800) Musical Instruments
8720	Student Organizations Student Clubs (Cf. 8700) Student Equal Access Student Government (Cf. 8700) Student Publications Student Social Events
8730	Student Publications (Cf. 8700)
8820	Awards and Recognitions
8860	Homebound Instruction - R 340.1709

8000—STUDENTS

TC-8000-3

- 8890 Pregnant Students - MCL 380.1301
- 8895 Married Students
- 8920 Foreign Exchange Students - AG Opinion #6316
- 8940 Student Records - R 340.1861-1873; AG Opinion #6274; MCL
380.1134-1135
Directory Information
- 8990 Student Fees, Fines, Charges and Deposits - MCL 380.1332;
R 340.241-243
Fees and Charges
Fines

Every child, regardless of race, creed, color, sex, national origin, cultural or economic background, or handicap, or disability, is entitled to equal opportunity for educational development.

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

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

Adopted April 15, 2002

The District will not discriminate against any person based on sex, race, color, national origin, religion, height, weight, marital status, handicap, age, or disability. The Board reaffirms its long-standing policy of compliance with all applicable federal and state laws and regulations prohibiting discrimination including, but not limited to, Titles VI and VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d. et seq.; and 42 U.S.C. §§ 2000e, et seq.; Title IX of the Educational Amendments of 1972, 20 U.S.C. §§ 1681, et seq.; Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794; The Americans With Disabilities Act of 1990, 42 U.S.C. §§ 1210, et seq.; the Persons with Disabilities Civil Rights Act, MCL §§ 37.1101, et seq.; and the Elliott-Larsen Civil Rights Act, MCL §§ 37.2101, et seq.

The administrator in charge of Special Education (*or other appropriate administrator named by the District*) is appointed the Civil Rights Coordinator regarding complaints of disability/handicap discrimination involving educational services, programs and activities. The Superintendent (*or other appropriate administrator named by the District*) is appointed the Civil Rights Coordinator regarding discrimination complaints made by students (grades Pre-K through 12) and/or their parent(s)/guardian(s), and involving sex, race, color, national origin, religion, height, weight, age, or marital status. The Superintendent (*or other appropriate administrator named by the District*) is appointed the Civil Rights Coordinator regarding all other complaints of discrimination. In the event the complaint is against the Superintendent of Schools, the Vice-President of the Board of Education is appointed the Civil Rights Coordinator.

Inquiries or complaints by students and/or their parent(s)/guardian(s) related to discrimination based on disability/handicap should be directed to:

The Administrator in Charge of Special Education
Holly Area Schools
920 Baird Street
Holly, Michigan 48442
248.328.3170

Inquiries or complaints made by students (grades Pre K through 12) and/or their parent(s)/guardian(s) related to discrimination based on sex, race, color, national origin, religion, height, weight, age, or marital status should be directed to:

The Superintendent of Schools
Holly Area Schools
920 Baird Street
Holly, Michigan 48442
248.328.3140

In the event a complaint is against the Superintendent of Schools, the complaint should be directed to:

The Vice-President of the Board of Education
Holly Area Schools
920 Baird Street
Holly, Michigan 48442
248.328.3140

All other inquiries related to discrimination should be directed to:

Superintendent of Schools
Holly Area Schools
920 Baird Street
Holly, Michigan 48442
248.328.3140

The Civil Rights Coordinators, as specified herein, are designated to receive and resolve complaints from any person who believes that he/she may have been discriminated against in violation of this policy.

Any person who believes he/she has been discriminated against in violation of this policy should file a written complaint with the Civil Rights Coordinator within ten (10) calendar days of the alleged violation. The Civil Rights Coordinator will take, then, the following action: First, cause an investigation of the complaint to be commenced. Second, arrange for a meeting to occur with the complainant, which may include School District staff who are knowledgeable of the facts and circumstances of the particular complaint or who have particular expertise that will assist in resolving the complaint. Third, complete the

investigation of the complaint and provide, in writing, a reply to the complainant. If the Civil Rights Coordinator determines that a violation has occurred, he/she shall propose a fair resolution of the complaint and deliver the determination to the complainant and the Superintendent. In the event the complaint is against the Superintendent, a copy of the determination shall be delivered to the President of the Board of Education. The complainant may appeal the Civil Rights Coordinator's determination to the Superintendent, or, in the case of a complaint against the Superintendent, to the President of the Board, by so notifying the Superintendent or Board President in writing within the (10) calendar days of the Civil Rights Coordinator's determination. The Superintendent or Board President may conduct additional investigation of the facts and circumstances surrounding the complaint.

The Board Vice-President or President may elect to secure the services of an outside party to investigate the facts and circumstances surrounding any complaint against the Superintendent.

The Superintendent, or Board President in the case of a complaint against the Superintendent, shall affirm or reverse the Civil Rights Coordinator's decision and, if warranted, implement the Civil Rights Coordinator's proposed resolution or a modification thereof. The Superintendent or Board President's decision shall be final.

Upon completion of, or at any point in, the grievance process, complainants have the right to file a complaint with the Office for Civil Rights, US Department of Education, Washington, D.C. 20201. The complainant should first be directed to the following address:

Office for Civil Rights
600 Superior Avenue, Suite 750
Cleveland, OH 44114
(216) 522-4970 phone
(216) 522-2573 fax

LEGAL REF: Included in Text

Adopted: June 20, 2005

8018 Discriminatory Harassment of Students

8018

Discriminatory harassment of students by School District elected officials, employees, vendors, contractors or other doing business with the School District, students, parent(s)/guardian(s), invitees, volunteers or guests will not be tolerated. Similarly, student-on-student discriminatory harassment is prohibited, equally, and will not be tolerated.

Discriminatory harassment includes unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct relating to an individuals' sex, race, color, national origin, age, religion, height, weight, marital status or handicap/disability when:

- Submission to such conduct or communication is made either an explicit or implicit condition of utilizing or benefiting from the services, activities, or programs of the School District,
- Submission to, or rejection of, the conduct or communication is used as the basis for a decision to exclude, expel or limit the harassed student in the terms, conditions or privileges of the School District, or
- The harassment substantially interferes with the student's education, creates an intimidating, hostile, or offensive environment, or otherwise adversely affects the student's educational opportunities.

Any student who believes that he or she has suffered harassment shall immediately report the incident(s) to his/her school Principal, or an Assistant Principal, or to the following person:

The Superintendent of Schools
Holly Area Schools
920 Baird Street
Holly, Michigan 48442
248.328.3140

Should the complaint be against the Superintendent, the incident shall be reported to:

Vice-President of the Board of Education
Holly Area Schools
920 Baird Street
Holly, Michigan 48442
248.328.3140

8018 Discriminatory Harassment of Students**8018-2**

The School District guarantees that a student reporting an incident(s) of discriminatory harassment will not suffer any form of reprisal.

In determining whether the alleged conduct constitutes discrimination or harassment, the totality of the circumstances, the nature of the harassment and the context in which the alleged incident(s) occurred will be investigated. The building Civil Rights Coordinator, or his/her designee, has the responsibility of investigating complaints of discriminatory harassment of students. In cases where the alleged harassment involves a member of the Board of Education, the School District will appoint outside legal counsel to investigate the complaint. The results of an investigation and any action taken thereon will be communicated to the complaining person.

The School District considers discriminatory harassment based on religion, race, color, national origin, age, sex, height, weight, marital status, handicap, or disability to be a major offense, which will result in disciplinary action of the offender. Disciplinary action against a School District employee may include termination of employment. Disciplinary action against a student may include expulsion. Disciplinary action against a Board of Education member may range from Board of Education public censure to removal of the Board Member from an officer position he/she may hold.

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

- Verbal harassment or abuse,
- Pressure for sexual activity,
- Repeated remarks with sexual or demeaning implications,
- Unwelcome touching,
- Sexual jokes, posters, cartoons, etc., and/or
- Suggesting or demanding sexual involvement, accompanied by implied or explicit threats concerning one's grades, safety, job, or performance of public duties.

In addition, any form of retaliation against the complainant or witness is in itself a form of sexual harassment.

Upon completion of, or at any point in, the grievance process, complainants have the right to file a complaint with the Office for Civil Rights, US Department of Education, Washington, D.C. 20201. The complainant should first be directed to the following address:

Office for Civil Rights
600 Superior Avenue, Suite 750
Cleveland, OH 44114
(216) 522-4970 phone
(216) 522-2573 fax

LEGAL REF: MCL 37.2101 *et seq.*, (Elliott-Larsen Civil Rights Act); 380.11a; 20 USCA §1681; 34 CFR §106.8; 34 CFR §106.9 (Title IX of the Education Amendments)

Adopted: June 20, 2005

Federal Title Programs

If any person believes, the District, or an employee of the District has inadequately applied the principles and/or regulations of a federal Title program or believe they have been discriminated against, that person may make a complaint to the local Title coordinator at the following address:

District Title Coordinator
Holly Area Schools
920 Baird Street
Holly, Michigan 48442

The person who believes they have a valid basis for the complaint shall discuss the matter informally and verbally with the local Title coordinator, who shall investigate the complaint and answer the complaint within two business days. If this reply is not acceptable to the complainant, the complainant may initiate formal procedures according to the following steps:

Upon completion of, or at any point in, the grievance process, complainants have the right to file a complaint with the Office for Civil Rights, US Department of Education, Washington, D.C. 20201. The complainant should first be directed to the following address:

Office for Civil Rights
600 Superior Avenue, Suite 750
Cleveland, OH 44114
(216) 522-4970 phone
(216) 522-2573 fax

Step I:

A written statement of the complaint signed by the complainant shall be submitted to the local Title coordinator within five business days of receipt of answers to the informal complaint. The coordinator shall further investigate the complaint and reply in writing to the complainant within ten school days.

Step II:

If the complainant wishes to appeal the decision of the local Title coordinator, that person may submit a signed appeal to the Superintendent within five business days after receipt of the local coordinator's response. The Superintendent shall meet with all parties involved, attempt to arrive at a solution, and respond in writing to the complainant within five school days.

Step III:

If the complainant remains unsatisfied, the complainant may appeal in a signed, written statement to the Board within five business days of receipt of the Superintendent's response in Step II. The Board shall meet with the concerned parties and their representatives within 15 days of receipt of the appeal. A copy of the Board's disposition of the appeal shall be sent to each concerned party within ten business days of the meeting.

Sexual Harassment and Intimidation

Any person who alleges sexual harassment by a Board member, staff member or student in this District, may use the procedure detailed in the appropriate current negotiated agreement, faculty handbook, or student handbook, or may complain directly to his/her immediate supervisor, building Principal, school counselor, District Title IX coordinator or grievance officer. Filing a grievance or otherwise reporting sexual harassment will not reflect upon the individual's status, nor will it affect future employment, grades, or work assignments.

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

Grievance Procedure

Any Board member, employee, or student in the District who believes that he/she has been subjected to discriminatory and/or sexual harassment shall report the incident(s), in the case of an employee, to the Superintendent, immediate supervisor, Title IX coordinator, or grievance officer; in the case of a student, to the building Principal, guidance counselor,

Title IX coordinator or grievance officer; in the case of a Board member, to the Superintendent, Title IX coordinator, or grievance officer.

Should a building or central office administrator be the subject of the immediate complaint or have an apparent conflict of interest in relation to it, he/she will not participate in any way in the investigation of or the decision regarding the complaint.

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

1. Interview the complainant and document the interview.
 - a. Request that the complaint be put in writing, if possible.
 - b. Obtain the names of witnesses who can be contacted to substantiate the charges being made and secure permission of the complainant to interview them.
2. Interview the accused and document the interview.
 - a. Re-emphasize the Board's policy regarding insult, intimidation, and harassment without making judgments at this stage.
 - b. Keep the identity of the complainant confidential, if possible.
3. Interview all witnesses identified by the parties and document the interview.
4. Review the personnel files or student records/files of the complainant and the accused for any history of problems.
5. Make a determination on the merits of the complaint.

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

1. The investigation will be closed.
2. The grievance officer's findings and reasons for them will be discussed with the complainant.

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

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

1. The investigation will be closed.
2. The grievance officer will confer with the Board and Superintendent to determine what action is necessary to resolve the complaint and prevent recurrence.
 - a. The complainant should be made whole: in the case of an employee, for any lost earnings, employment opportunities, personnel records should be corrected; in the case of a student, lost educational opportunities, extracurricular opportunities, student records updated; in the case of a Board member; lost opportunities of public service, such as chair of special committees, appointments or professional development opportunities.
 - b. The potential for continuing problems should be alleviated by reassignment where possible.
3. The parties will be advised of the results of the investigation and the actions to be taken.
4. Appropriate discipline will be imposed, as required by the strength of the evidence, the severity of the incident, and the position and prior record of the offender.
5. All actions will be documented and a record placed in the offender's permanent personnel file or student discipline records.

6. The Board's policy regarding discriminatory and/or sexual harassment and the mechanism for complaint resolution will be reiterated to all Board members, employees, or students involved in the investigation.
7. All documentation regarding the complaint and the investigation will be maintained in a separate confidential file in the event that litigation is commenced or a charge is filed with the Equal Employment Opportunity Commission or the Michigan Department of Civil Rights.

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

The Board reserves the right to contact outside investigators for sensitive and/or extensive complaints of harassment.

Sanctions

- a. A substantiated charge against a staff member in the District shall subject that staff member to disciplinary action, up to and including discharge.
- b. A substantiated charge against a student in the District shall subject that student to disciplinary action, which may include suspension or expulsion, consistent with the Code of Student Conduct.
- c. A substantiated charge against a Board member in the District shall subject that Board member to any legal and disciplinary action allowed under current law.

The board encourages regular attendance at school by all students. Daily attendance records shall be maintained for each student in each school. Regular attendance contributes not only to the probability of scholastic success but also to the development of attitudes of consistent performance which will carry over into adult life.

Compulsory Attendance - Religious Exemption

Any student, who has completed the eighth grade before reaching 16 years of age and who is a member of a recognized church or religious denomination that objects to a regular public high school education, may attend classes in a regularly supervised non-public program of instruction approved by the State Board of Education. Attendance of such a student in a non-public educational program shall conform to state law.

It is the parent's responsibility to provide transportation to such non-public religious activities.

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

Adopted April 15, 2002

The Board expects the administrative procedures for the admission of students to be designed in such a fashion that enrollment is handled expeditiously and with the least possible inconvenience to both parents and students. The enrolling school administrator shall enter on the student's permanent record card the student's legal name and the name, address and telephone number of his lawful custodian(s) as required in Board Policy 8090.

Release of a Student During the School Day.

Any unusual custody circumstances shall be explained and updated insofar as possible.

First Time Enrollments

The parents and/or guardians of any student, grades kindergarten through 12, enrolling in the district for the first time, shall furnish upon enrollment, evidence regarding that student's age and identity, proof of required immunizations, completed residency form and proof of residency.

Resident Students

All students enrolled in the Holly Area Schools shall be bona fide residents of the school district. A minor placed in the home of a relative or legal guardian for the purpose of securing a suitable home and not for an educational purpose only shall be considered a legal resident for public school membership. The district will require a Power of Attorney or Affidavit of Decision Making Authority for verification.

New Resident Students

New resident students are urged to contact the superintendent's office as soon as possible after establishing residence in the district.

Non-Resident Students

Since schools are maintained for the primary benefit of the residents of the district, non-resident students may be admitted only to the extent that staff, facilities, equipment and supplies are available (according to locally defined schools of choice guidelines). Non-resident students will be accepted using the following guidelines:

1. The student's family is purchasing a home in the district. Documentation will be required.
2. Family has moved out of the district and student is within four (4) semesters of graduation.
3. The student's district of residence has provided a release in accordance with the provision of the State Aid Act.

The district will require a release from the non-resident student's district of residence except in those cases that by law do not require a release. Students who have been expelled at any time from any school district or who have voluntarily withdrawn from school in another district due to poor academic performance or for disciplinary reasons, will not be considered for admission. Students who have been suspended at any time during the past two years may be refused admission. Non-resident students attending Holly Area Schools prior to the adoption of this policy will be allowed to continue their education in this district as long as the resident district releases the student.

Requests from the parents/guardians of special education students for admission shall be considered in accordance with applicable state and federal laws. The student's current Individual Education Plan (IEP) shall be used to determine if the requested school or program can meet the student's needs. When necessary, a written cooperative agreement with the

student's resident district shall cover, but not be limited to, an arrangement on the responsibility for the payment of the added costs of special education programs and services, including transportation, for the student.

Non-resident students admitted pursuant to the following exceptions will not be required to pay tuition or seek approval from their district of residence if:

1. The student was a victim of a criminal sexual assault or other serious assault, that (1) occurred "at school"¹ in the student's district of residence, or (2) that was committed by one or more students from the student's district of residence, or (3) that was committed by employee of the student's district of residence.
2. The student was enrolled as a resident in the District at the beginning of the school year and became a non-resident after the pupil membership count day (fourth Wednesday in September).
3. The student is the child of an employee who is under a full-time or part-time employment during the current school year. This exception shall cease to exist when the parent/guardian ceases to be an employee of the District. However, 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 with the District after the pupil membership count day.

Unless as otherwise required by law, transportation for enrolled non-resident students shall be furnished by their parents/guardians.

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. MCL 388.1606(6)(g)(i).

Resident Attendance In Another District

A resident student seeking to enroll in another public school district conditioned on a release of the student's foundation grant shall apply for such release to the Board, or its designee. Applications for release of the student's foundation grant must be submitted to the Board, or its designee, prior to the student's enrollment in the nonresident public school district. The student's release request shall include a completed application form which provides the Board, or its designee, with sufficient information upon which it can base its decision.

Resident students and their immediate families who have been released prior to the adoption of this policy will continue to be released to their current district of attendance.

Assignments**To Schools**

Attendance areas may be established for each attendance center in the district. School attendance areas will be established each school year by the superintendent.

Kindergarten students are assigned to a building based on classroom availability and transportation. After the kindergarten year attempts shall be made not to split families between elementary buildings, and to prevent families from being moved to a different elementary school from year to year.

School attendance areas shall not be changed after the Fall State Aide FTE Count of each school year unless the board feels there is a financial emergency, or if enrollment increases justify additional classes.

New enrollees during the school year shall be assigned to elementary schools based on available transportation and class size consideration. Parents may request a change in their child's assignment through the Schools of Choice application procedure, which is publicized each spring. Requests are granted if vacancies exist.

To Classes

To the extent possible, class assignments will be made in such a way as to be consistent with the student's interests and abilities.

Transfers and Withdrawals

Students who are not in attendance at a district school by reason of their enrollment in a nonpublic school, including home education, will be deemed to have withdrawn from enrollment in district schools.

Transfers will not normally be permitted between elementary schools during the school year.

All students who plan to transfer to another district or who intend to withdraw entirely from the school are encouraged to give advance notice, insofar as this is possible, in order that the school rolls may accurately reflect the current student enrollment of the district.

Adopted May 13, 2002
Revised September 23, 2002
Revised June 20, 2005

The Board is committed to identifying children and youth in transition.² The Superintendent shall develop guidelines and procedures for identifying children in transition within the District and will produce written guidelines for distribution to each school that explains the rights of homeless students and the responsibilities of the schools to meet their needs and eliminate barriers to school attendance. This information shall also be disseminated in writing and by other means designed to raise awareness of these rights and responsibilities to staff, homeless families and students, the public, and homeless service providers.

Such children shall be provided with educational services to meet their needs as determined and directed by the Superintendent. Regulations/guidelines will be developed that implement the requirements of the No Child Left Behind Act.

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

The Superintendent shall waive fees and charges that may act as barriers and prevent children in transition from enrolling in school and/or acquiring an appropriate education.³

LEGAL REF:42 USCA §11433 (McKinney Homeless Assistance Act); 20 USCA 6311 (No Child Left Behind Act)

ADOPTED: May 23, 2005

8041-R Children in Transition

8041 – R1

² Under the McKinney Act, the terms homeless children and youths mean “individuals who lack a fixed, regular, and adequate nighttime residence ... and includes:

- (i) children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;
- (ii) children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings...;
- (iii) children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
- (iv) migratory children ... who qualify as homeless for the purposes of this part because the children are living in circumstances described [above].”

³ To be eligible for federal funds for programs assisting the education of homeless children, a district must provide written notice to the parents/guardians of each child enrolled in a separate school for homeless children of the choice of schools that homeless children are eligible to attend, that no homeless child is required to attend a separate school, and that homeless children must be provided transportation services, educational services and meals through school meal programs comparable to those offered to other children in the school attended. The notice must also include contact information for the local liaison for homeless children and the state coordinator for education of homeless children. If the district sends a homeless child to a school other than the school of origin or the school requested by the parent/guardian, the district must provide the parents/guardians a written

Holly Area Schools

Children and Youth in Transition

It is the policy of this district to view children as individuals. Therefore, this policy will not refer to children as homeless; it will instead use the term “children and youth in transition”. Under federal law, children and youth in transition must have access to appropriate public education, including pre-school, and be given a full opportunity to meet state and local academic achievement standards. They must be included in state and district-wide assessments and accountability systems. Our schools will ensure that children and youth in transition are free from discrimination, segregation, and harassment.

Information regarding this policy will be distributed to all students upon enrollment and once during the school year, provided to students who seek to withdraw from school, and posted in every school in the district.

DEFINITIONS

Children and youth in transition means children and youth who are otherwise legally entitled to or eligible for a free public education, including preschool, and who lack a fixed, regular, and adequate nighttime residence, including:

- Children and youth who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, or campgrounds due to lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement.
- Children and youth who have a primary nighttime residence that is a private or public place not designed for or ordinarily used as a regular sleeping accommodations for human beings.
- Children and youth who are living in a car, park, public space, abandoned building, substandard housing bus or train station or similar setting.
- Migratory children and youth who are living in a situation described above.

A child or youth shall be considered to be in transition for as long as he or she is in a living situation described above.

Unaccompanied youth means a youth not in the physical custody of a parent or guardian, who is in transition as defined above. The more general term youth also includes unaccompanied youth.

Enroll and enrollment mean attending school and participating fully in school activities.

Immediate means without delay.

explanation for, including notice of the right to appeal, the decision. This information must also be provided whenever a dispute arises over school selection. 42 U.S.C. § 11432 (e) (3) ©, (E); 11432 (g) (2) (B), (E)

Parent means a person having legal or physical custody of a child or youth.

School of origin means the school the child or youth attended when permanently housed or the school in which the child or youth was last enrolled.

Liaison is the staff person designated by Holly Area Schools, as required by law, as the person responsible for carrying out the duties assigned to the liaison by the McKinney-Vento Act.

IDENTIFICATION

In collaboration with school personnel and community organizations, the liaison will identify children and youth in transition in the district, both in and out of school. The liaison will train school personnel on possible indicators of homelessness, sensitivity in identifying families and youth as in transition, and procedures for forwarding information indicating homelessness to the liaison. The liaison will also instruct school registrars and secretaries to inquire about possible homelessness upon the enrollment and withdrawal of every student and to forward information indicating homelessness to the liaison.

The liaison will keep data on the number of children and youth in transition in the district, where they are living, their academic achievement (including performance on state and district-wide assessments), and the reasons for any enrollment delays, interruptions in their education or school transfers.

SCHOOL SELECTION

Each child and youth in transition has the right to remain at his or her school or origin or to attend any school that housed students who live in the attendance area in which the child or youth is actually living. Keeping students in their schools of origin enhances their academic and social growth, while permitting our schools to benefit from the increased test scores and achievement shown to result from student continuity.

Children and youth in transition shall remain at their schools of origin to the extent feasible, unless that is against the parent or youth's wishes. Students may remain at their schools of origin the entire time they are in transition and until the end of any academic year in which they become permanently housed. The same applies if a child loses his or her housing between academic years.

Feasibility shall be a child-centered determination, based on the needs and interests of the particular student and the parent or youth's wishes. Potential feasibility considerations include:

- Safety of the students
- Continuity of instruction
- Likely area of family or youth's future housing
- Time remaining in the academic year

- Anticipated length of stay in temporary living situation
- School placement of siblings
- Whether the student has special needs that would render the commute harmful

Services that are required to be provided, including transportation to and from the school of origin and services under federal and other programs, shall not be considered in determining feasibility.

ENROLLMENT

Consistent, uninterrupted education is vital for academic achievement. Due to the realities of homelessness and mobility, students in transition may not have school enrollment documents readily available. Nonetheless, the school selected for enrollment must immediately enroll any child or youth in transition. Enrollment may not be denied or delayed due to the lack of any document normally required for enrollment, including:

- Proof of residency
- Transcript/school records (the enrolling school must contact the student's previous school to obtain school records. Initial placement of students whose records are not immediately available can be made based on the student's age and information gathered from the student, parent, and previous schools or teachers)
- Immunizations or immunization/health/physical records (If necessary, the school must refer students to the liaison to assist with obtaining immunizations and/or immunization and other medical records.) Health records may often be obtained from previous schools or state registries, and school or community based clinic's can initiate immunizations when needed.
- Proof of guardianship
- Birth certificate
- Any other document requirements
- Unpaid school fees
- Lack of uniforms or clothing that conforms to dress codes
- Any factor related to the student's living situation

Unaccompanied youth must also be immediately enrolled in school. They may either enroll themselves or be enrolled by a parent, non-parent caretaker, older sibling, or liaison.

TRANSPORTATION

Without appropriate transportation, a student may not be able to continue attending his or her school of origin. To avoid such forced school transfers, at a parent's request, transportation shall be provided to and from the school of origin for that child or youth in transition. Transportation shall be provided for the entire time the child or youth as a right to attend that school, as defined above, including during pending disputes. The liaison shall request transportation to and from the school of origin for unaccompanied youth.

Schools and liaisons shall contact the district transportation office to process transportation requests. Requests shall be processed and transportation arranged without delay. If a dispute arises, this district will arrange transportation and immediately bring the matter to the attention of the State Coordinator for the Education of Homeless Children and Youth.

In addition to receiving transportation to and from the school of origin, upon request, children and youth in transition shall also be provided with other transportation services comparable to those offered to housed students.

SERVICES

Children and youth in transition shall be provided services comparable to services offered to other students in the school selected, including:

- Transportation (as described above)
- Title I (as described below)
- Educational services for which the student meets eligibility criteria, including special education and related services and program for English language learners
- Gifted and talented program
- School nutrition programs
- Vocational and technical education programs
- Before and after school programs

The district recognizes that children and youth in transition may have significant gaps in their learning. To address this problem, priority should be given to the assessment of achievement of children and youth in transition. Appropriate learning plans should be developed through the Child Study Team process. If instructional modifications, differentiated instruction and other support services are not sufficient, referral to special education should become a priority. If a student has an Individualized Education Program (IEP), the enrolling school shall immediately implement it.

When applying any district policy regarding tardiness or absences, the living situation of the child or youth in transition should be considered. Tardiness and absence related to these circumstances may be waived.

School personnel must also inform parents of all educational and related opportunities available to their children and provide parents with meaningful opportunities to participate in their children's education. All parent information required by any provision of this policy must be provided in a form, manner and language understandable to each parent.

DISPUTES

If a dispute arises over any issue covered in this policy, the child or youth in transition shall be immediately admitted to the school in which enrollment is sought, pending final resolution of the dispute. The student shall also have the rights of a student in transition to all appropriate

educational services, transportation, free meals, and Title I services while the dispute is pending.

The school where the dispute arises shall provide the parent or unaccompanied youth with a written explanation of its decision and the right to appeal and shall immediately refer the parent or youth to the liaison. The liaison shall ensure the student is enrolled in the school of his or her choice and receiving other services to which he or she is entitled and shall resolve the dispute as expeditiously as possible. The parent or unaccompanied youth shall be given every opportunity to participate meaningfully in the resolution of the dispute.

The parent, unaccompanied youth, or school district may appeal the liaison's decision as provided in the state's dispute resolution process.

FREE MEALS

The US Department of Agriculture has determined that all children and youth in transition are automatically eligible for free meals. On the day a child or youth in transition enrolls in school, the enrolling school must submit the students' name to the district food service orifice for immediate processing.

TITLE I

Children and youth in transition who are deemed to have significant academic needs in the core curricular areas (language arts, mathematics, social studies and/or science) are eligible for Title I services. If the child attends a Title I designated school, he or she will be immediately included in Title I program services. If the child attends a non-Title I designated school, supplementary instructional services will be provided to the child and will be funded through the Title I grant.

TRAINING

The liaison will conduct training for school staff at least once each year. The trainings and activities will be designed to increase staff awareness of homelessness, facilitate immediate enrollment, ensure compliance with this policy and increase sensitivity to children and youth in transition.

The liaison shall also obtain from every school the name and contact information of a building liaison. Building liaisons will lead and coordinate their schools' compliance with this policy and will receive training from the district liaison annually.

COORDINATION AND REFERRALS

If school personnel suspect a student may be homeless, the building liaison will make contact with the family to confirm their status and offer information regarding services that may be available to them. This information will be shared with the district liaison who will process the referral to the ISD Homeless Coordinator for services. The liaison will coordinate with

and seek support from the ISD liaison, State Coordinator for the Education of Homeless Children and Youth, public and private service providers in the community, pupil transportation department, liaisons in neighboring districts, and other organizations and agencies. Coordination will include training and participation in the state and local liaison committees.

PRESCHOOL

To facilitate pre-school enrollment and attendance, the provisions of this policy will apply to pre-schools. The district will ensure that children in transition receive priority enrollment in pre-school programs operated by the district. The district liaison will collaborate with Head Start to ensure that children in transition can access that program.

REFERENCES:

The McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11431-11436

Title I, Part A of the Elementary and Secondary Education Act, 20 USC 6311-6315

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

April 6, 2002 Policy of the Child Nutrition Division of the U.S. Department of Agriculture

June 5, 1992 Policy of the Administration for Children and Families of the U.S. Department of Health and Human Services

Whenever a student seeks to transfer into the district from another school, the following guidelines shall be used to determine the student's proper grade placement or credits toward graduation.

Grades K - 8:

- A. The child's academic progress will be evaluated by the District.
- B. Based upon age, academic progress reports, and other relevant criteria (including but not limited to standardized testing), the District will determine the child's readiness to participate in the appropriate grade level program.

Grades 9 - 11:

- A. Identify the grade level that the student's age would indicate is the likely grade placement.
- B. Review the courses of study for that grade to determine the critical learnings that would be prerequisite for success at subsequent grade levels or courses. Determine whether the nonpublic school is accredited by North Central Association, University of Michigan, Michigan Accreditation Program, or other equivalent accreditation organization.
- C. Review the student's performance (if available) on tests and/or other means of assessment that were used to assess the student's learning. Determine whether the critical learnings identified in the school's courses of study were properly assessed and, if so, how well the student has achieved each critical learning.
- D. If no prior assessment data is available and the nonpublic school is unaccredited, identify tests (standardized or school-made) as well as other means of

assessment that (portfolio, performance, paper, project or presentation) could be used to assess the student's achievement of the critical learnings and arrange for the student to be assessed.

Student Transfer to Holly Area Schools

- E. If the assessment so indicates, assign the student to the grade or course level suggested at the first step.
- F. Credit shall not be granted for religious courses.
- G. A determination will be made by the District regarding credit toward graduation and for courses requiring special equipment, i.e., technology education, music, science.
- H. Credit for special education class(es) will be considered if the student had an I.E.P.* at the time in which s/he was enrolled in the special education class(es), and if the class(es) meets the goals of the I.E. P.
- I. Although the eligible student will receive an interim placement, the District may require four weeks to review the credentials and assessments to make final grade and subject placement. Students are encouraged to enroll at the beginning of a semester.

All courses not taken at the Holly Area Schools will be given a grade of Pass or Fail (P/F) and district transcripts will denote both the name of the transferring school and the P/F grades and "credits" assigned. The student's P/F grade will be based on the district's assessment of the student's mastery of the subject matter. Letter grades will only be recorded on district transcripts which are received from those transferring schools

accredited by North Central Association, the University of Michigan, a state accreditation program, or an equivalent accreditation organization. Regardless of the transferring school's accreditation status, a record of all incoming grades and credits will be maintained in the student's cumulative academic record.

Grade Point Average and Awards

The student's grade-point average will be established only after s/he has completed two (2) consecutive semesters of full-time attendance at the Holly High School. In order to be eligible for awards which include a grade point average component (including but not limited to Valedictorian, Salutatorian, Distinguished Scholar, National Honor Society) the student must be enrolled in Holly High School for two (2) consecutive semesters prior to the second semester of the student's senior year.

If the student wishes to earn a Holly High School diploma, s/he must meet the requirements as specified in the District's policy on graduation and the district graduation guidelines.

Adopted April 15, 2002

The board welcomes and encourages all school age children resident in this district to enroll in our public schools. The board acknowledges, however, the presence of nonpublic alternatives education.

In compliance with the Michigan School Code and applicable pupil accounting standards, resident students enrolled in nonpublic schools may also enroll in non-core curriculum courses offered by the Holly Area Schools. The eligible student may also participate in extra-curricular or co-curricular activities which are directly related to the student's enrollment in the non-core curriculum courses.

Shared time enrollment is limited to those courses identified by the district as non-core courses in which the student is otherwise qualified to participate. It is not the purpose of this policy, however, to provide course opportunities or auxiliary services to nonenrolled students beyond those required by applicable legal standards or for which the district would not be eligible to count the student under the Department of Education's Pupil Accounting Standards.

Resident students enrolled in nonpublic schools are eligible to attend a district school on a share-time basis for participation in non-essential elective courses in which the student is otherwise qualified to participate. In order to be considered a nonpublic school student for purposes of this policy, a resident student must be enrolled in a "*home school*" which meets the reporting requirements of the Nonpublic School Act.

Athletic Competition

The Holly Area Schools is a member of the Michigan High School Athletic Association (MHSAA) and complies with all MHSAA eligibility criteria. The MHSAA

maintains stringent eligibility requirements which address, in part, a student's previous semester enrollment status and current semester enrollment status. In order to represent the Holly Area Schools in interscholastic athletic competition, students must meet all applicable MHSAA eligibility requirements. Consistent with the district's eligibility standards for participation in extra-curricular or co-curricular activities, nonpublic school students enrolled in a non-core curriculum course may participate only in those extra-curricular or co-curricular activities which are directly related to those non-core courses in which the student is enrolled.

Assessment

Resident nonpublic school students will be permitted to take MEAP and any other achievement/ability tests normally given at each grade by the district. This is to be done cost-free but must be done during the regular testing cycle. It is the parent's responsibility to make the appropriate arrangements with the school principal. The District will not pay for any standardized testing of students not enrolled in the school district. The student may take tests i.e. PSAT, PLAN, normally given at the high school at the same cost charged District students.

APPENDIX TO POLICY 8045

- Non-core Classes** Non-core classes including but not limited to band, physical education, music, driver's education, etc.
- Core Curriculum** The Core Curriculum includes reading, spelling, mathematics, science, history, civics, literature, writing, and English grammar.
- MHSAA** The Michigan High School Athletic Association has established guidelines for students who participate in interscholastic sport contests. The MHSAA eligibility requirements are published annually.

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

Adopted April 15, 2002

Any absence from school, other than for illness, is discouraged by the board. All absences shall be excused or unexcused. Appropriate rules and regulations regarding student absences shall be developed by the administrative staff, reviewed by the board and incorporated into the appropriate staff and student handbooks.

The board requires that a good and positive attendance record be maintained by each student in order to receive academic credit. Further, it is the specific responsibility of each classroom teacher to maintain accurate and complete attendance records on each assigned student as directed by the building principal and to report to the appropriate school official the beginnings of any excessive absence pattern.

Students may be removed from a class, or have their grades reduced, as a result of excessive unexcused absences. Such action must be consistent with Building Administrative Regulations, which will be reviewed annually by the board prior to the opening of school.

LEGAL REF: MCL 380.1561

Adopted April 15, 2002

A student, parent, guardian or another person (referred to as the student) wanting to have a grade changed may follow the guidelines set forth in this policy, but only for grades on final exams or grades at the end of a marking period, term, or semester.

Step 1 - Informing the Teacher

If a student is dissatisfied with the grade received, the teacher is informed by the student, within 10 calendar days, the reason(s) for wanting the grade changed.

Step 2

- a. The teacher who gave the original grade agrees with the student's request, within 10 calendar days, to the change and the procedure ends, or
- b. The teacher who gave the grade does not agree, or does not respond to the student's request within 10 calendar days; the student proceeds to the next step.

Step 3

Principal Receives Request

Within 30 calendar days after the student receives the grade and the teacher does not agree to changing the grade, the principal, or person designated by the principal, must receive a written request from the student stating the reasons for wanting the grade change.

Meeting With Principal

The principal shall consult with the teacher who assigned the grade and the student within 20 calendar days after receiving the written request from the student.

The student, parent or guardian may attend this meeting or may make a presentation, orally or in writing, to the principal.

Rational Basis Guideline

The principal cannot change the grade unless he or she finds that the student requesting the change has established there was not a "rational basis" for the challenged grade under the teacher's established grading procedures.

Principal's Decision

The principal shall make his or her decision within 10 calendar days after the meeting with the teacher and student.

Step 4 - Timely Appeals

Either the teacher or the student may appeal the principal's decision to the board (or a committee of the board composed of three board members), within 20 calendar days after receiving the principal's decision. Failure to make a timely appeal means the principal's decision is final.

Step 5

The board (or designated committee) shall meet within 30 calendar days to consider the appeal. The board (or committee) shall review the reasons for and against the proposed change. The board (or committee) will not interview the parties nor hear oral presentations.

The board (or committee) shall either approve or disapprove the principal's decision. The board (or committee) shall not modify the principal's decision.

The board's (or committee's) decision is final.

Step 6 - The Student's Record

If the principal or board (or committee) acts to change a grade under this policy, a notation shall be made in the student's record that the grade was changed by the principal or board (or committee).

LEGAL REF: MCL 380.11a

Adopted April 15, 2002

Students whose enrollment has been terminated, either voluntarily or otherwise, may be re-admitted by following the procedures established by the board or under law.

LEGAL REF: AG Opinion #6271

Adopted April 15, 2002

Upon re-enrollment each returning student must submit a completed enrollment packet including birth verification, immunizations and proof of residency. If the student who is applying for re-admission has been previously expelled from the school, the principal shall attempt to establish communication with the parent or guardian and to counsel with both parents and student concerning his re-admission. If the student who is applying for re-admission has previously withdrawn, either formally or otherwise, the principal or his representative by appropriate counseling shall assist the student in planning his schedule, in obtaining the necessary books and supplies and in re-establishing himself as an active participant in the program of the school.

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

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

Adopted April 15, 2002

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

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

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

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

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

Searches of lockers, motorized vehicles and students shall be conducted under the appropriate legal standard, to maintain the safety and security of students, teacher, guests, and school property.

Lockers

All lockers assigned to pupils are the property of the school district. At no time does the school relinquish its exclusive control of its lockers. The school Principal or designee shall have custody of all combinations to all lockers and locks. Pupils are prohibited from placing locks on any locker without the prior approval of the Principal or designee.

The school may assign temporary use of lockers to students for their convenience and the lockers may be used only as permitted by the rules developed by the Superintendent. The Board authorizes the Principal or designee to search lockers and locker contents at any time, without notice, and without parental/guardian or pupil consent. Random searches shall be conducted pursuant to a method and/or schedule approved by the Superintendent.

The Principal or designee may request the assistance of law enforcement in conducting a locker search pursuant to state statute. If law enforcement is summoned, the Principal and/or designee shall supervise the search. In conducting a search, the privacy rights of the student regarding any items discovered that are not illegal or against school policy and rules shall be respected.

Any illegal or unauthorized items found during a locker search or items deemed to be a threat to the safety and security of others may be seized. Such items include, but are not limited to:

1. firearms,
2. explosives,
3. dangerous weapons,
4. flammable material
5. illegal controlled substances or controlled substances analogues or other intoxicants
6. contraband
7. poisons
8. and stolen property

Law enforcement authorities shall be notified immediately of seizure of such items or of items required to be reported to law enforcement under the Statewide School Safety Information Policy. The items seized will be turned over to law enforcement. The parent/guardian of a minor student or a student 18 years of age or older, shall be notified by the Principal or designee of items removed from the locker. A copy of this policy and accompanying administrative rules regarding locker searches shall be provided annually to each pupil and parent/guardian of the pupil assigned a school locker.

Motorized Vehicles

Student use of a motorized vehicle on school property is a privilege. Motorized vehicles brought onto school property by students are subject to search by the Principal or designee, without notice or consent, if the Principal or designee reasonably

8130 Searches of Motorized Vehicles, Lockers, and Students

8130-3

suspect that the contents a threat or potential threat to the health, safety or welfare of other students, staff, or to the school in general.

In the case of a locked motor vehicle, every effort will be made to have the vehicle unlocked by the student before proceeding with the search. Students refusing to cooperate in allowing a search of a vehicle brought by them onto school property shall be subject to disciplinary action up to and including revocation of driving privileges on school property and/or long-term suspension or expulsion.

Students

Upon reasonable suspicion, and in order to protect the health, safety or welfare of the students under school jurisdiction, the Principal or designee are authorized to search students. All searches shall be carried out in the presence of an adult witness.

Strip Searches

No strip searches shall be conducted by school authorities.

Law Enforcement Searches

School officials shall cooperate with law enforcement officers who seek to execute a search warrant. Where law enforcement officers desire to search without a warrant, school officials should request that the circumstances be explained, and should normally not assist, unless a clear emergency exists.

LEGAL REF: MCL 380.1306(5), Statewide School Safety Information Policy, *New Jersey v. T.L.O.*, 469 U.S. 325 (1985)

Adopted April 15, 2002

Search of Lockers

The lockers in the schools of the District shall be under supervision of the building Principal or designated representative. Students are to use lockers only for school-related materials and authorized personal items, such as outer garments, footwear, grooming aids, or lunch. Students are not to use lockers for any other purpose unless prior authorization has been obtained from the Principal or designee. Students are responsible for the content of their lockers and should not share lockers, or divulge locker combinations unless authorized to do so.

The building Principal shall have sole custody of the combination or key to all locker locks in a storage place designed to guard against unauthorized access or use. He/She may search any locker at any time. Such search may be made without notice to the student to whom such locker has been assigned. **Random searches will be conducted.** Students are prohibited from placing locks, other than the regularly issued school lock, on their lockers. Law enforcement officers may be asked to assist, but school officials must supervise searches that school officials instigate pursuant to policy 8130.

If a law enforcement officer desiring to search a student's locker has a warrant for such search, the Principal shall immediately take such person to the student's locker and permit him/her to search the locker. Whenever possible, such search shall be made in the presence of the Principal. If a law enforcement officer desires to search the student's locker without a warrant, the building Principal shall ask what facts lead the officer to believe that evidence of a crime will be lost, destroyed or moved if the search and seizure did not take place immediately, before a warrant is obtained. If the building Principal is not of the same opinion,

8130-R Searches of Motorized Vehicles, Lockers, and Students

8130-R-2

he/she shall not participate in the search, but shall allow the law enforcement officer to proceed on his/her own responsibility. The Principal shall report the incident to the Superintendent who may notify the officer's superior of the incident.

Prohibited items recovered from a student's locker shall remain in the custody of the building Principal, until such items are turned over to law enforcement officials. The Principal shall receive a receipt for such items so delivered.

Search of Motorized Vehicles

The building Principal or designated representative may search any motorized vehicles brought onto school premises by a student at any time upon reasonable suspicion that the motorized vehicle contains an item(s) hazardous to the health, safety and welfare of students, personnel or property. These items include but are not limited to firearms, explosives, liquor, flammable material, dangerous weapons, narcotics or other matter prohibited by law or school regulations from being on school property. Such search may be made without notice to the student. Students refusing to cooperate in allowing a search of the motorized vehicle shall immediately lose their parking/driving privileges and shall be subject to further disciplinary action up to and including long term suspension or expulsion.

Prohibited items recovered from motorized vehicles shall remain in the custody of the building Principal, until such items are turned over to law enforcement officials. The Principal shall receive a receipt for such items so delivered.

When it has been determined by the building Principal that there is reason to suspect that a student is in possession of an object which can jeopardize the health, welfare or safety of other students, that student shall be ordered to report to the building Principal's office.

Search of the Person

This determination may be based on any information received by the building Principal or by a member of the faculty or staff. It also may be based on

knowledge of the student's disciplinary problems, the student's association with known drug offenders, the student's exhibiting objects associated with drug use or the student's exhibiting such objects as bullets or a knife sheath which could be associated with dangerous weapons.

Once in the Principal's office, the student shall be advised of the reason why he/she has been ordered to report to the Principal's office. The student shall then be requested to empty items such as, but not limited to, pockets, purses, shoulder bags and briefcases. Items which the building Principal believes may be connected with illegal activity may remain in the custody of the building Principal, until such items are turned over to law enforcement officials, and if this is done, the Principal shall receive a receipt for such item so delivered.

If the student refuses to comply with this request, the building Principal shall notify the student's parent(s)/guardian(s) and request that they come to the school at once. The building Principal shall advise the parents of the situation. If the parents of the student are unable to persuade the student to comply, the parents and the student shall be advised that law enforcement officials will be notified, and the matter turned over to an appropriate law enforcement agency. If the parents refuse to come to the school or are unable to be notified and the student continues to refuse to cooperate, the building Principal shall notify law enforcement officials and inform them of the facts which give him/her reasonable suspicion to believe that the student has illegal or dangerous objects on his/her person. Any further search

of the student shall be at the discretion and under the control of the law enforcement officials with a valid warrant, if a warrant is required by law. Once the building Principal has relinquished control of the student to the law enforcement officials, the building Principal or representative shall remain with the student and request to be present during any search of the student made by law enforcement officials on school property.

Upon any search, a written report shall be made indicating:

1. The name of the student,
2. The time, date and place of the search,
3. The reason(s) for the search,
4. Whether or not law enforcement officials were called,
5. Name of the person conducting the search,
6. Name(s) of person(s) present while search was conducted,
7. Item(s) confiscated.

The Superintendent shall keep a copy of the written report on file.

Police officials must have permission of the administration to interview a student during school hours. A student may be interviewed during school hours by a police official only when an administrator is present.

No student shall be removed from school for the purpose of an interview by the police except by lawful exercise of police authority.

Every effort will be made to notify a parent(s) when students are to be interviewed by police officials.

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

School staff members shall be informed annually of the contents of this policy and rules. In these rules, the administration is reminded that a student who has attained the age of 18 enjoys the responsibility of speaking for himself without the agreement of parent, guardian or representative as to whether or not he will submit to questioning.

Adopted April 15, 2002

Initiated by School Administrators and Conducted by Administrators

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

Initiated by School Administrators and Conducted by Law Enforcement Officers

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

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

If the investigation has centered on any particular student suspected of any alleged criminal activity, the procedure for taking students into custody by the procedure set forth below shall be followed to the extent that it does not interfere with reasonable law enforcement procedures.

Initiated and Conducted by Law Enforcement Officers

Although cooperation with law enforcement officers will be maintained, it will not normally be necessary for law enforcement officers to initiate and conduct any investigation

and interrogation on the school premises during school hours pertaining to criminal activities unrelated to the operation of the school. Only in demonstrated emergency situations, when law enforcement officers find it absolutely necessary, will they be voluntarily permitted to conduct such an investigation during school hours. These circumstances shall be limited to those in which delay might result in danger to any person, flight of a person reasonably suspected of a crime from the jurisdiction or local authorities or destruction of evidence.

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

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

Interrogation of Student During Investigation of Violations of School Rules

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

In questioning a potential student witness to an alleged disciplinary infraction, care should be taken by the administrator to ensure there is a reasonable likelihood that the student

was indeed a witness. School officials should not engage in detailed questioning of students at random without reasonable cause in hope of gathering information as to school misconduct. Probable witnesses should be told the nature of the alleged misconduct and the reason to believe that they were witnesses. Such students should be given the opportunity to give their consent before answering questions of school officials.

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

Violations of Criminal Law

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

When a suspected violation of criminal law has occurred on the school grounds involving the operation of the school or a school-sponsored activity, law enforcement officials may be notified and their presence requested for the questioning of suspected students. If such officials are notified, unless circumstances dictate otherwise, questioning of the student shall not begin or continue until the law enforcement officers arrive.

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

In the absence of parent and student consent, a student shall not be questioned by law enforcement officers on school premises. The law enforcement officers shall advise the student of his legal rights. If the student's parent, guardian or representative is present and if the parent and the student consent to the questioning, the investigation may continue. If the

parent or student refuses consent to the questioning, the law enforcement officers will determine the course of action to be pursued.

Information of criminal conduct not related to the schools shall be turned over to law enforcement officials, without additional investigation by school officials. School officials shall request that law enforcement officers advise a student of his rights. In case the officers do not so advise a student, school officials shall report the matter to the officers' superiors immediately.

Taking a Student Into Custody

Students shall not be released to law enforcement authorities voluntarily by school officials unless the student has been placed under arrest or unless the parent, guardian or representative and the student agree to the release.

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

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

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

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

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

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

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

Disturbance of School Environment (Cf. 9290)

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

Coordination of Policies by Enforcement Officials

School administrators shall meet at least annually with local law enforcement officials to discuss the district's policy and rules regarding law enforcement contacts with the district.

Law enforcement officials will be asked to instruct their staffs as to the terms of the school's policies and rules.

Student Interrogations, Searches and Arrests - A Checklist

I. What factors caused a reasonable suspicion that the search of the student or effects, locker or automobile will produce evidence that the student has violated or is violating the law or the student code of conduct?

A. Eyewitness account:

- 1. By whom: _____
- 2. Date/time: _____
- 3. Place: _____
- 4. What was observed? _____

B. Information from a reliable source:

- 1. From whom: _____
- 2. Time received: _____
- 3. How information was received: _____
- 4. Who received the information? _____
- 5. Describe the information: _____

C. Suspicious behavior. Explain. _____

D. Time of search: _____

E. Location of search: _____

F. Was the student informed of the purpose of the search? _____

G. Was consent of the search requested? _____

- II. Was the search conducted reasonably in terms of scope and intrusiveness? _____
 - A. What were you searching for? _____
 - B. Sex of the student: _____
 - C. Age of the student: _____
 - D. Exigency of the situation: _____
 - E. What type of search was being conducted? _____

 - F. Who conducted the search? _____
Position: _____
Sex: _____
 - G. Witnesses: _____

III. Explanation of the search.

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

- B. Describe exactly what was searched: _____

- C. What did the search yield? _____

- D. What was seized? _____

- E. Were any materials turned over to the police? _____
- F. Were parents notified of the search, including the reason for it and the scope?

The principal of each school is authorized and directed to develop such rules and regulations consistent with policies, rules and regulations of the board which may be necessary to govern the conduct of the students under his supervision. Such rules are subject to board consideration. All rules and regulations shall be published in the appropriate student handbook.

Adopted April 15, 2002

Disruption of School

A student shall not engage in any conduct causing the substantial and material disruption or obstruction of any lawful mission, process or function of the school or district.

Neither shall he engage in such conduct for the purpose of causing the disruption or obstruction of any lawful mission, process or function of the school if such a disruption or obstruction is reasonably certain to result.

Neither shall he urge other students to engage in such conduct for the purpose of causing a disruption or obstruction of any lawful mission, process or function of the school if a disruption or obstruction is reasonably certain to result from his urging.

While this list is not intended to be all-inclusive, the following acts—when done for the purpose of causing a disruption or obstruction of any lawful mission, process or function of the school—illustrate the kinds of offenses encompassed here: (1) occupying any school building school grounds or part thereof with intent to deprive others of its use; (2) blocking the entrance or exit of any school building or corridor or room therein with intent to deprive others of lawful access to or from, or use of, the building or corridor or room; (3) setting fires to or damaging any school building or property; (4) possessing, firing, displaying or threatening use of firearms, explosives or other weapons on the school premises for any unlawful purpose; (5) preventing of or attempting to prevent by physical act the convening or continued functioning of any school, class or activity or of any lawful meeting or assembly on the school campus; (6) preventing students from attending a class or school activity; (7) except under the direct instruction of the principal, blocking normal pedestrian or vehicular traffic on a school campus; (8) continuously and intentionally making noise or acting in any manner so as to interfere with the teacher’s ability to conduct his classes; (9) appearing in the nude on the school grounds, in any attendance center or at any school-sponsored activity in the presence of members of the opposite sex; and (10) possessing or using any weapon or

implement capable of inflicting bodily harm. (11) the act of extortion to borrow or attempt to borrow any money or things of value from a student unless both parties enter into the agreement freely and without the presence of either implied or expressed threat. (12) the act of acquiring the property of another by theft, coercion or fraud. (13) the act of quarreling involving bodily contact in or on school property, including bus stops, and any activity under school sponsorship (i.e., dance or athletic events). (14) the act of fraudulently using, in writing, the name of another person, or falsifying times, dates, grades, addresses or other data on school forms. (15) the act of using offensive language by students in verbal or written form or in pictures or caricatures in or on any school property. (16) other behavior which is either illegal or disruptive to the school environment such as, but not limited to, false fire alarms, bomb threats, gambling, trespassing in unauthorized areas and intimidation or interference with school authorities.

Damage to or Destruction of School Property

A student shall not cause or attempt to cause damage to school property or steal or attempt to steal school property. Repeated damage or theft involving school property may be a basis for discipline, up to and including long-term suspension or expulsion from school.

Damage to or Destruction of Private Property

A student shall not intentionally cause or attempt to cause damage to private property or attempt to steal private property either on the school grounds or during a school activity, function or event off school grounds. Damage or theft involving private property may be a basis for discipline, up to and including long-term suspension or expulsion from school.

Electronic Communication Devices

Students shall not use nor have in their possession any electronic communication device. Students who must have in their possession an electronic communication device for health or an extraordinary reason must secure permission from the building principal.

Students violating this policy may be subject to disciplinary action; i.e., detention, suspension and/or expulsion.

Special Education and/or Handicapped Students

Parental approval regarding appropriate disciplinary measures for special education and/or handicapped students shall be obtained by the building principal prior to said student's change of placement due to violent or disruptive behavior.

Students in possession of a dangerous weapon/firearm, and/or who commit arson or criminal sexual conduct on/in district property or at district or school sponsored events **shall be permanently expelled from school**. These students shall be referred to the criminal justice or juvenile delinquency system and the appropriate county department of social services or community mental health agency. The parent, legal guardian and/or student shall also be notified of the referral.

Each student subject to expulsion shall have their situation reviewed by the superintendent on a case-by-case basis. Such expulsion is mandatory, unless the pupil establishes, in a clear and convincing manner, at least one of the following:

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

All expulsions pursuant to this policy shall be entered and preserved on the student's individual permanent record.

This information shall be disseminated, as part of a student's permanent record, to any other public or private (primary or secondary) school where the expelled student

seeks to enroll and where this district is requested, or otherwise required, to forward or release records to that institution. The district shall, within three days of expulsion, refer the expelled student to the appropriate County Family Independent Agency or County Community Mental Health agency.

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

LEGAL REF: MCL 380.1311

Adopted April 15, 2002

Petitions for Reinstatement:

Pupils expelled pursuant to the board's policy on weapons (or their parent or legal guardian if the pupil is unemancipated) may petition the board for reinstatement to school. An individual who was in grade 5 or below when expelled may petition for reinstatement at any time after the expiration of 60 school days subsequent to the date of expulsion. Individuals who were in grade 6 or above at the time of expulsion may petition for reinstatement at any time after the expiration of 150 school days subsequent to the date of expulsion. The district will make available the proper forms to those who wish to petition for reinstatement. The petitioner shall provide an authorization and release for the board and its designated committee to request, receive and review all student records and student record information maintained by any public or private school which the petitioning pupil has attended. If such records are already in the possession of this district, the parent/guardian or student (if emancipated) shall furnish written authorization for review of same by the committee and board members.

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

1. Not later than 10 school days after receiving a petition for reinstatement, the School Board shall appoint a committee to review the petition and any supporting information submitted by the parent or legal guardian (if the expelled student is unemancipated) or from the expelled pupil;
2. The committee shall consist of two board members, one school administrator, one teacher, and one parent of a pupil attending the district; .

3. The superintendent may prepare and submit for consideration by the committee information concerning the circumstances of the expulsion and any factors mitigating for or against reinstatement;
4. not later than 10 school days after all members are appointed, the committee shall review the petition and any supporting information, including any information provided by the district, and shall submit a recommendation to the board on the issue of reinstatement;
5. the recommendation of the committee shall be for unconditional reinstatement, for conditional reinstatement, or against reinstatement, and shall be accompanied by an explanation of the reasons for the recommendation and of any recommended conditions for reinstatement;
6. The superintendent shall be allowed to attend meetings of the committee appointed by the board when considering petitions for reinstatement

Criteria for Reinstatement:

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

1. Whether the reinstatement would create a risk of harm to other pupils or school personnel;
2. Whether reinstatement would create a risk of district or individual liability for the board or district personnel;
3. The age and maturity of the individual;

4. The individual's school record before the incident that caused the expulsion;
5. The individual's attitude concerning the incident that caused the expulsion;
6. The individual's behavior since expulsion and the prospects for remediation of the individual;
7. The degree of cooperation and support from the individual's parent or guardian (if the petition was filed by a parent or guardian) as well as any support which may be expected from a parent or guardian, if the expelled student is reinstated.

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

Conditions of Reinstatement:

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

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

Reinstatement:

If the district decides to reinstate an expelled pupil, those who were in grade 5 and below at the time of the expulsion shall not be reinstated before the expiration of 90 school days subsequent to the date of expulsion, unless a longer period of expulsion is required pursuant to the Federal Gun Free Schools Act. For students in grade 5 and below who have violated the Federal Gun Free Schools Act and who are accordingly subject to mandatory one-year expulsion, the Superintendent may submit his or her own recommendation to the board, in conjunction with the designated committee's recommendation, to modify the one-year expulsion requirement (on a case-by-case basis) to a period of time not less than 90 school days. Individuals in grade 6 or above at the time of the expulsion shall not be reinstated before the expiration of 180 school days (one legal school year) after the date of expulsion.

Application to Handicapped Pupils:

The board's policy on weapons shall be applied in a manner consistent with the rights secured under federal law to pupils who are determined to be eligible for special education programs and services.

Definitions:

"Weapon" or "dangerous weapon" includes: a firearm; gun; revolver; pistol; dagger; dirk; stiletto; knife with a blade over 3-inches in length; pocket knife opened by a mechanical device; iron bar; or brass knuckles.

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

"School property" means a building, playing field, or property used for school purposes to impart instruction to children or used for functions and events sponsored by a school, except a building used primarily for adult education or college extension courses.

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

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

The possession, use, distribution, dispensation and/or manufacturing of controlled substances, as defined by state and federal law, by students on district grounds, in district buildings and/or in connection with any district activity, is prohibited. This includes anabolic steroids, look-alike drugs and drug related paraphernalia.

Having a perceptible odor of alcoholic beverages on or about the student or exhibiting evidence of consumption of alcohol or a controlled substance, or showing signs of being under the influence of alcohol or controlled substances will be considered a violation of this policy.

Any student who violates the above policy may be subject to disciplinary action, up to and including expulsion. In addition, the student may be required to satisfactorily participate in a drug assistance or rehabilitation program approved by the board.

The superintendent shall develop a drug-free awareness program for students. Students who request assistance for drug counseling and/or rehabilitation shall direct their request to the counselor. Annually, the board shall allocate funds to support the drug-free awareness program.

The superintendent shall include in the district's student orientation program a drug-free awareness program which shall include the following information:

- a. the dangers of drug abuse;
- b. the district's policy of maintaining a drug-free school;
- c. available drug counseling, rehabilitation and employee assistance programs; and
- d. the penalties the board may inflict upon students for drug abuse violations.

In developing the orientation program, the superintendent may utilize the services and assistance of the local or county health departments, local or regional medical health center or other substance abuse agencies in the immediate area.

This policy shall be published annually in the student handbooks.

The consumption, possession or being under the influence of any alcoholic beverage or alcoholic look-alike beverage by students is prohibited in any attendance center, on school grounds or at any school-sponsored activity.

Any student who consumes, possesses, or appears to be under the influence of any alcoholic or alcoholic look-alike beverage upon school grounds or in an attendance center, at any school-sponsored activity off school grounds or going to or from any school-sponsored activity, shall be refused entrance and admission and may be subject to discipline, up to and including suspension or expulsion.

District personnel may refer students to any medical, treatment or Family Independence Agency when such student is reasonably believed to be abusing or incapacitated by the use of alcohol or other drugs.

LEGAL REF: MCL 380.1170

Adopted April 15, 2002

The consumption and/or possession of any controlled substance or drug paraphernalia by students is prohibited in any attendance center, or on school or district grounds or at any school-sponsored activity.

Any student who has in his possession any controlled substance or appears to be under the influence of any drugs before entering upon school or district grounds or in an attendance center, at any school-sponsored activity off school grounds or going to or from any school-sponsored activity, shall be refused entrance and admission and may be subject to discipline, up to and including suspension and/or expulsion.

Adopted April 15, 2002

The use and/or the possession of any tobacco product is prohibited in any attendance center, at school-sponsored events or on the school grounds, except as allowed under law.

LEGAL REF: MCL 380.1170; 333.1260 *et seq.*; 722.642; AG Opinion #5202, #5336;
750.473

Adopted April 15, 2002

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

Adopted April 15, 2002

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

The superintendent shall:

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

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

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

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

Adopted April 15, 2002

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

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

Gang Prevention Education

Gang prevention instruction offered in the schools shall:

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

Gang prevention lessons may be taught jointly by teachers and law enforcement staff.

Community Outreach

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

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

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

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

Intervention Measures

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

To this end:

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

Bullying Prohibited

Bullying is a form of harassment. For the purposes of this policy, “bullying” is defined as: The repeated intimidation of others by the real or threatened infliction of physical, verbal, written, electronically transmitted, or emotional abuse, or through attacks on the property of another. It may include, but not be limited to, actions such as verbal taunts, name-calling and put-downs, including ethnically-based or gender-based verbal put-downs, extortion of money or possessions, and exclusion from peer groups within school function. Such conduct is disruptive of the educational process and, therefore, bullying is not acceptable behavior in this District, and is prohibited.

Students, *or employees*, 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 enroute to or from school are subject to disciplinary action, that may include for students suspension or expulsion. As may be required by law, law enforcement officials shall be notified of bullying incidents.

The Superintendent shall develop administrative regulations and programs that will increase awareness of the problem of bullying, and train teachers and other staff to effectively intervene if bullying is witnessed in their presence or brought to their attention. In designing administrative regulations and anti-bullying programs or strategies, the Superintendent should consult with the greater school community, including students.

This policy shall not be interpreted to prohibit a reasoned and civil exchange of opinions, or debate, that is protected by state or federal law.

LEGAL REF.: “Policies on Bullying,” Michigan State Board of Education, 7-19-01; Tinker v Des Moines Independent School District, 393 US 503 (1969). See also: Saxe v State College Area School District, 240 F3d 200 (CA 3, 2001).

Adopted: May 9, 2005

Hazing Prohibited

The act of “hazing” is a crime in the state of Michigan and will not be tolerated by the District. The District will comply, in all ways, with Michigan law regarding any “hazing” incidents.⁴

Students engaging in any hazing or hazing-type behavior will be subject to the provisions of the Student Code of Conduct as would apply to any other student violation of State law.

This policy shall be included in all student handbooks of the District and shall be disseminated to the public in a manner to be determined by the Superintendent.

LEGAL REF.: MCL 750.411t (PA 11 of 2004, AKA “Garret’s Law”)

Adopted: May 9, 2005

⁴ As defined in MCL 750.411t, “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 or 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 educational institution.”

Students may be in possession of a cellular telephone, pager/beeper, or other electronic communications device subject to the terms of this policy and the administrative rules of the District. Use of the device shall be limited to the period before classes begin in the morning and after the student's last class in the afternoon. Such devices shall not be used during instructional time or in the passing time between classes unless there is a bona fide health or safety emergency.

In no case will any personal communication device be allowed that provides for a wireless, unfiltered connection to the Internet.

Students violating this policy may be subject to disciplinary action; i.e., detention, suspension and/or expulsion.

The administration shall promulgate rules to enforce this policy at the building level.

LEGAL REF: MCL 380.1303 (PA of 2003)

Adopted August 18, 2008

The board approves of the following disciplinary measures for use in the district for those students violating the district's student code of conduct: deny participation in special school activities; before or after school detention; disciplinary contractual arrangements; out-of-school suspension; in-school suspension; expulsion; and/or disciplinary probation.

The superintendent and district's administrators shall develop the appropriate procedures dealing with student conduct and shall consider: an effective parental communication plan; the use of the district's counselors, social workers, and psychologists; and/or shall arrange such services with other units of state government.

All employees are responsible for the regulation of student conduct.

Corporal Punishment

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

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

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

Corporal punishment does not include physical pain caused by reasonable physical activities associated with athletic training.

Employees should not find it necessary to resort to physical force, violence or threats to compel obedience. If all means fail, staff members may always resort to the removal of the student from the classroom or school through established suspension or expulsion procedures.

LEGAL REF: MCL 380.1312; 380.1311; PL 103.227

Adopted April 15, 2002

The Superintendent, building Principals, committee of certified employees, individual teachers (for up to one school day only - see "Suspensions by Teachers"; "Class, Subject or Activity Suspensions") or a Board appointed hearing officer may suspend, either for a short-term or long-term, or may make a recommendation to the Board regarding the permanent expulsion of a student guilty of any of the following:

- Willful violation and/or persistent disobedience of any published regulation for student conduct authorized, adopted or approved by the Board;
- Willful misconduct which substantially disrupts, impedes, or interferes with the operation of any school;
- Willful misconduct which substantially impinges upon or invades the rights of others; or
- Disobedience of an order of a teacher, police officer, school security officer or other school authority, when such disobedience can reasonably be anticipated to result in disorder, disruption or interference with the operation of any school or substantial and material impingement upon or invasion of the rights of others.

Suspensions

A suspension may be for a short-term not exceeding ten school days, or for a longer term, exceeding ten school days. Should a suspension be imposed for a number of days exceeding the remaining days in a semester, the days remaining on the suspension will commence with the beginning of the next semester unless otherwise determined by the Superintendent.

A short-term suspension may be imposed immediately upon a student without first affording the student or the parents or guardians a hearing if the presence of the student endangers other persons or property or substantially disrupts, impedes or interferes with the operation of the school.

A long-term suspension shall not be imposed upon a student unless the student has first been suspended for a short-term and not until an opportunity for a formal hearing on the suspension has been afforded the student.

Suspensions by TeachersClass, Subject or Activity Suspensions

A teacher is authorized to immediately remove and suspend a student from a class, subject, or activity when:

1. the student's behavior is so unruly, disruptive, or abusive that it seriously interferes with the teacher's ability to effectively teach the class, subject, or activity, or the student's behavior interferes with the ability of other students to learn or
2. the student engages in conduct prohibited by law, Board of Education Policy, or the school's Student Code of Conduct.

Before a teacher imposes the suspension, the teacher must first warn the student that if the conduct continues, the teacher will suspend the student from the class, subject or activity for the day. The teacher may also elect to not exercise the teacher suspension rights provided in this policy and handle the matter in accordance with the standard disciplinary process used in the school building.

For conduct requiring suspension or expulsion by Board Policy, the teacher must handle the matter in accordance with the standard disciplinary process used in the school building.

If the teacher suspends the student, the teacher must verbally report the suspension to the school office prior to sending the student to the office. A written explanation for the suspension must be delivered to the school principal or the principal's designee within the same class, subject or activity period. The teacher must send the student to the school principal or the principal's designee for appropriate placement. If the student remains in school, the student shall be under appropriate supervision. The student will not be returned that school day to class, subject or activity from which he or she was suspended without the concurrence of the suspending teacher and the school principal.

As soon as possible after the teacher imposed suspension, but not later than the next day, the teacher must contact the student's parent or guardian and schedule a parent-teacher conference

8350 Student Suspension and Expulsion

8350-3

to discuss the suspension. The parent-teacher conference, during non-instructional time, must be attempted before the teacher can suspend the student again for classroom conduct. The teacher must report the outcome of the parent conference to the principal in writing.

Whenever practicable, a school counselor, school psychologist, or school social worker should attend the conference. A school administrator will attend the conference at the teacher's, or the parent's or guardian's request.

A record of the teacher imposed suspension will be kept by the school principal or designee.

All teacher-imposed suspensions shall be applied in a manner consistent with applicable student discipline procedures, as well as all federal and state laws for students determined to be eligible for special education programs/services or reasonable accommodation of their disability.

The authority for teacher-imposed suspensions is limited to teachers under contract with the Holly Area Schools and permanent long-term substitute teachers. Student teachers and all other substitute teachers are not authorized to utilize the teacher-imposed suspension procedure and must refer student discipline matters to the building principal or designee.

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

Students attending separate class periods throughout the school day shall be permitted during the term of the suspension to attend other classes taught by other teachers only when the student's conduct does not rise to the level of requiring a multiple day suspension or

expulsion in accordance with Board of Education Policy and the school's Student Code of Conduct.

Any student suspended from the same class, subject, or activity for ten accumulative days during the school year shall given a formal procedural hearing for each additional

8350 Student Suspension and Expulsion

8350-4

suspension beyond the tenth day in accordance with due process requirements required by Board of Education Policy for suspensions of ten days or more.

Application to Students with Disabilities

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

Implementation

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

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

Expulsion

No student may be permanently expelled from the District until an opportunity for a formal hearing before the Board has been afforded the student.

Appeals

The student and parents or guardians may appeal to the Board or a Board appointed hearing officer a long-term suspension ordered by the Superintendent or a building level administrator.

Hearing Officer

The Board may appoint one or more hearing officers for purposes of hearing appeals made in cases of long-term suspensions. The hearing officer shall be a member of the Board or a certified employee of the District.

8350 Student Suspension and Expulsion

8350-5

Whenever a Board appointed hearing officer hears any appeal, a written report shall be provided the Board. After receiving the report, the Board shall determine the appeal with or without an additional hearing. Any appeal determination by the Board in accordance with this policy and administrative procedures shall be valid to the same extent as if the matter were fully heard by the Board without a hearing officer.

Written Notices

All required written notices may be mailed to the residence of the parents or guardians at the address on file in the school records of the student. In lieu of mailing the written notice, it may be personally delivered.

LEGAL REF: MCL 380.1204a; 380.1309; 380.1311, OAG, 1985-1986, No 6271, p 13
(February 7, 1985)

Adopted April 15, 2002

Any Short Term Suspension - Teachers or Administrators

No short-term suspension by any school employee shall be imposed upon a student without giving the student notice of the charges and affording the student a hearing (meaning, at minimum, the opportunity to reply to the charge.) The notice may be oral or written and the hearing may be held immediately. The hearing may be conducted informally but shall include the following procedural due process requirements: (a) the rights of the student to be present at the hearing; (b) the right of the student to be informed of the charges; (c) the right of the student to be informed of the basis for the accusation, and (d) the right of the student to make statements in defense of the charges or accusations.

An oral or written notice of any short-term suspension and the reasons for the suspension shall be given to the student involved and to the parents or guardians of the student as soon as practically possible after the suspension has been imposed. In the event the student has not been afforded a hearing prior to any short-term suspension, an informal hearing shall be provided as soon as practicable after such short-term suspension has been imposed.

Long Term Suspension

A "long term suspension" is defined as any suspension longer than ten instructional days up to and including 180 days of instruction (a full school year.) A written notice of any proposal for a long-term suspension and the charges upon which the suspension is based shall be given to the student proposed to be suspended and to the parents or guardian. Any notice of a proposal to suspend for a long-term shall state the time, date and place that the student will be afforded an opportunity for a formal hearing, and the hearing shall be held not later than 10 calendar days after the date of the notice. The notice shall be accompanied by a copy of this policy and administrative procedures.

Upon the conclusion of any formal hearing which results in a long-term suspension, the person or committee which conducts the hearing shall make a written report of the findings

8350-R Student Suspension and Expulsion

8350-R-2

and results of the hearing. The report shall be directed to the Board and shall be open to the inspection of the student who is suspended, and if the student has not attained 18 years of age, to the parents or guardians and counsel or other advisor of the student.

Whenever any formal hearing results in a long-term suspension, the person or committee conducting the hearing may make a recommendation that the student return to regular classes pending any appeal or during the period allowed for notice of appeal. However, it should reasonably be anticipated that the student not continue to cause repeated material disorder, disruption or interference with the operation of the school or substantial and material impingement upon or invasion of the rights of others.

Whenever the person or committee conducting a hearing fails to make a recommendation for the return of the student to regular classes, the report of the hearing shall provide that the suspension shall continue until appeal is determined or until the period of suspension has expired, whichever is sooner.

Expulsion

The word “expulsion” or “expel” may appear, at times, in State of Michigan law or rules which refer to a time period less than a permanent and complete severance of the District/student relationship.

A written notice of any proposal to permanently expel and the charges upon which the permanent expulsion is based shall be given to the student and the student’s parents or guardians. The notice of the proposal to permanently expel shall state the time, date and place that the student will be afforded an opportunity for a formal hearing before the Board. It shall also state the right of the student to be represented by counsel, to produce witnesses, and submit evidence on his or her behalf, and to cross-examine any adult witnesses who may

appear against him or her. A copy of the Board policy and the administrative procedures shall also be given with the notice.

8350-R Student Suspension and Expulsion

8350-R-3

The hearing before the Board shall not be held later than 10 calendar days after the date of the notice.

Upon any conclusion which results in a recommendation to the Board for permanent expulsion, the Superintendent shall submit a written report detailing the reason(s) for the recommendation to the Board. The report shall be open to the inspection of the student who is being recommended for permanent expulsion, and if the student has not attained 18 years of age, to the student's parents or guardians and counsel or other advisor of the student. If the student is 18 years of age or older, the report shall be open to inspection by the parents or guardians and counsel or other advisor of the student only upon written consent of the student.

At the permanent expulsion hearing, the Board shall hear evidence of whether the student is guilty of the gross disobedience or misconduct as recommended. After the presentation of the evidence, the Board shall decide the issue of guilt and take such action as it finds appropriate.

Written Notice

Written notice of the result of any hearing resulting in a long-term suspension or in a permanent expulsion shall be given to the student and to his/her parents or guardians within 24 hours after the determination.

Formal Hearing Procedure: Suspension and Expulsion

The formal hearing provided for in Board policy shall be conducted in accordance with the following procedures:

- The right of the student to have counsel of their own choice present and to receive the advice of counsel or other person the student may select;
- The right of the student's parents or guardians to be present at the hearing;

- The right of the student and his/her counsel or advisor to hear or read a full report of testimony of witnesses against the student;

8350-R Student Suspension and Expulsion

8350-R-4

- The right of the student and his/her counsel to confront and cross-examine witnesses who appear in person at the hearing;
- The right of the student to present his/her own witnesses;
- The right of the student to testify in his/her own behalf and give reasons for his/her conduct;
- The right of the student to have an orderly hearing; and
- The right of the student to a fair and impartial decision based on substantial evidence.

In these procedures, counsel means any person a student selects to represent and advise him/her at all proceedings conducted according to these procedures.

Appeals to the Board

Any student who has been suspended for a long-term may appeal the long-term suspension to the Board by filing a written notice of the appeal with the Board Secretary not later than 10 calendar days after receiving written notice.

Any appeal shall be heard by the Board, a Board committee, or hearing officer appointed by the Board not later than 20 calendar days after the notice of appeal is filed.

The student and his/her parents or guardians shall be notified in writing of the time and place of the appeal hearing at least five days prior to the appeal hearing. The appeal hearing shall be conducted in accordance with the procedures stated above -

Formal Hearing Procedures.

In all long-term suspension cases a record of the appeal hearing will be kept.

The Board shall render its decision on any appeal not later than five calendar days after the conclusion of the appeal hearing.

8360 Student Discipline – Verbal/Physical Assault

8360

The Michigan School Code mandates that the Board of Education take the following disciplinary actions for students in grades 6 or above who engage in physical assault or verbal assault:

- Physical assault of a school employee, volunteer, or contractor - Permanent expulsion, subject to reinstatement procedures provided in the School Code and Board Policy.
- Physical assault of another student - Expulsion up to 180 school days.
- Verbal assault of a school employee, volunteer, or contractor - Expulsion up to 180 school days.

For purposes of this law and the Student Code of Conduct the following definitions will apply to these terms:

- **Physical Assault:** Intentionally causing or attempting to cause physical harm to another through force or violence.
- **Verbal Assault:** Any statement or act, oral or written, which can reasonably be expected to induce in another person(s) an apprehension of danger of bodily injury or harm. Bomb threats and similar threats directed at a school building, school property, or a school-related event are considered verbal assaults.
- **At School:** In a classroom, elsewhere on school premises, or 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.

The Superintendent shall ensure that all assault incidents be reported as required by law.

All disciplinary consequences under this policy shall be applied in a manner consistent with applicable student discipline procedures, as well as all federal and state laws for students

determined to be eligible for special education programs/services or reasonable accommodation of their disability.

8360 Student Discipline – Verbal/Physical Assault

8360-2

As a matter of Board Policy, these same conduct standards for physical and verbal assault shall apply to all students of the Holly Area Schools. Because disciplinary consequences for students in grades 5 or below are not mandated as a matter of state law, expulsion is not a required penalty, but shall be considered in appropriate circumstances.

Adopted April 15, 2002

8440 Early Graduation (Cf. 7630)

8440

A student who, for educational and vocational reasons, wishes to graduate from high school in less time than the normal four-year grade 9-12 sequence may request permission for early graduation. The student and parents shall consult with high school administrative and/or guidance personnel in order to develop a graduation plan.

The student shall request in writing to the board permission for early graduation with reasons supporting his plan and request. These requests are to be submitted in writing no later than August 31, prior to entering their senior year and providing all of their academic requirements have been completed. Examples of reasons to be given consideration are:

- Hardship circumstances,
- Vocational opportunities,
- Enlistment in the military occupations,
- Pursuit of a continuous specialized education objective, and
- College entrance.

The student, parent or the legal guardian of the student must submit a letter in support of the student's request for early graduation, and such letter is to accompany the student's written request.

The student must reasonably be expected to satisfactorily complete all state and local graduation requirements of subjects and credit units or their accepted equivalents in order for consideration to be given to any request.

Each request is to be determined by the board on the merits of the individual circumstances; one case shall not set a precedent for others.

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

Adopted April 15, 2002

8453 Local Wellness Policy

8453

The Holly Area Schools recognizes that good nutrition and physical activity are essential for students to maximize their full academic potential, reach their physical and mental potentials, and achieve lifelong health and well-being. A responsible approach to nutrition and physical activity promotes healthy weight maintenance and reduces the risk of many chronic diseases, including asthma, hypertension, heart disease, and Type 2 diabetes.

Holly Area Schools has a responsibility to promote a school environment that helps students learn and maintain lifelong healthy eating and lifestyle habits. Many factors play a role in achieving a healthy school environment, including foods and beverages available to students while at school, nutrition education in the classroom and elsewhere in the school, opportunities for physical activity, and other school-based activities designed to promote student wellness.

The district's Local Wellness Policy Committee is responsible for establishing and measuring the implementation of the district's Local Wellness Policy including professional development activities. Committee members work collaboratively and offer multiple perspectives to assure the Local Wellness Policy is consistent with district educational and budgetary goals, designed to optimize the health and well-being of students, and fulfills the requirements of Section 204 of The Child Nutrition and WIC Reauthorization Act of 2004 (Public Law 108-265).

Adopted: May 15, 2006

The Board directs the Superintendent to comply with the Michigan Statewide Unsafe School Choice Policy for schools that receive funds under the No Child Left Behind Act of 2001(NCLB of 2001). All reports mandated by the state policy shall be distributed to the Board before being forwarded to the ISD and/or the state. The Superintendent may enact rules to implement compliance with the state policy.

Should any school receiving funds under NCLB of 2001 be designated, “persistently dangerous,” as defined by the state policy, the required, “corrective action plan,” shall be prepared and presented to the Board for review and approval before transmittal to the state. The Superintendent shall also insure that the transfer and notice requirements found in state policies are implemented, and that the Board is kept informed of any transfers that are made.

A copy of the current Statewide Unsafe School Choice Policy shall be provided to each member of the Board, and a copy of the current policy shall be available in the District office.

LEGAL REF: 20 USCA § 7912 - NCLB of 2001; Michigan Statewide Unsafe School Choice Policy (2003).

Adopted August 18, 2008

Immunization of Students and Vision Testing

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

1. Submitting a statement by a physician that the child has been tested for, immunized or protected against, diseases specified by the director of public health; or
2. Submitting a statement signed by the parents or guardian to the effect that the child has not been immunized because of religious convictions or other objections to immunization.
3. Submitting a statement by a physician regarding medical conditions that prevent a child from taking immunization shots.

The parent or guardian of each enrolling child shall submit a statement signed by a district, county, or city health department director stating that the child has passed the department of public health preschool vision screening test, or signed by a licensed medical or osteopathic physician, or a licensed optometrist stating that the child's eyes have been examined during the preschool years after age 3 and before initial entrance. A vision test is not required if there is a statement signed by a parent or guardian to the effect that the child cannot be subjected to the test because of religious convictions.

Compliance forms must be filed by November 1 or within 60 days of entrance in the school district.

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

Adopted April 15, 2002

In order to minimize the spread of contagious diseases among students and staff, the District will cooperate, fully, with the Oakland County Health Department to enforce adherence to the Michigan Health Code for the prevention, control, and containment of communicable diseases.

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

A student with or carrying a communicable and/or chronic infectious disease has all rights, privileges, and services provided by law and the district's policies.¹

LEGAL REF: MCL 333.5111; 333.5131; Family Educational Rights and Privacy Act of 1974, MDE Bulletin, September 23, 1999

Adopted April 15, 2002

¹ A student with a contagious disease is probably a "handicapped individual" under Section 504 of the Rehabilitation Act (29 U.S.C. § 794(a). *See Thomas v Atascadero Unified School District*, 662 F. Supp.376 (C.D. Cal 1986) (a child with Aids was a "handicapped person" under Section 504.

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

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

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

In the event that a student is absent from regular classes for more than three consecutive days or the principal has been notified that a student has a communicable disease, the principal shall determine whether a release shall be obtained from the student's physician before the student re-enters school.

Decisions regarding the type of education and the setting for provision of educational services for a student with a communicable disease shall be based on the behavior, neurological development, and physical condition of the student and the expected type of interaction with others in that setting. These decisions are best made using the team approach including the student's physician, public health personnel, the student's parent or guardian, and personnel associated with the proposed care of educational setting.

In each case involving a student with a communicable disease, the board shall reserve the right to make a final decision regarding the placement of the student after taking into account the recommendations of the health assessment team, the risks and benefits to both the infected student and to the others in the proposed educational setting.

No information regarding students with communicable diseases shall be released by district personnel without the student's, parents' or guardians' permission or in order to comply with state or federal statutes.

- A. The school district will exclude students according to November and January deadlines as per Public Health Nurse recommendations.
- B. All reportable communicable diseases will be referred to the Oakland County Health Department in accordance with Michigan statutory and administrative guidelines.
- C. The decision to close schools due to communicable disease outbreaks is at the discretion of the school district's administration. Consultation on such decisions is available from the Oakland County Health Department.

- D. Mandatory screening for any of the following listed communicable diseases (see paragraph E) of all students/employees as a condition of attending work/school or as a condition for employment shall not be required.
- E. Communicable diseases considered a serious concern to the community and/or the afflicted individual will be addressed by a Communicable Disease Review Panel (C.D.R.P). This C.D.R.P. will serve as resource to the school district to provide specific procedures for the situation.
- F. When the C.D.R.P. is formed to review a situation involving a person with a communicable disease in the schools, the board will be informed by the superintendent. The board shall be notified initially that the C.D.R.P. is meeting and the decision of the C.D.R.P. when a decision is made concerning the person with a communicable disease.

Communicable diseases that are serious in nature include:

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

Communicable Disease Review Panel

A. Purpose

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

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

B. C.D.R.P. Membership

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

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

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

- A. Upon notification of the existence or suspicion of an affected staff person/student, the superintendent may, after consultation with a physician from the Oakland County Health Department within 24 hours, inform in writing the affected staff person, parent/guardian of an affected student or an affected student 18 years of age or older, that the affected

- B. person may not attend work/school or any school sponsored activity until the C.D.R.P.'s or superintendent's written recommendations have been received. Possible alternative delivery of school programs shall be made available to the affected student.
- C. The C.D.R.P. shall have access to any relevant material or testimony concerning the affected individual and his/her behavior as it relates to the communicability of the disease. The C.D.R.P. shall consider existing federal, state and local guidelines and have the authority to consult any experts as they deem necessary.
- D. The C.D.R.P. shall make a written recommendation as to whether the affected person should continue to be involved in the public school setting.
- E. As recommended in the State Guidelines, the C.D.R.P.'s decision for students should be based on the behavior, neurological developments and physical conditions of the child, setting, and the risks and benefits to both the affected student and others in the educational setting.

For an affected employee, the C.D.R.P. should consider in its determination:
 - 1. The physical/mental condition of the school employee;
 - 2. The expected type of interaction with others in the school setting; and
 - 3. The impact on both the affected school employee and others in that setting.
- F. If the recommendation is to allow the person to continue in the public school setting, then the C.D.R.P shall make a written recommendation regarding whether precautions should be taken within the school environment.
- G. If the recommendation is to exclude the person from the public school setting, the C.D.R.P. shall make a written statement as to the conditions under which they would reconsider the denial.
- H. The C.D.R.P. shall make a recommendation as to the need to review the case on a periodic basis and the timelines for such a review.

Case Review Process

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

and send copies of their decision to the affected staff member, the parents/guardian of the affected student or to an affected student 18 years of age or older.

- F. If the decision of the C.D.R.P is not unanimous and if a majority of the members of the C.D.R.P. do not agree with the decision of the superintendent, they may appeal that decision on their own behalf to the board. All timelines for such an appeal will be the same as outlined in the appeal process in paragraph E above.
- G. If the student is a special education student, a copy of the C.D.R.P.'s decision shall be sent to the Director of Special Education. The director shall then convene an Individual Educational Planning Conference (IEPC) within three business days of the receipt of the report. The IEPC shall consider the recommendation of the C.D.R.P. in determining the program and services. If the parent or guardian requests a hearing as a result of the IEPC recommendation, a placement of the student in the interim will be based upon the recommendation of the C.D.R.P.
- H. All persons involved in these procedures will be required to treat all proceedings, deliberations and documents in compliance with the provisions of the Family Education Rights and Privacy Act (FERPA), the Freedom of Information Act, and the Employees Right to Know Act. Any employee found to have violated the confidentiality of any proceedings connected with policy 8510, or these rules, will be subject to disciplinary action up to and including discharge.

Any employee of the district who has reasonable cause to know or suspect that a child has been subjected to abuse or neglect or who has observed the child being subjected to circumstances or conditions which would reasonably result in abuse or neglect will immediately report or cause a report to be made to the Oakland County Protective Services or Probate Court Administrator.

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

Access to Students on School Premises (Cf. 8140)

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

Cooperation Between School and Agencies

Elementary and secondary schools, FIA and law enforcement agencies shall cooperate with each other in the investigation of reports of suspected child abuse or neglect. To the extent that safety and practical consideration allow, law enforcement officers on school premises for the purpose of investigating a report of suspected child abuse or neglect shall not be in uniform.

LEGAL REF: MCL 722.621-636

Adopted April 15, 2002

8580-R Child Abuse

8580-R

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

Emergency Situations

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

The building principal shall notify the superintendent of the disposition of the initial report to the FIA.

Non-Emergency Situations

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

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

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

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

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

The district will endeavor to provide a safe environment for students while in school attendance or in extra-class activities.

Bicycle Use

Each building principal will formulate plans and procedures for the safe use of and parking of bicycles on school property and publish them in the appropriate student handbooks.

Walkers and Riders

Any student who uses school-provided transportation shall be under the jurisdiction of the vehicle driver while in the vehicle and shall be subject to all rules and regulations developed by the superintendent and building principals to cover such activities. Such rules and regulations shall be published in the appropriate student handbooks.

Students who walk to and from school are urged to become familiar with traffic safety laws governing such activities.

Eye Protective Devices

Building principals shall assume the responsibility of seeing that sufficient eye protective devices are available to accommodate all classes or persons requiring them. All guidelines and rules shall be published in the appropriate staff and student handbooks.

Safety Patrols

Building principals are authorized to organize student safety patrols to assist in the safety of students to and from school and/or loading/unloading school buses.

Rollerblade, Roller-skate and Skateboarding

Students shall not Rollerblade, Roller-skate, or Skateboard on school grounds at any time, whether during or after school hours, including all outdoor and indoor recess periods, unless specifically approved by the building administrator. For purposes of this ban, school grounds shall include all school buildings, parking lots, paths, playgrounds, and stairwells leading to school building entrances. Students on Roller blades or Roller-skates shall remove

such equipment before entering school grounds. Students on skateboards shall dismount before

8590 Student Safety

8590 - 2

entering school grounds. Students choosing to carry Rollerblades, Roller-skates or skateboards onto school grounds shall promptly store such equipment in lockers or other approved storage areas.

LEGAL REF: MCL 380.1288; R 340.1301-1305; 257.1601 *et seq.*; AG Opinion #6097

Adopted April 15, 2002

The superintendent, together with the staff, will develop and determine the necessary rules and regulations relative to student safety.

It shall be the responsibility of each building principal to instruct the faculty to stress the importance of safety to the students periodically during the school year.

Each teacher will be provided with an outline of safety rules and regulations for the district as recommended by the superintendent and approved by the board.

Local building safety rules and regulations will be explained to students at the beginning of each school year and periodically thereafter by the building principal or classroom teacher.

Safety Units

Those teachers who instruct in hazardous curriculum areas such as physical education, shop or science laboratories shall teach a unit each year or semester dedicated to safety rules inherent in the particular subject matter.

Appropriate safety signs, slogans or other safety items shall be posted on or in the near vicinity of potentially dangerous devices or machinery.

Each student enrolled in a hazardous curriculum area will be given a test concerning the appropriate safety rules of the particular class. The test results will be kept on file until the end of the school year or the end of the class term, whichever is sooner. No student will be permitted to participate in the class until satisfactory knowledge of the safety rules is demonstrated to the teacher.

Teachers will conduct periodic reviews of safety rules during the school year.

Inspection of Buildings and Ground (Cf. 4040)

The building principal, together with his custodial staff, shall make frequent inspections of areas of the building and grounds which may be potential safety hazards. If any such hazards are found, the building principal will order the hazard removed, corrected or marked in some

appropriate way as a “dangerous area.” (Cf. 8450-R) Students will be notified of such “dangerous areas.”

All hazards or “dangerous areas” will be reported, in writing, to the superintendent if the costs exceed the local building maintenance budget and the building principal will immediately submit a requisition to the superintendent asking for the appropriate funds to correct the situation. (Cf. 8450-R)

All equipment ordered by the district shall be inspected for any defects immediately at the time of assembly and periodically thereafter by the appropriate administrator. Such defects, if found, shall be brought to the attention of the vendor for repair or replacement.

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

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

Adopted April 15, 2002

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

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

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

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

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

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

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

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

Records

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

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

The district may provide appropriate first aid and CPR training for identified personnel. This training may be provided as part of the district's in-service plan or other program established by the board.

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

LEGAL REF: MCL 691.1504

Adopted April 15, 2002

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

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

At least one person in every school building in the district shall be qualified to administer first aid and CPR.

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

For purposes of this policy, the term “*medication*” shall include both prescription and non-prescription (*over the counter*) medications including ,but not limited to, those taken by mouth, inhaler, injection (including epi-pen) or application (including drops and creams).

Whenever possible, medications for students should be administered by parents at home. As a service to the family, the superintendent shall establish procedures for the administration of medication by school personnel in circumstances where such administration is deemed necessary for the student’s well-being by the student’s parent/guardian or physician.

At no time shall school personnel be required to administer medications, when, in the administration’s sole opinion, staff resources are not sufficient to provide such a service or the nature of the medication/dosage causes reservations.

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

Medication Administration Form

This form shall be signed and dated, at least on an annual basis, by the student’s parent/guardian, the student’s physician and filed with the building principal. Written instructions signed and dated by the student’s parent/guardian and the student’s physician shall accompany the medication, be completed on or attached to the Medication Administration Form, and shall include the following information.

- A. Student’s name, telephone number
- B. Physician’s name, address, telephone number
- C. Name of medication

D. Prescribed dosage and frequency to be given at school

8670 Administration of Medications

8670-2

E. Form of medication (*e.g.*, tablet/capsule, liquid, inhaler, injection)

F. Restrictions and/or possible side effects

G. Special handling and storage instructions

Note: The purpose of the medication may be included on the form, *but is not required*.

Medication Label

The medication shall be brought to school in a container appropriately prepared and labeled by the physician, pharmacy or pharmaceutical company. The medication label shall also include the dosage and frequency of administration of medication for the student.

Medication Supply

The medication shall be brought to school by the student's parent/guardian. If permission is granted for the student to self-administer this medication at school, the student may bring the medication to school only after the approval for self-possession and/or self-administration has been granted. Refill of the medication is the sole responsibility of the student's parent/guardian. Medication shall be supplied in the prescribed dosage. It is the responsibility of the parents to supply divided (split) dosage.

The district reserves the right to verify amounts of medication brought to school, e.g. Ritalin or other controlled substances. The amount of drug brought may be counted and the count recorded by designated school staff.

Administrator Responsibilities

The building administrator or other designated administrator shall:

- A. Inform appropriate school personnel of the student's medication on a need-to-know basis.
- B. Designate those school personnel who may administer and/or witness the administration of medication to students (state mandate).
- C. Immediately notify the student's parent/guardian of any error in administering the medication and document such notification.

Medication Administration and Storage

All school personnel designated by a school administrator to administer medication students in the school setting shall:

- A. Always administer the medication in the presence of another adult, who has been so designated by the administrator, or Medical Staff, except in an emergency that threatens the student's life or health.
- B. Maintain a written record of the administration of the medication on a district medication log form, including an accurate record of the amount and date of the medication received, and the amount and date of the medication dispensed.
- C. Store the medication in a locked area with limited access and according to the medication's storage instructions.
- D. Return the unused medication only to the parent/guardian. Or, as appropriate, dispose of the medication in the presence of another adult at the end of the school year.

- E. Participate in appropriate training as arranged by the district.
- F. Immediately report to the building administrator any error in administering the medication.

Parent/Guardian Responsibilities

No dosage or time of administration changes should be instituted except by written instruction from physician after the initial request. Maintaining expiration dates is parental responsibility.

Student Responsibilities

The student assumes responsibility for both presenting himself/herself on time and for taking the prescribed medication. Any exception to the designated medication time requires a written explanation from the student's physician. The student's parent/guardian shares responsibility to instruct their child to appear for dispensation of the medication at the designated medication time.

School Medication Records

A record shall be maintained which indicates the time/date of medication, the amount of medication administered, and the adult witness present. This form shall be signed by the both the adult designated to administer medication and the adult witness designated by the school administrator.

School Self-Possession and/or Self-Administration of Medication

Subject to the approval of school administration, students who are able to self-administer specific medication(s) shall be permitted to do so, provided all of the following conditions are satisfied:

- A. Regardless of the student's age, a physician shall provide written instructions for the student to self-possess and self-administer the medication.
- B. The student's parent/guardian shall provide written authorization for the student to self-possess and self-administer the medication in the school setting (if a student is age 18 or is an emancipated minor, the student may provide this written authorization instead of the parent/guardian).
- C. In accordance with the student's self-administration of medication plan, the medication shall be maintained exclusively and at all times under the student's control while in the school setting.
- D. Students who receive authorization to self-administer their medication shall not convey, make available, transfer or otherwise distribute the medication to other students. Students who violate this conduct standard shall be subject to disciplinary penalties as specified in the student code of conduct.
- E. Building administrators and appropriate school personnel shall be informed when a student is authorized to self-possess and self-administer medication.
- F. The building administrator may discontinue the student self-administration privilege upon advance notification to the parent/guardian.

Superintendent's Responsibilities

The Superintendent or his/her designee will promulgate rules and guidelines to implement these provisions:

- A. Develop further procedures, as necessary, to implement this policy and to address specific circumstances which may arise, including, but not limited to procedures which are required by a student's Individualized Education Program (IEP) or Section 504 Plan.
- B. All individuals designated or authorized to administer medication will be required to receive in-service training on all district policies and procedures related to this responsibility. School staff must be trained by a licensed registered professional nurse, physician, or physician assistant who has knowledge of local school medication policies and procedures.
- C. Implement appropriate procedures regarding communication of the district's student medication policy and procedures to employees, students and parent/guardians, as well as to local physicians.

Definition

For purposes of this policy, the term "*medication*" shall include both prescription and nonprescription (*over the counter*) medications including, but not limited to, those taken by mouth, inhaler, injection (including epi-pen) or application (including drops and creams).

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

Adopted April 15, 2002
Revised March 24, 2003

School Administration of Medications

Prescription medications shall not be stored or dispensed by district personnel without written permission and instructions from both (Cf 8670-R-5 Attachment A):

- a. the parent/guardian, who shall request and authorize district personnel to give medication in the dosage prescribed by the physician and to contact the physician directly.
- b. the physician, who shall provide instructions to school personnel regarding the administration of medication, and who shall identify any specific conditions or reactions to the medication which may require contacting the physician or other professional medical personnel. Instructions from the physician must include the length of time (not to exceed the current school year) that medications are to be administered.

Any change in medication, dosage, or time of administration must be accompanied by new parent and physician written instructions and permission.

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

- a. The child's full name,
- b. The name of the medication and the dosage,
- c. The time of day medication should be administered, and
- d. The name of the physician.

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

Each building shall have a plan for handling medical emergencies.

The school administrator will designate an individual(s) responsible for administering medications to pupils at that school. A school administrator, teacher or other school employee

8670-R Administration of Medications

8670-R-2

authorized to do so by the school administrator, may administer medication to a pupil in the presence of another adult employee pursuant to written permission of the pupil's parent(s) or guardian(s), and in compliance with, the written instructions of a physician. Where the individual administering the medication is a licensed registered professional nurse, or when an emergency threatens the life or health of the pupil, a second adult need not be present.

It is the responsibility of the student to report to the appropriate school official at the time any prescription is to be taken.

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

School personnel designated to administer medications shall maintain an accurate and confidential system of record keeping, including the following (Cf 8670-R-6 Attachment B):

- a. the full name of the student
- b. the physician instructions for administration
- c. a log of the time, dosage, administering adult, second adult present for each administration, and the signature of the administering adult for each administration, and
- d. any noted effects of or reaction to the medication.

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

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

Student Self-Administration of Medications

Upon the written request of a parent/guardian and with the approval of the school administration, students may store small quantities of medication for self-administration. Approval of the school administration may be withheld whenever the principal feels that the student is not sufficiently mature and reliable to undertake self-administration without supervision. The school administration will only grant elementary and middle school students self-administration privilege on the request of a licensed physician.

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

Assisting a Student in Distress

Any district staff member may assist a student in distress in self-administration of a medication (ex. Epi-pen injection, asthma inhaler, etc.). For the purpose of this policy, distress refers to any obvious and serious discomfort or threatening condition. The staff member should first confirm that the medication and dosage are proper for the student as conditions allow.

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

HOLLY AREA SCHOOLS Medication Administration Form

School: _____

Date form received by the school: _____

Student: _____ Phone: _____ Date of Birth: _____

Grade: _____ Teacher /Classroom: _____

To be completed by the physicians or authorized prescriber

Name of medication: _____

Reason for medication (optional): _____

Form of medication/treatment:

 Tablet/capsule Liquid Inhaler Injection Nebulizer Other _____

Time of Administration: _____

Dosage: _____

If deviation is necessary: _____

Restrictions and/or important side effects: None anticipated Yes

If yes, please describe: _____

Special storage requirements: None Refrigerate Other

This student is both capable and responsible for self-administering and self-possession of this medication: No Yes-Unsupervised

Please indicate if you have provided additional information:

 On the back of this form As an attachment

Date: _____ Physician's Signature: _____

Physician's Name:	_____
Address:	_____
Phone Number:	_____

To be completed by parent/guardian

I request that (name of child) _____ receive the above medication at school according to standard school policy. (It is the student's responsibility to report for medication to be administered).

I request that (name of child) _____ be allowed to self-administer the above medication at school according to the school policy.

Date: _____ Signature: _____ Relationship: _____

HOLLY AREA SCHOOLS MEDICATION POLICY

For purposes of this policy, the term “*medication*” shall include both prescription and non-prescription (*over the counter*) medications including, but not limited to, those taken by mouth, inhaler, injection (including epi-pen) or application (including drops and creams).

The administration of medication and student self-administration shall be in strict compliance with the rules and regulations stipulated by the board and carried out by the building administrators.

In all cases, if a student needs prescription or non-prescription (over the counter) medication during the school day, the parent/guardian must furnish the school with a completed Medication Administration Form, and the following procedures must be adhered to:

- ◆ If a request is made for administration of medication, the medication must be brought to school by a parent or guardian.
- ◆ Physician’s written instructions which include the name of the student, name of medication, dosage, time to be administered must accompany the medication.
- ◆ All medication must be kept in a container appropriately labeled by a physician, pharmacy or pharmaceutical company. The label shall include the dosage and frequency of administration. Splitting of pills is not the responsibility of school personnel.
- ◆ Regardless of the student’s age, a physician and parent shall provide written instructions authorizing the student to self-administer/self-possess medication.
- ◆ A student may bring medication to school only after approval for self administration/self-possession has been granted.
- ◆ Students shall not convey, make available, transfer or otherwise distribute medication to other students.
- ◆ The building administrator may discontinue the student self-administration/self-possession privilege upon advance notification to the parent/guardian.
- ◆ It is the responsibility of the student to report for administration of medication.
- ◆ Maintaining expiration dates of medication is parental responsibility.
- ◆ No dosage or time of administration changes will be instituted except by written instruction from the physician.
- ◆ Medication left at the end of the school year should be picked up by the parent/guardian. Any medication not picked up will be destroyed.

Detailed policy is available on request in school offices.

Any activity which involves the expenditure of public funds shall be subject to prior approval of the board.

The board shall, when possible, provide fiscal support of approved student activities. The board may accept bequests, gifts of money or property for the purpose of supporting student activities. While all gifts shall be given to the school district as a whole, the wishes of the donor in supporting particular student activities will be given consideration. The acceptance of such gifts shall not in any way impair the board's legal obligation to clearly operate all authorized student activities in the district.

Activity Fees

Fees for various student activities shall be established by the building principal. The fees shall admit each student to all activities in the respective attendance center. No student shall be denied participation in any activities because of his inability to pay such charges.

Musical Instruments

The school shall provide a variety of musical instruments for student use. The superintendent may require a reasonable deposit for instrument use in order to protect the district against loss or damage.

Adopted April 15, 2002

The district encourages students to broaden their knowledge and citizenship by the formation of clubs and other groups organized to promote or pursue specialized activities outside the regular classroom environment provided membership is open to all interested and eligible students, approval of the building principal and the board is obtained, and a member of the faculty attends the meetings or activities as an official advisor.

Student Clubs

The administrative council shall establish regulations for the operation of school-sponsored clubs. Such clubs shall operate for the welfare and in the best interests of the students and the school. School-sponsored clubs are those directly under the control of school personnel. Non-school clubs may not conduct their activities on school property without prior permission from the building principal.

Student Equal Access

Student initiated, non-curricular related groups shall be permitted to conduct voluntary meetings on high school premises only before or after the school day, provided that the meetings do not materially and substantially interfere with the orderly conduct of the educational activities of the school or violate board policy or state and federal law.

Such meetings shall be open to all students without regard to race, creed, color, sex, handicap, religion, or national origin.

No public funds may be expended on behalf of the student groups covered by this policy except for the incidental cost of providing space for the meeting.

Students seeking to establish voluntary, non-curriculum related student group shall first seek approval of the building principal.

Student Government

A student council may be established in each attendance center provided that it is under the direct control of the building principal or designated faculty representative. Student councils shall exercise only that authority expressly delegated to them by the building principal.

Student Publications (Cf. 8730)

School-sponsored student publications shall be under the control and supervision of the building principal or designated faculty representative. All material published in school-sponsored publications must have the prior approval of the faculty sponsor.

Students are exposed to diverse opinions on an infinite number of topics through the various mass media. Students who have facts and opinions should be allowed to express them in print as well as through oral communication. However, student editors and writers must observe the same legal responsibilities as those imposed upon conventional newspapers and communication media. Thus, no student shall distribute in any school any student publication which:

Is obscene as to minors according to current legal definitions;

Is libelous according to current legal definitions; or

Creates a material or a substantial disruption of the normal school activity or appropriate discipline in the operation of the school.

Student Social Events

Student social events, such as dances and parties, contribute an important element in the development of the individual. All such events must have the prior approval of the building principal and the faculty sponsor of the club or class sponsoring the event.

Adopted April 15, 2002

Student Clubs

Every school club shall be sponsored by a member of the faculty appointed by the building principal. All meeting times and places of the club must have the advance approval of the faculty sponsor and the building principal, and the sponsor or designated representative must be present at all meetings.

Student Equal Access

District employees shall not promote, lead, or participate in the meetings of non-curricular related student groups. A district employee may be present at the meetings to maintain order and protect the general welfare of the students involved.

District employees may not influence the form or content of any prayer or other religious activity nor require any person to participate in prayer or any other religious activity. In addition, non-school persons may not direct, conduct, control, or regularly attend the activities of the non-curricular related student groups.

Student Social Events

Weekend activities shall end at 12:00 midnight, with the exception of the Prom and the SADD/Graduates Party. Activities including practices and rehearsals which occur on an evening preceding a school day shall end at 10:30 PM. Exceptions may be granted if prior approval is obtained from the building principal.

The building principals may make such other rules and regulations as they deem necessary for the conduct of student social events. These rules and regulations and any amendments thereto shall be published in such a manner so that all students are aware of such rules and regulations and understand their importance.

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

Adopted April 15, 2002

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

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

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

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

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

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

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

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

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

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

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

In order for a student publication to be considered disruptive, there must exist specific articulable facts upon which it would be reasonable to forecast that a clear and present likelihood of an immediate, substantial and material disruption to normal school activity or school discipline would occur if the material were distributed. Mere undifferentiated fear or apprehension of disturbance is not enough; school personnel must be able to affirmatively show substantial facts which reasonably support a forecast of likely disruption. Such disruption would include, for example, student rioting, unlawful seizures of property, destruction of property, threats or acts of violence, widespread shouting or

boisterous conduct, or substantial participation in a school boycott, sit-in, stand-in, walk-out or other related forms

8730-R Student Publications

8730-R-3

of activity. On the other hand, material that stimulates heated discussion or debate does not constitute the type of disruption prohibited herein.

Ads

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

Definitions of Terms Used in Discussing Student Publications

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

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

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

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

“Distribution” means circulation or dissemination of the student publication to students at the time and place of normal school activity or immediately prior to subsequent thereto by means of handing out free copies, selling or offering copies for sale, accepting donations for copies of the publication or displaying the material in areas of the school building or property which are generally frequented by students. In dealing with material which is “obscene” or “libelous,” the term “distribution” refers to dissemination of one or more copies; whereas in dealing with all other types of material, the term “distribution” refers

to a substantial circulation or dissemination of the student publication so as to make the student publication generally available to the students of the school.

8730-R Student Publications

8730-R-4

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

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

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

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

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

Student awards for having represented a school in the district shall be limited to those approved by the administration. Awards for interscholastic athletic activities shall be limited to those approved by the MHSAA.

Students shall be advised by the appropriate sponsor that accepting cash or merchandise for participation in an activity may jeopardize the student's amateur standing and eligibility in that identical activity before the MHSAA.

Each faculty sponsor bears the responsibility for monitoring his student activity sponsorship and must make his students aware of those activities which put him in violation for this policy and MHSAA regulations.

Adopted April 15, 2002

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

Homebound and hospitalized service is designed to help pupils, who are unable to attend school due to a medical condition, to keep up with their studies and to progress as far as possible given their medical condition. The homebound and hospitalized teacher carries the curriculum from school to the home or treatment facility to enable pupils to continue with their studies.

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

Adopted April 15, 2002

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

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

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

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

Adopted April 15, 2002

Students who marry shall have access to the same educational opportunities, special services and considerations that are provided other students enrolled in the district.

Marital status shall not affect the rights and privileges of students to take part in any extracurricular activity offered by the school unless such participation is regulated by an agency outside the district.

The administration is authorized, in terms of the statements above, to make special arrangements for attendance, promotion, graduation, etc., for married students who wish to continue and complete their education in the schools of the district.

Adopted April 15, 2002

The district will cooperate with students who are interested in entering the foreign student exchange program.

The district may accept students from other nations who come to the district from foreign exchange programs officially recognized by the board.

Foreign exchange students shall not be charged tuition fees.

Foreign exchange students sponsored by groups other than those officially recognized by the board may be accepted by special board action.

LEGAL REF: AG Opinion #6316

Adopted April 15, 2002

The Superintendent (or his designee) shall be responsible for determining the eligibility of an exchange-visitor program. A sponsor of a designated exchange-visitor program desiring to submit an application to enroll a foreign exchange student must initially contact the Superintendent's office. Consideration will be given to:

1. The sponsor's ability to abide by the criteria and regulations governing designated exchange-visitor programs administered by the USIA (United States Information Agency).
2. Previous relations, if any, between the program and the school.
3. Demonstrated successful placement of foreign exchange students.

The Superintendent may consult with the high school principal, former host families and the USIA in reaching a decision to authorize the sponsor to operate an exchange-visitor program in the school district. The sponsor and principal will be notified of this decision in writing.

Such authorization of a sponsor to operate an exchange-visitor program will be subject to annual review. Upon receiving written authorization, the sponsor will be instructed on the application process indicated below.

Acceptance of foreign exchange students will be the decision of the high school principal after consultation with the Superintendent. No more than five (5) foreign exchange students may be enrolled at the high school per school year.

1. Applications from authorized sponsors must be submitted to the high school principal for approval at least six (6) weeks prior to the semester in which the student applies for enrollment.
2. Upon approval by the high school principal of the foreign exchange student's enrollment at Holly Area Schools, the sponsor shall receive a letter from the principal authorizing the admission of the student to the high school. Certificate of Eligibility for Exchange-Visitor (J-1) status shall not be issued by the sponsor without the written acceptance by the principal.

3. The sponsor shall provide copies of the following documents to the principal:
 - a. Foreign student's program application.
 - b. Foreign student's transcript (original) translated and certified for all subjects from 7th year of school to present.
 - c. Information on English language proficiency.
 4. Additionally, the foreign exchange student and/or sponsor shall provide the high school principal copies of a valid passport, J-1 VISA, Form I-94 Departure Record and Form IAP-66. All copies shall be kept in the foreign exchange student's Educational Record (CA-60).
- The foreign exchange student must be sponsored by an organization which has exchange-visitor program designation approved by the United States Information Agency (USIA).
 - Full responsibility for the foreign exchange student resides with the sponsoring organization for the conduct of the student during the period of enrollment in the school district and compliance with USIA and Immigration and Naturalization Service (INS) regulations.
 - Foreign exchange students must live with a host family who resides within the school district.
 - Foreign exchange students must be 16-19 years of age and enrolled in grades 9-12.
 - Foreign exchange students must have a sufficient command of the English language to enable them to function well in an English-speaking academic and community environment.

- Foreign exchange students will not be accepted for less than one semester or longer than one school year.

- Foreign exchange students shall be subject to the Student Code of Conduct during the period of their enrollment at Holly Area Schools.

The educational interests of students require the collection, retention, and use of data about individuals and groups of students while ensuring the individual's right to privacy. The school district will maintain educational records of students for legitimate educational purposes.

School student records are confidential and information from them shall not be released except as provided by law. The information contained in school student records shall be kept current, accurate, clear, and relevant. All student records, including those maintained in district electronic database(s), shall be safeguarded during collection, maintenance, and dissemination so as to protect against unauthorized access or accidental release. The district may release directory information in accord with law, provided parent(s) or guardian(s) are given the opportunity to object to the release of this information.

The district shall inform students and their parent(s) or guardian(s) annually and upon initial enrollment of their rights under law and board policy with respect to student records, and of the procedures for exercising those rights. This notice shall be modified to accommodate the needs of the disabled or those whose dominant language is other than English.

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

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

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

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

Adopted April 15, 2002

For the purposes of these guidelines, whenever a student has attained 18 years of age, or is attending an institution of post-secondary education, the consent required of and the rights accorded to the parent(s) or guardian(s) of the student shall only be required of and accorded to the student.

Record Custodians

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

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

A student record is defined as those records that are directly related to a student and maintained by an educational agency or institution or by a party acting for the agency or institution.

Storage

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

Directory Information

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

Data Gathering

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

Missing Student

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

Inspection and Copying of Records

Parents of a student or an eligible student who is attending or who has attended Holly Area School District shall have the right to inspect and review all education records of the student by submitting a request to the Holly Area School District official responsible for the record. Response to these requests is to be made within five business days from day request is received. The response is to include date, time and place for the inspection of the records. An official of Holly Area School District will be present to assist the parent/eligible student with any interpretation that may be needed. Each school shall establish appropriate procedures for the granting of a request by a parent/guardian for access to their child's records within a reasonable period of time, but in no case more than 45 school days after the request has been made. Where such records or data include information on more than one student, the parent/guardian of any student shall be entitled to receive, or to be informed of, that part of such record as pertains to their child.

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

In situations where the parents of a student are divorced or separated, each parent, custodial and/or non-custodial, has equal rights to their student's records unless a court order specifies otherwise. Private agreements between the student's parents shall not be recognized by the district's personnel.

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

Requesting Amendments

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

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

- The hearing shall be conducted and the decision rendered by a person who does not have a direct interest in the hearing outcome;
- The parent/guardian of the student shall be given notice of the date, place and time of the hearing within a reasonable time in advance of the hearing;
- The parent/guardian may be assisted or represented by individuals of his choice at his own expense, including an attorney;
- The parent/guardian shall be afforded a full and fair opportunity to present relevant evidence;
- The decision shall be rendered in writing within a reasonable time after the hearing concludes; and
- The decision of the school shall be based solely upon the evidence presented at the hearing and include a summary of the evidence and the reasons for the decision.

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

Disclosure Without Consent

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

- Other school officials, including teachers within the district who have legitimate educational interests;
- Officials of other schools or school systems in which the student intends to enroll; [Note: this requires parental notification in each instance unless stated as a practice in the annual notification to parents/guardians of their rights]
- The Comptroller General of the United States, the Secretary of Education, or state and local educational authorities;
- Authorized persons to whom a student has applied for or from whom a student has received financial aid;
- Organizations conducting studies for or on behalf of educational agencies or institutions;
- Accrediting organizations;
- In compliance with a judicial order or subpoena, provided the custodian makes a reasonable effort to notify the parent(s)/guardian(s) prior to complying so that they may seek protective action. Notification will not be made to the parent(s)/guardian(s),

however, if the court or agency issuing the subpoena orders that the subpoena not be disclosed; and

8940-R Student Records

8940-R-6

- Appropriate persons if knowledge of the information is necessary to protect the health or safety of the student or other persons in an emergency. The custodian of the records shall take the following factors into consideration in deciding whether the information should be released: the seriousness of the emergency; whether the information is needed to meet the emergency; whether the persons to whom the information will be released are in a position to deal with the emergency; and whether time is of the essence in dealing with the emergency.

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

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

Disclosure With Written Consent

The custodian may disclose information in a student's records or provide access to the records following written instructions signed and dated by the parent/guardian of the

student specifying the records, the reasons, and the person(s) to whom the release is to be made. A copy of the parent/guardian's instructions shall be kept along with the record.

8940-R Student Records

8940-R-7

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

Disposition of Records

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

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

Custodial Discretion in Exceptional Circumstances

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

Notification

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

Disposition

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

STUDENT AND FAMILY RIGHTS CONCERNING SCHOOL RECORDS

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

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

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

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

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

changed, and specify the reason. The right to challenge school student records does not apply to: (1) academic grades of their child, and (2) references to expulsions or out-of-

8940-R Student Records

8940-R-9

school suspensions, if the challenge is made at the time the student's school student records are forwarded to another school to which the student is transferring.

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

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

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

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

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

Disclosure is also permitted without consent to: any person for research, statistical reporting or planning, provided that no student or parent(s)/guardian(s) can be identified;

8940-R Student Records

8940-R-10

any person named in a court order; and appropriate persons if the knowledge of such information is necessary to protect the health or safety of the student or other persons.

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

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

- name
- address
- gender
- academic awards, degrees and honors
- information in relation to school sponsored activities, organizations and athletics
- major field of study
- period of attendance in school

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

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

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

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

Fees and Charges

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

Fines

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

Adopted April 15, 2002

Fees and Charges

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

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

Fines

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