

Section 5000 – Personnel

Section 5000 Personnel

(Approved August 6, 2001)

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5010 Goals and Objectives

5010

The goals of the personnel policies set forth in this policy and rule sections are to create the best possible educational climate for the students of the District. To this end, these personnel policies are designed to prevent misunderstanding by District personnel about their duties and privileges. In order to further develop a climate of trust and understanding, the Board earnestly seeks the involvement of all personnel in the development of policies affecting their positions.

Approved: August 6, 2001

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5020 Equal Employment Opportunity

5020

The Board shall be an equal opportunity employer. The objective of the Board is to attract and retain individuals qualified and/or trainable for the positions in the system by virtue of job-related standards of education, training, experience, and personal qualifications.

The Superintendent is responsible for ensuring compliance and continued implementation of this policy.

Approved: August 6, 2001

LEGAL REF: 42 USCA 2000e-8, 2000e-12; 44 USCA 3501 *et seq.*; 42 USCA 12117 (The Equal Employment Opportunities Act); 29 USCA §§627, 630 (Age Discrimination in Employment Act); 42 USCA §1981 *et seq.* (Civil Rights Act); 28 FCR §4241; 28 CFR §42.405 (Title VI of the Civil Rights Act); 42 USCA §2000e, *et seq.* (Title VII of the Civil Rights Act); 20 USCA §1681; 34 CFR §106.8; 24 CFR §106.9 (Title IX of the Education Amendments); MCL 37.1101-1607 (Michigan Handicappers' Civil Rights Act); 37.2101-2804 (Elliott-Larsen Civil Rights Act); Michigan Constitution Article I, §2

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5025 Multiracial Understanding

5025

The District recognizes that racism is an instructional and societal problem and, therefore, shall strive to create and maintain an atmosphere of mutual understanding and respect among students, employees and the public. This will be reflected through all its programs and practices that shall actively promote cultural awareness, intergroup relations and the understanding of racial and ethnic groups within the District.

Approved: August 6, 2001

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5030 Non-Discrimination and Complaint Policy

5030

It is the policy of the Board of Education that the District will not discriminate against any person on the basis of sex, race, color, national origin, religion, height, weight, marital status, handicap or disability. The District 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 Handicappers' 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 is appointed the Civil Rights Coordinator regarding complaints of disability/handicap discrimination involving educational services, programs and activities. The administrator in charge of Career and Technical Education is appointed the Civil Rights Coordinator regarding discrimination complaints made by any students and/or their parent(s)/guardian(s), and involving sex, race, color, national origin, religion, height, weight or marital status. The Superintendent of Schools (*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, the President of the Board shall be automatically designated as the Civil Rights Coordinator for such complaints. The President of the Board may, at his/her sole discretion, elect to employ District legal counsel or other qualified, independent investigators to assist him/her in the investigation.) The complainant may appeal the Civil Rights Coordinator's determination to the Superintendent (or Board President if the complaint is against the Superintendent) by so notifying the Superintendent or Board President in writing within the (10) calendar days of the Civil Rights Coordinator's determination. The

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5030 Non-Discrimination and Complaint Policy

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Superintendent or Board President may conduct additional investigation of the facts and circumstances surrounding the complaint. The Superintendent or Board President 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.

If the complainant is not satisfied with the Civil Rights Coordinator's written decision, he/she may appeal to the Office for Civil Rights, Department of Education, Washington, D.C. 20202.

Approved: August 6, 2001

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5035 Discriminatory Harassment of Employees or Applicants

5035

Discriminatory harassment of School District elected officials, employees, or applicants for employment by Board of Education Members, School District employees, vendors, contractors or other doing business with the School District, students, parents, guardians, invitees, volunteers or guests 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 a term or condition, either explicitly or implicitly, to obtain employment; or
- Submission to, or rejection of, such conduct or communication by an employee/applicant is used as a factor in decisions affecting such employee/applicant's employment; or
- Such conduct or communication has the purpose or effect of substantially interfering with an employee's employment, or creating an intimidating, hostile, or offensive employment environment, or otherwise adversely affects an employee's employment opportunities.

In the event the complaint is against the Superintendent, the President of the Board shall be automatically designated as the recipient and investigator for such complaints. The President of the Board may, at his/her sole discretion, elect to employ District legal counsel or other qualified, independent investigators to assist him/her in the investigation.

The School District considers discriminatory harassment on the basis of religion, race, color, national origin, age, sex, height, weight, marital status, handicap or disability to be a major offense that 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

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5035 Discriminatory Harassment of Employees or Applicants

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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.

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 Superintendent has the responsibility of investigating complaints of discriminatory harassment of employees or applicants. 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.

Notification

Notice of this policy will be periodically circulated to all school buildings and departments within the District, and incorporated in teacher, student and parent/guardian handbooks. All new hires of the District will be required to review and sign off on this policy and its related complaint procedure.

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

See Appendix A of this section for examples of sexual harassment.

Approved: August 6, 2001

Revised: December 5, 2005

LEGAL REF: MCL 37.2101 *et seq.*, (Elliott-Larsen Civil Rights Act); 380.601a; 20
USCA §1681; 34 CFR §106.8; 34 CFR §106.9 (Title IX of the Education
Amendments)

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Employees are encouraged to report suspected illegal activity to appropriate School District administrators, or the Board of Education. The Board of Education will not tolerate any form of reprisal, retaliation or discrimination against:

- Any employee, or applicant for employment, because he/she opposed any practice that h/she reasonably believed to be made unlawful by federal or state laws prohibiting employment discrimination on the basis of sex, race, color, national origin, age, religion, height, weight, marital status, handicap or disability.
- Any employee, or applicant for employment, because he/she filed a charge, testified, assisted or participated, in any manner, in an investigation, proceeding or hearing under federal or state laws prohibiting employment discrimination on the basis of sex, race, color, national origin, age, religion, height, weight, marital status, handicap or disability or because he/she reported a suspected violation of such laws according to this policy; or,
- Any employee or applicant because he/she reported, or was about to report, a suspected violation of any federal, state or local law or regulation to a public body (unless the employee knew that the report was false) or because he/she was requested by a public body to participate in an investigation, hearing or inquiry held by that public body or a court.

An employee or applicant for employment who believes that he/she has suffered reprisal, retaliation or discrimination in violation of this policy shall report the incident(s) to the Administrator in Charge of Personnel and Employee Relations. The Board of Education guarantees that no employee or applicant for employment who makes such a report will suffer any form of reprisal, retaliation or discrimination for making the report.

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5040 Retaliation and Whistle-Blowing

5040-2

The Board of Education considers violations of this policy to be a major offense that will result in disciplinary action against the offender, regardless of the offender's position within the School District.

Approved: August 6, 2001

LEGAL REF: MCL 15.361 - 369, "The Whistleblowers' Protection Act."

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5060 Federal Program Administration

5060

Federally funded programs are a vital and necessary adjunct to the educational program of the District's schools.

Title Programs

The Board shall ensure that the District's Title programs operate in accordance with federal laws and conditions. The Superintendent is responsible for administering the District's Title programs; assessing the educational needs of all students, particularly the needs of educationally deprived students, developing appropriate communication channels between all parties, developing in-service training for parents/guardians and staff, and developing appropriate evaluation procedures.

Approved: August 6, 2001
LEGAL REF: 20 USCA 6301, *et seq.*

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5140 Policies and Rules Development Involvement

5140

In the development of personnel policies, rules and regulations, which are not mandatory subjects of negotiations under the Public Employee Relations Act, the Board shall, to the fullest extent possible, utilize and involve the employees of the District with respect to their ideas, comments and criticism.

5160 Qualifications and Duties

5160

The Superintendent or designee shall develop a job description for each classification of employees. Such job description shall be on file in the central office and not incorporated within the Board policy handbook.

Approved: August 6, 2001

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5170 Recruitment

5170

The Superintendent shall have the authority to establish a procedure for the recruitment of well-qualified personnel to staff the schools. The Superintendent may request District administrators or building Principals or other staff members to assist in this effort.

Identity and Employment Status

All potential employees of the District shall verify their identity and employment status to the Superintendent or designee.

The office of Staff and Organizational Development shall maintain a file on all of the District's employees hired after November 6, 1986, proving that employees have verified their identity, employment status, U.S. citizenship, or legal alien status to the Superintendent's satisfaction. Evidence to be used to verify identity, employment status, U.S. citizenship, or legal alien status should include at least two of the following documents, one of which contains a current photo of the employee: U.S. birth certificate, social security card, and a current driver's license; a state or military identification card; or one of the following: U.S. passport, certificate of U.S. citizenship, certificate of naturalization, unexpired foreign passport, or resident alien card.

Non-Discrimination

The Board shall not discriminate in its policies and practices with respect to compensation, terms or conditions of employment because of such individual's race, color, religion, sex, national origin, height, weight, marital status, political belief, disability, or handicap which does not impair an individual's ability to perform adequately in that individual's particular position or activity.

The Superintendent or designee shall have in place all appropriate procedures relative to the Americans with Disabilities Act. This statement of non-discrimination

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5170 Recruitment

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shall be published and disseminated to all students, parents, guardians, employees, applicants and the general public in a manner determined by the Superintendent.

The Superintendent shall insure that the District is in compliance with the provisions of Title I, the No Child Left Behind Act. Manuals and handbooks shall comply with federal law as to the qualifications for instructional personnel. Notice of professional qualifications shall be provided to parents/guardians of students in Title I schools and staffing pattern reviews as required by law shall be conducted as required by law.

Approved: August 6, 2001

Revised: December 5, 2005

LEGAL REF: 42 USCA §1981 *et seq.* (Civil Rights Act); 42 USCA 2000e-8, 2000e-12; 44 USCA 3501 *et seq.*; 42 USCA 12117 (The Equal Employment Opportunities Act); 42 USCA §2000e, *et seq.* (Title VII of the Civil Rights Act); 20 USCA §1681; 34 CFR § 106.8; 34 CFR §106.9 (Title IX of the Education Amendments); 42 USCA 12116 (The Americans with Disabilities Act); MCL 37.1101-1607 (Michigan Handicappers' Civil Rights Act); 37.2101-2804 (Elliott-Larsen Civil Rights Act); 20 USCA§6311 (h)(6)(A) (No Child Left Behind Act)

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5175 Criminal History and Background Checks

5175

Criminal History Checks

Upon an offer of initial employment by the Board or upon learning that an individual has been assigned to regularly and continuously work under contract in any of the District's schools, the individual shall have undergone both a criminal history and records check performed by the State Police and FBI. The results shall have been received before the individual is employed unless, under the guidelines in current law, the person may be employed prior to the results being received.

No later than July 1, 2008, the Board shall have requested both a criminal history and records check through the State Police and the FBI for all individuals, as of January 1, 2006, employed by the District or assigned to regularly and continuously work under contract in any of the District's schools.

Only those persons who have been offered a position or contract by the Board and/or Superintendent must undergo a criminal history and records check, not all applicants.

No individual shall be employed, in any capacity, who has been convicted of a listed offense under the Michigan Sex Offenders Registration Act.¹ An individual shall not be employed, in any capacity, who has been convicted of a felony, unless the Superintendent and the Board specifically approve the work assignment in writing.

¹ A listed offense includes any of the following:

- 1) Accosting or soliciting a child for immoral purposes (MCL 750.145a-c);
- 2) Sodomy if the victim is an individual less than 18 years of age (MCL 750.158);
- 3) A third or subsequent violation of any combination of the following:
 - a. Being engaged in indecent or obscene conduct in a public place (MCL 750.167(1)(f))
 - b. Indecent exposure (MCL 750.335a)
 - c. A local ordinance of a municipality substantially corresponding to the above;
- 4) Except for a juvenile disposition or adjudication, gross indecency between males, females, or between a male and female, if the victim was under 18 years of age (MCL 750.338-338b);
- 5) Kidnapping (MCL 750.349);
- 6) Kidnapping under age 14 (MCL 750.350);
- 7) Soliciting and accosting (MCL 750.448);
- 8) Pandering (MCL 750.455);
- 9) 1st, 2nd, 3rd and 4th degree criminal sexual assault, and second or subsequent offenses (MCL 520b-e);
- 10) Assault with intent to commit criminal sexual assault (MCL 750.520g);
- 11) Sexually delinquent persons (MCL 750.10a);
- 12) The attempt or conspiracy to commit any of the above offenses;
- 13) Any other violation of a law of this state or a local ordinance of a municipality that by its nature constitutes a sexual offense against an individual who is less than 18 years of age; and (Continued next page)
- 14) Any offense substantially similar to the above offenses under a law of the United States, any state, or any country or under tribal or military law.

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5175 Criminal History and Background Checks

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If the District obtains notice from an authoritative source that an individual has been convicted of a listed offense, the individual shall not be employed, in any capacity, or allowed to regularly and continuously work under contract in any of the District's schools.

If the District is notified or learns that a teacher employed with the district has been convicted of a crime listed in MCL 380.1535a(1)-(2), the Superintendent or Board President shall notify the superintendent of public instruction within 15 days after learning of the conviction.²

² MCL 380.1535a(1) includes a conviction for *any felony* and any of the following misdemeanors: 1) criminal sexual conduct in the fourth degree or an attempt to commit criminal sexual conduct in the fourth degree; 2) child abuse in the third or fourth degree, or any attempt to commit child abuse in the third or fourth degree; 3) a misdemeanor involving cruelty, torture, or indecent exposure involving a child; 4) a misdemeanor violation of Section 7410 of the Public Health Code (concerning distribution of marijuana to minors near school property); 5) a violation of section 115, 141a, 145a, 335a, or 359 of the Michigan Penal Code (concerning breaking and entering; consumption or possession of alcohol by minors, or controlled substances at social gatherings; soliciting a child for immoral purposes; indecent exposure; and damage to vacant buildings); or a misdemeanor violation of section 81, 81a, or 145d of the Michigan Penal Code (including assault and battery; domestic assault; assault and infliction of serious injury; and using the Internet to commit a crime against a minor); 6) a misdemeanor violation of Section 701 of the Michigan Liquor Control Act (concerning the prohibition of liquor sales to minors); 7) any misdemeanor that is a listed offense; and 8) a violation of a substantially similar law of another state, of a political subdivision of this state or another state, or of the United States – as amended by 2005 PA 130.

MCL 380.1535a(2) includes the following offenses:

- a) Criminal sexual conduct in any degree, assault with the intent to commit criminal sexual conduct, or an attempt to commit criminal sexual conduct in any degree;
- b) Felonious assault on a child², child abuse in the first degree, or an attempt to commit child abuse in the first degree;
- c) Cruelty, torture, or indecent exposure involving a child;
- d) A violation of section 7401(2)(a)(i), 7403(2)(a)(i), 7410, or 7416 of the Public Health Code (concerning unlawful manufacture, delivery, or possession of controlled substances or controlled substance analogues; distribution of marijuana to minors near school property; and recruiting or inducing a minor to commit a felony);
- e) A violation of section 83, 89, 91, 145a-c, 316-17, 350, 448, 455, or 529 of the Michigan Penal Code (concerning assault with intent to commit murder or to steal while armed; attempt to murder; consumption or possession of alcohol by minors, or controlled substances at social gatherings; first and second degree murder; armed robbery; and using the Internet when committing a crime against a minor);
- f) A violation of section 158 of the Michigan Penal Code if the victim was an individual less than 18 years of age (concerning crimes against nature or sodomy);
- g) Except for a juvenile disposition or adjudication, a violation of section 338, 338a, or 338b of the Michigan Penal Code if the victim was an individual less than 18 years of age (concerning gross indecency between males, females, and between males and females);
- h) A violation of section 349 of the Michigan Penal Code if the victim was an individual less than 18 years of age (concerning kidnapping);
- i) An offense committed by a person who was, at the time of the offense, a sexually delinquent person – any person whose sexual behavior is characterized by repetitive or compulsive acts which indicate a disregard of consequences or the recognized rights of others, or by the use of force upon another person in attempting sex relations of either a heterosexual or homosexual nature, or by the commission of sexual aggressions against children under the age of 16;
- j) An attempt or conspiracy to commit an offense listed in (a) or (e-i);

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5175 Criminal History and Background Checks

5175-3

Criminal history and records checks shall be used for employment purposes only. No Board member or employee shall disclose the report or its content, except a felony conviction or a misdemeanor conviction involving sexual or physical abuse, to any person other than those directly involved in evaluating the applicant's qualifications for employment.³

Background Checks - Employment History - Unprofessional Conduct

Upon an offer of initial employment by the Board, all persons shall have undergone an unprofessional conduct background check. A staff person may be hired prior to the results of the unprofessional conduct background check following the guidelines in current law.

The Superintendent will promulgate appropriate administrative rules regarding the procedures to be followed in obtaining criminal history and background checks.

Approved: November 19, 2001

Revised: December 5, 2005

Revised: May 1, 2006

LEGAL REF: MCL 380.1230; 380.1230a; 380.1230b; 380.1230c; 380.1535a(9)

k) A violation of a substantially similar law of another state, of a political subdivision of this state or another state, or of the United States; Any crime listed in 1535(1), if the superintendent of public instruction determines the public health, safety or welfare requires emergency action based on the circumstances underlying the conviction.

³ Any person that violates this policy may be found guilty of a crime.

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5180 Unauthorized Release of Information (Cf. 5185)

5180

Employees of the District may have ongoing opportunities to access confidential information or records that are only available to the public on a limited review basis. Much of the information processed by District employees is confidential, and law governs its release; for example, driver record and vehicle registration information, confidential student records, criminal history background check information, information obtained pursuant to Family Independence Agency intervention, and professional misconduct background checks.

It is the policy of the Board that employees are prohibited from divulging information contained in the records and files of the District, except to other, authorized employees who may need such information in connection with their duties and to authorized persons in accordance with law, District policies, and administrative rules.

If an employee is approached to provide information inappropriately, the employee must refuse to release the requested information unless authorized by his/her supervisor or otherwise required to release the information under law or court order. In all cases, the employee's immediate supervisor shall be informed, immediately, of any requests.

Any employee who inappropriately releases information, or uses confidential information obtained in the course of his/her employment with the District for personal reasons or private gain, will be disciplined in accordance with Board policies, collective bargaining agreements, and District procedures. Disciplinary action may include severe penalties, up to, and including, discharge.

The District shall apply the requirements set forth in this policy, equally, to any data processing subcontractor employed. Data processing subcontractors shall, as a condition of their contractual agreement with the District, be required to adopt this, or a similar policy, regarding their own employees.

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5180 Unauthorized Release of Information

5180-2

The Superintendent shall promulgate appropriate administrative rules to help assure the confidentiality of records and, particularly, those records obtained through electronic means.

Approved: May 1, 2006

LEGAL REF: Federal Driver Privacy Protection Act of 1994 (18 USC 2721 et seq.);
MCL 257.208c - 208d; MCL 257.903; MCL 380.1230

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5185 Social Security Number Confidentiality

5185

Pursuant to both state and federal law, it is the policy of this School District to protect the confidentiality of social security numbers. No person shall knowingly disclose, transfer, or unlawfully use the social security number of any employee, student, or other individual.

The Superintendent shall establish rules and regulations to implement this policy.

The Superintendent shall ensure that:

1. The confidentiality of social security numbers is maintained to the extent practicable;
2. The unlawful disclosure of social security numbers is prohibited;
3. Access to information or documents containing social security numbers is limited; and
4. Documents containing social security numbers are disposed of properly.

This policy and its rules shall be published in the appropriate handbooks, manuals, and other similar documents. The published document(s) may also be made available electronically.

Persons who violate this policy, or the rules that implement it, may be subject to disciplinary action up to and including suspension or expulsion for students and termination for employees.

Approved-new: December 5, 2005

LEGAL REF: MCL 445.81 *et seq.*; 18 USC 1028; 5 USC 552a (The Privacy Act of 1974)

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5190 Staff Development Opportunities

5190

The Board supports the concept of personal development for the staff and to this end, may authorize funding for various activities in its budget.

Personal development opportunities shall follow any guidelines found in the current negotiated master contract(s).

In-Service Education

The Superintendent, in consultation with various groups of the District's staff, shall develop programs of in-service education that will promote the continuous development and improvement of on-the-job performance of its personnel. Out-of-state attendance at conferences and conventions requires prior Board approval (see policy 5530.)

Technology

The Board requires that any staff member who uses a computer or an advanced piece of technological hardware or software be provided in-service training in its utilization. The Board shall appropriate funds to this end.

Approved: August 6, 2001

Revised: December 5, 2005

LEGAL REF: MCL 380.1254; 380.1525; 380.1526; 388.1695; MCL 380.621a

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5200 Staff Conduct

5200

All staff members have the responsibility to make themselves familiar with, and abide by, the laws of the state of Michigan as they affect their work, the policies of the Board, and the administrative regulations designed to implement them. All staff members shall be expected to carry out their assigned duties, support and enforce Board policies and administrative regulations, submit required reports, protect District property, oversight of students and contribute to the education and development of the District's students.

The Superintendent and department heads shall assume the major responsibility for interpreting this policy.

Federal Compliance

All employees will be provided with an explanation of both their responsibilities and their rights under law in terms of the actions they may take to maintain order, discipline, and an appropriate educational environment. Training will be provided that defines approved actions, and informs employees that they may be liable for harm when they engage in criminal, grossly negligent or reckless conduct, or act with flagrant indifference to the rights and safety of another person who suffers harm as a result. The Superintendent will develop rules that prescribe the circumstances under which the District administration and/or parents/guardians are to be notified of actions taken, any written documentation of actions taken that is necessary, and other appropriate procedures including staff training.

Staff Appearance

Staff 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.

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5200 Staff Conduct

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Ethics

Staff, in the performance of their duties, shall:

- Recognize basic dignities of all individuals with whom he/she interacts in the performance of his/her duties,
- Exercise due care to protect the mental and physical safety of students, colleagues and subordinates for whom he/she is responsible,
- Be accountable for maintaining his/her integrity and shall avoid accepting anything of substantial value offered by another which is known to be or which may appear to be for the purpose of influencing his/her judgment or performance of his/her duties,
- Accurately represent his/her certifications, qualifications, or licensure
- Be responsible to present any subject matter in a fair and accurate manner.

The Superintendent is directed and authorized to develop appropriate administrative rules for the enforcement of this policy.

Approved: August 6, 2001

Revised: December 5, 2005

LEGAL REF: MCL 380.11a; NCLB

REF: Employee Handbook, page #15, Standards of Conduct.

LEGAL REF: 20 USCA

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5202 Social Networking Conduct

5202

School employees shall be notified annually of the importance of complying with this policy and maintaining proper decorum in the on-line, digital world as well as in person. Employees shall conduct themselves in ways that do not distract from or disrupt the educational process or violate this policy or status. Staff members will be reminded of the following:

- a. Teachers may allow individual students to use email, electronic chat rooms, instant messaging, social networking sites (I. E. Facebook and Twitter) and other forms of direct electronic communications for educational purposes only and with proper supervision. Proper supervision shall include, but is not limited to, the teachers having the documentation of the students' username and password on file and being able to monitor the account. This includes the use of student personal email accounts and personal social networking sites in the school environment. In addition, if student's personal accounts are accessed through the district Internet, the profile for student personal accounts must not contain identifiable information such as last name or address of student.
- b. The growing use of the Internet has blurred the lines between professional and personal conduct. School employees shall understand that certain expectations for professional conduct extends into the personal online world of social networking, blogs, and other communication tools. Mention of the district, individuals employed by the district, students, the Board, or members of the School community is strictly prohibited, unless authorized by the superintendent. Employees shall respect the privacy of district staff, students, the board, and others in the School community. Staff shall not divulge or post online any identifying information of any member of the School community without that

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- members' express permission (including, but not limited to, names, addresses, photos, videos, email addresses, phone numbers.) Employees shall exercise appropriate discretion when using social networks for personal communications and should limit this activity to off hours. Conduct which reflects poorly upon staff, students, the Board or the School may be grounds for disciplinary action.
- c. All users shall abide by rules of Network etiquette which include but is not limited to the following:
- Be polite. Use appropriate, professional language and graphics. No swearing, vulgarities, suggestive, obscene, belligerent, or threatening language.
 - Avoid language and/or graphic representations which may be perceived as offensive by others. Don't use network or Internet access to make, distribute, or redistribute jokes, stories, or other material which is based on slurs or stereotypes relating to race, gender, ethnicity, nationality, religion, or sexual orientation, height, weight and marital status.
 - Do not discuss matters involving students, parents, colleagues, or make derogatory statements against the District and others in the school community.

Student Information

- d. No personal student information, such as addresses, phone numbers birthdates, or any other information that may be used to identify students will be allowed to be published on the Internet without appropriate written consent. Appropriate written consent means a signature by a parent or legal guardian or eligible student.

Approved: October 18, 2010

Revised: March 21, 2011

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5203 Use of District Equipment, Supplies and Materials (Cf. 9250)

5203

Permission must be gained from the Superintendent or appropriate supervisor before any District equipment, supplies or materials may be removed from District grounds.

The Superintendent, administrator, or supervisor may authorize staff members to utilize District-owned equipment, supplies and materials to develop software and associated documents outside of their work assignment, provided the development of the software is in the best interests of the District. Staff using District equipment, supplies, materials and software shall be in compliance with all copyright laws. Staff members authorized to use District equipment assigned to them for use off school grounds (such as, but not limited to, laptop computers, cellular telephones, printers or the like) shall assume responsibility for said equipment. Unless specifically authorized otherwise, all such equipment issued to teachers or administrators shall be returned to the District at the end of their annual work year.

In no case shall employees be authorized to borrow, remove or utilize District equipment, materials or supplies in connection with any outside employment or any other personal interest. Violations of this policy will result in disciplinary action up to and including discharge and/or the filing of criminal charges.

Recognized bargaining units may use District equipment as provided for in the current negotiated master contract.

Approved: August 6, 2001
LEGAL REF: MCL 19.141; MCL 750.362

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5205 Possessing, Transporting or Transmitting Dangerous Weapons (Cf. 8300) 5205

No person shall possess, transport or transmit a dangerous weapon on School District property, property used by the School District for a school-related purpose, or in a motor vehicle used for a School District-related purpose unless: (a) Prior permission has been granted by the Superintendent; or (b) The person is an on-duty law enforcement officer or, if off duty, the officer is otherwise required by the law enforcement agency to carry a weapon.

A dangerous weapon, within the meaning of this Policy, shall include, by way of description, such things as a firearm, knife, black jack, baton, iron bar, brass knuckles, martial arts devices, and incendiary and/or explosive devices. Pursuant to federal law, the term firearm includes, but is not limited to, any weapon designed to expel a projectile by the action of an explosive, the frame or receiver of any such weapon, a muffler or silencer for such a weapon, or destructive device.⁴ A person, including a student, who violates this Policy, will be reported to law enforcement authorities. Employees who violate this policy will be severely disciplined, up to and including discharge.

The Board policy prohibiting students from possessing dangerous weapons is contained in the Employee Handbook, Standards of Conduct. The Board, pursuant to state law, shall expel students who violate the weapons laws and rules unless one of the statutory exceptions is established. To comply with federal law, any such exception shall be reduced to writing.

Approved: August 6, 2001

Revised: December 5, 2005

LEGAL REF: MCL 380.1311; 750.237a; 18 USCA 921; 20 USCA 7151 (No Child Left Behind Act)

⁴ Pursuant to federal law, the term destructive device means: any explosive, incendiary, or poison gas: bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or device similar to any or the devices described in the preceding clauses.

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5210 Staff Complaints (Cf. 5030, 5040)

5210

The Board recognizes the need to provide for the orderly resolution of disagreements or complaints arising out of alleged misapplication of a Board policy. Such disagreements or complaints should be resolved at the lowest possible administrative level. The Superintendent shall assure the procedures may be utilized without fear of reprisal.

The procedure established for resolution of grievances in the master contracts negotiated with recognized employee organizations shall apply only to grievances as defined by the particular agreement.

This policy covers any item not covered by a negotiated master contract or subject to negotiations under the Public Employee Relations Act and does not apply to any complaints based upon alleged discriminatory practices.

Approved: August 6, 2001

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5220 Staff-Student Relations

5220

All District employees are expected to maintain relationships with members of the student body that are conducive to an effective educational environment. All District employees are responsible for the regulation of student conduct.

Threats to Students

Any District employee who threatens to inflict, inflicts, or causes to be inflicted, deliberate physical pain by any means to any student, may be disciplined according to provisions which may be found in the current negotiated master contract or as prescribed by the Board.

Employees found to be in violation of this policy by the Board may be subject to disciplinary action up to and including termination of employment.

Approved: August 6, 2001
LEGAL REF: MCL 380.1312

Section 5000 – Personnel

5230 Conflict of Interest

5230

District employees are prohibited from engaging in activities which may be construed as a conflict of interest and detract from the effective performance of their duties. No employee shall attempt, during the work day or on school property, to sell or endeavor to influence any student to buy any product, article, instrument, service or other such item that would directly or indirectly benefit said school employee.

Any Student or District employee shall report alleged violations of the conflict of interest policy to the Superintendent. The Superintendent or designee shall make an initial investigation to determine whether said policy has been violated.

Employees in a position to influence decisions on purchases or contracts shall not have a personal financial interest either directly or indirectly in any contract or purchase of the District or benefit directly or indirectly from any financial transaction or contract of the District unless that interest has been fully disclosed and the person involved has removed him/herself from the decision-making process.

Approved: August 6, 2001
Revised: December 5, 2005
LEGAL REF: MCL 15.321 – 323

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5235 Nepotism

5235

The Board shall not employ any teacher or other employee over 18 years of age, if such person is a member of the immediate family of the Superintendent.

Every attempt shall be made not to place a District employee in a position in which he/she would be in a direct supervisory relationship with a member of his/her immediate family.

Approved: August 6, 2001
LEGAL REF: MCL 37.2102

Section 5000 – Personnel

5245 Political Activities

5245

Staff members who intend to become candidates for full-time political office are requested to notify the Superintendent/designee within five days of the date on which the declaration of candidacy is filed to discuss the compatibility of the office regarding continued employment with the District. After the individual is actually elected, he/she must choose between the positions he/she desires to hold, if the positions are incompatible or may request an unpaid leave of absence. In no incompatibility is found between the elected and school District positions, no working hours may be used to fulfill the duties of the elected position.

Approved: August 6, 2001
LEGAL REF: MCL 15.401-407

Section 5000 – Personnel

5250 Employee Use of Electronic Communications Devices

5250

The Board recognizes that employees may carry electronic communications devices either District-issued or personally owned and hereby adopts this policy.

District-Issued Communications Devices

The District may elect to issue certain communications devices to employees in order to increase the efficiency of District operations. Issuance and use of District equipment shall be subject to rules promulgated by the Superintendent.

Personally Owned Communications Devices

Employees may carry and use personally owned cellular telephones or pagers/beepers on school property subject to rules and regulations promulgated by the Superintendent.

Approved: January 19, 2009

LEGAL REF: MCL 380.1303 (PA 132 of 2003)

5300 Personnel Records

5300

One, official personnel file shall be maintained by the District for each employee. Personnel files kept by the District concerning employees shall be kept in a secured location and are to be kept under the custodianship of the appropriate District or building supervisor. Complete personnel files of employees who have left the District shall be similarly kept, but in an inactive file, as per statute. A permanent record of the employee's years of work, assignments and salary/wage paid shall be kept in perpetuity.

Approved: August 6, 2001

LEGAL REF: MCL 15.231 *et seq.*; 423.501-512

Section 5000 – Personnel

5330 Travel Expenses (Cf. 1168, 3600)

5330

The Board shall provide reimbursement for expenses incurred in travel related to the performance and duties of the District's employees when approved in advance by the Superintendent or designee.

No employee travel outside of the state of Michigan will be eligible for reimbursement unless such travel is approved by the Board in advance.

Approved: August 6, 2001
LEGAL REF.: MCL 380.621a

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5335 Staff Recognition

5335

The Board will recognize employees for years of service, retirement and other areas as per the procedures outlined in the procedures manual.

Public funds may be used for purchasing the following for the recognition of an employee, volunteer, or pupil, if the value of the purchase does not exceed \$100 per recipient:

- Plaque
- Medals
- Trophy
- Other Awards

Approved: August 6, 2001

Revised: June 6, 2005

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5340 Staff Health and Safety (Cf. 5370)

5340

The Board shall attempt to ensure staff health, safety, and protection during working hours.

The Board shall comply with the provisions of the federal and Michigan Occupational Safety and Health Act as they apply regarding the employee's right to know of hazardous conditions or materials. The Superintendent shall develop appropriate procedures for informing staff.

Approved: August 6, 2001

LEGAL REF: Michigan Constitution Article VIII, §3; MCL 408.1001-1094 (Michigan Occupational Safety and Health Act)

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5345 Staff Smoking and Tobacco Products

5345

District employees shall not, at any time, smoke or use tobacco products in any District building, District owned or leased vehicle, at any school-sponsored event, nor on school grounds.

District employees shall not smoke or use tobacco products when they are involved with students or when supervising student activities whether on or off District property.

Approved: August 6, 2001

Revised: October 18, 2010

LEGAL REF: MCL 750.473

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5350 Drug-Free Workplace

5350

The use, distribution, dispensation and/or manufacturing of controlled substances, as defined by state and federal law, by District employees on District grounds, in District buildings and/or in connection with any District activity, is prohibited.

Any District employee who violates the above policy may be subject to disciplinary action, up to and including termination of employment. In addition, the employee may be required to satisfactorily participate in a drug assistance or rehabilitation program approved by the Board.

Any District employee who has been found guilty of violating a criminal drug statute in the workplace shall notify the Superintendent within five days after a conviction relating to the drug offense.

The Superintendent shall notify the appropriate federal agency within ten days after receiving notice of a workplace related drug conviction on the part of the employee.

The Superintendent or designee shall develop a drug-free awareness program for District employees. District employees who request assistance for drug counseling and/or rehabilitation shall direct their request to the Superintendent.

The Superintendent shall include in the District's employee in-service program a drug-free awareness program that shall include the following information:

- a. The dangers of drug abuse in the workplace;
- b. The employer's policy of maintaining a drug-free workplace;
- c. Available drug counseling, rehabilitation and employee assistance programs; and
- d. The penalties the Board may inflict upon employees for drug abuse violations.

In developing the in-service program, the Superintendent may utilize the services and assistance of the District's insurance carrier, local or county health departments, local or regional medical health center or other substance abuse agencies in the immediate area.

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5350 Drug-Free Workplace

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This policy shall be published annually in the District's faculty and staff handbooks.

Approved: August 6, 2001

Revised: December 5, 2005

LEGAL REF: 49 CFR 382.601 (Anti-Substance Abuse Act)

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5358 Bus Driver Alcohol and Drug Testing

5358

The Superintendent shall be responsible for implementing an alcohol and drug-testing program for school bus drivers. The Board may enter into partnership agreements with other Districts to comply with federal law.

The purposes of the testing program are to help prevent accidents and injuries resulting from the misuse of alcohol and controlled substances by a bus driver and to comply with federal law.

Bus drivers are prohibited from any alcohol use that could affect on-the-job performance. Such use includes: use of alcohol on the job; alcohol use during the four hours before driving; having prohibited concentrations of alcohol in his/her system; and alcohol use during eight hours following an accident.

Bus drivers shall not report for duty or remain on duty which requires the performance of safety-sensitive functions when the driver uses any controlled substances except when such use is pursuant to the instructions of a physician who has advised the driver that the controlled substance does not adversely affect his/her ability to safely operate a motor vehicle.

Such alcohol and drug testing shall be performed on drivers for: pre-employment (drugs only), pre-duty, reasonable suspicion, random, post-accident, return-to-duty, and follow-up alcohol and drug testing pursuant to procedures set out in the federal regulations.

An employee covered by the federal regulations may not refuse to take a required test.

Approved: August 6, 2001

LEGAL REF: 49 CFR §40.1 (Omnibus Transportation Employee Testing Act)

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5360

Bus Driver Criminal History Background Check (Cf. 5175)

5360

Upon receipt of an application from a person for the position of school bus driver, the District shall request from the Department of State Police a background check to determine whether the person was ever convicted of any of the following offenses:

- (a) Criminal sexual conduct in any degree.
- (b) Assault with intent to commit criminal sexual conduct.
- (c) An attempt to commit criminal sexual conduct in any degree.
- (d) Felonious assault on a child, child abuse, or cruelty, torture, or indecent exposure involving a child.
- (e) A violation of section 145c of the Michigan penal code, 1931 PA 328, MCL 750.145c.⁵

The District application form for the position of school bus driver shall make note on the application form in a prominent place that all applicants will be required to undergo a criminal history background check. Any applicant objecting to having the District seek a criminal history background check shall not be considered and their application form shall not be accepted or filed.

If actually employed as a school bus driver either full or part-time, the bus driver shall fall under all laws and conditions concerning criminal history background checks as set forth in policy 5175.

Costs of all criminal background checks shall be borne by the applicant or employee.

Approved: February 19, 2007
LEGAL REF.: MCL 257.1853

⁵ MCL 750.145c: Child sexually abusive activity or material; possession of child sexually abusive material.

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5370 Communicable Diseases - Staff and Students (Cf. 8510)

5370

In the interest of student and staff safety, the Superintendent is charged with the responsibility of making sure the district follows State and Federal regulations as it applies to Bloodborne Pathogens.

In order to minimize the spread of contagious diseases among students and staff, the District will cooperate, fully, with the Bay and Arenac 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 Bay and Arenac 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

Approved: August 6, 2001

Revised: February 19, 2007

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

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The Health Insurance Portability and Accountability Act of 1996 (HIPAA)⁶ grants individuals the right to receive notice of the uses and disclosures of their protected health information (PHI) that may be made by the District, and sets forth the individual's right's and the District's legal obligations with respect to PHI. The District declares itself a hybrid entity under the law.

The District will maintain all PHI in accordance with law. Protected health information does not include information contained in student education records covered by the Family Educational Rights and Privacy Act (FERPA) or employment records held by the District in its role as an employer.

Protected health information will only be available to designated employees who need to have access to those records in their employment capacity with the District and with other authorized entities. Employees will not disclose or use PHI unless an appropriate written consent/authorization exists, an actual emergency exists, or unless otherwise authorized by law. The District will train all employees who may have contact with protected health information on the law and the District's policies and procedures as necessary and appropriate for the employee's position. Any employee failing to comply with District policies, procedure, or law may be disciplined or terminated.

The District will not intimidate, threaten, coerce, discriminate against, or take other retaliatory action against any individual for exercising his or her rights; participating in any process; filing a complaint; testifying, assisting or participating in an investigation, compliance review, proceeding or hearing; or in good faith

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5375 Health Records – HIPAA

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opposing any act or practice the individual believes is unlawful, in accordance with law.

The District's privacy official is:

Superintendent or Designee

Bay-Arenac ISD

4228 Two Mile Rd

Bay City, MI 48706

989.667.3201

The District privacy official's duties include but are not limited to:

- Developing and implementing the District's policies and procedures regarding protected health information.
- Receiving and evaluating requests for amendments of protected health information.
- Answering questions regarding privacy issues.
- Providing training to District employees.
- Reviewing and deciding appeals concerning complaints initially decided by the contact person.

The District's contact person and security official is:

Superintendent or Designee

Bay-Arenac ISD

4228 Two Mile Rd

Bay City, MI 48706

989.667.3201

The District contact person/security official's duties include, but are not limited to:

- Receiving and reviewing complaints.

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5375 Health Records - HIPAA

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- Determining whether a violation of policy or procedure has occurred, determining the potential harmful effects, and deciding upon an action to minimize the harm.
- Referring violators to appropriate administrators for possible discipline.
- Providing information about matters covered in the District's privacy notices.
- Insuring that notices of privacy practices are distributed as required by law.
- Developing and implementing the District's security policies and procedures.
- Performing tests and assessments of technology safeguards at the direction of the Superintendent or designee.

Approved-new: December 5, 2005

LEGAL REF: 20 U.S.C. § 1232g (FERPA); Health Insurance Portability and Accountability Act (HIPAA), P.L. 104-191; 45 C.F.R. §§ 160.101 *et. seq.*; 164.102 *et. seq.*

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5400 Family and Medical Leave

5400

The Board shall comply with the 1993 Family and Medical Leave Act as amended.

Employees with at least one full year of service and at least 1,250 hours of work in, or as the district would construe as full time for each employee group, the last 12 months are entitled to unpaid leave of up to 12 weeks in the fiscal year (July 1 through June 30) for the birth/adoption of a child or for serious personal or family health reasons. A qualified employee who is the spouse, son, daughter, parent, or next of kin to a member of the Armed Forces, including a member of the National Guard or Reserves who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list for a serious injury or illness, may also take up to 26 weeks of leave to care for that member of the Armed Forces. A qualified employee may take FMLA leave of up to 12 weeks in response to a covered family member's, "qualifying exigency," that arises out of a call to active duty service in support of a contingency operation.

Leaves may be continuous or intermittent with the agreement of the employee and the Superintendent. Benefits shall continue during the leave upon payment of appropriate contributions.

An FMLA leave is limited to 12 or 26 weeks in any 12-month period. The 12-month period will be measured in the fiscal year (July 1 through June 30).

Upon conclusion of the leave, the employee shall be returned to the same position or an equivalent position. If the employee does not return as scheduled, termination from the position may result.

The Superintendent shall enact rules to implement this policy and reserve all rights to require proper documentation of all leaves under the Act and this policy.

The Superintendent shall use and incorporate the definitions from the FMLA statutes and regulations, post appropriate notices for employees, make forms

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5400 Family and Medical Leave

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available as needed, and keep the FMLA notices and forms up to date as mandated by the U.S. Department of Labor.

Approved: August 6, 2001
Revised: December 5, 2005
Revised: October 5, 2009
LEGAL REF: CFR § 29.825

Section 5000 – Personnel

5410 Professional Staff Contracts (Cf. 2400)

5410

The employment of teachers shall be secured through written contracts according to their status as a probationary or tenured teacher.

The Superintendent is authorized to sign teacher contracts on behalf of the Board. All provisions of individual contracts shall be in compliance with the negotiated master agreement.

Compensation and Benefits (Cf. 2400)

Provisions of this section are generally covered in the negotiated master agreement and/or staff contract.

Approved: August 6, 2001

Revised: December 5, 2005

LEGAL REF: MCL 380.1224; 380.1231

Section 5000 – Personnel

5430 Hiring (Cf. 5020)

5430

The Board has the legal responsibility of approving the staffing levels for all categories of District personnel. Once the Board, through the budget adoption process, has approved staffing levels, the Board delegates to the Superintendent the authority to recruit and hire all staff members to fill the positions approved. In carrying out this responsibility, the Superintendent shall involve appropriate administrative and/or non-certified staff members as needed and use special criteria developed by the Board and/or staff.

Approved: August 6, 2001

Section 5000 – Personnel

5500 Teaching Staff Probation and Tenure

5500

Every teacher, or other employee eligible to obtain tenure as a teacher, during his/her first four full school years of employment shall be on probation, unless he or she has previously received tenure at another Michigan School District.

During this probationary period, the Board will ensure that the teacher is provided with an individualized development plan and given an annual year-end performance evaluation, as provided for under current law. Additional performance evaluations or classroom observations, in addition to those required under the Teachers' Tenure Act may be performed subject to the negotiated bargaining agreement.

Tenure

Teachers attain continuing tenure, as a matter of law, after the satisfactory completion of their probationary period. Once tenure has been attained, the teacher shall remain on continuing tenure as provided for under current law.

The Board may recommend the discharge or demotion of a continuing tenure teacher only for reasonable and just cause and only as provided for under current law.

Continuing tenure will not be granted to any annual assignment of extra duty for extra pay.

Administrative Tenure

Administrators or teachers employed in assignments other than that of classroom teacher, shall be employed without continuing tenure in their other position, but will retain continuing tenure status in their teaching position.

Administration of Tenure

Provisions for evaluation of administrators and teachers is a priority of the Board. The Superintendent is responsible for developing procedures in agreement with the current negotiated agreement for meeting these priorities.

Approved: August 6, 2001
LEGAL REF: MCL 38.71 *et seq.*

Section 5000 – Personnel

5520 Evaluation

5520

Any evaluation procedures found in the negotiated agreement shall be followed in the development, maintenance or change of the District's evaluation policy, rules, regulations or procedures.

The evaluation instrument negotiated and adopted by the Board governing evaluation of the teaching staff is on file in the central office and shall be published in the teachers' handbooks.

Availability of Evaluation Documents

The evaluation instrument shall be available to the Superintendent, evaluating administrator, or supervisor under whose direct supervision the teacher will work and others authorized by law.

Approved: August 6, 2001

LEGAL REF: MCL 38.71 *et seq.*; 15.268

Section 5000 – Personnel

5525 Master Teachers

5525

The Board has established the following definition and qualifications in determining master teachers in the District:

An accomplished practitioner who has knowledge of the subject areas to be taught, of the skills developed, and of the curricular arrangements and materials that organize and embody that content; knowledge of general and subject-specific methods for teaching and for evaluating student learning; knowledge of students and human development; skills in teaching students from racially, ethnically, and socio-economically diverse backgrounds; and the skills, capacities, and dispositions to employ such knowledge wisely in the interest of students.

The standards for what accomplished teachers should know and be able to do include the following but are not limited to:

1. Dedication to making knowledge accessible to all students. A belief that all students can learn. Practice based on observation and knowledge of students' interests, abilities, skills, knowledge, family circumstances, and peer relationships.
2. A rich understanding of the subject(s) taught, appreciation of how knowledge in the subject area is created, organized, linked to other disciplines and applied to real-world settings. An instructional repertoire that creates multiple paths to the subjects taught, and the ability to teach students how to pose and solve their own problems.
3. The creation of instructional settings that capture and sustain the students' interest and make the most effective use of time while developing systems for overseeing classrooms so that students and teacher alike can focus on

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5525 Master Teachers

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- learning, not controlling disruptive behavior. In practice, effective teaching strategies encourage students even in the face of temporary failure.
4. Being models of educated persons, exemplifying the virtues they seek to inspire in students—curiosity, tolerance, honesty, fairness, respect for diversity and appreciation for cultural differences—and the capacities for intellectual growth: the ability to reason and take multiple perspectives to be creative and take risks, and to adopt an experimental and problem-solving orientation.
 5. Participating in school-wide collaborations across academic tracks, grade levels, special and regular instruction and disciplines while engaging parents and others in the community in the education of young people.
 6. Using information about how the students are doing “on average” as a guide to making judgments about the relative success or failure of an instructional strategy. Utilizing a repertoire of methods to assess student learning, as well as monitoring student progress, accomplished teachers are able to provide constructive feedback to students, parents, and themselves. Such teachers, help students engage in self-assessment, instilling in them a sense of responsibility for monitoring their own learning.
 7. A reverence to teaching, recognition of its complexities, and a commitment to lifelong professional development.

Approved: August 6, 2001
Revised: December 5, 2005
LEGAL REF: MCL 380.1526

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5540 Suspension and/or Dismissal of Professional Staff

5540

The Board may discipline, or proceed with charges to dismiss or demote, any probationary teacher, or recommend dismissal of any tenured teacher or administrator upon recommendation by the Superintendent in accordance with the Michigan Tenure Act and/or within the provisions of the current negotiated master contract.

The Superintendent or Designee shall make written recommendations to the Board concerning an employee on probation that, in his/her judgment, should be considered for dismissal or to proceed on charges against any tenured teacher being considered for a recommendation for dismissal.

Any action for non-renewal of the Superintendent's contract or the contract of any Assistant Superintendent, Principal, Assistant Principal, Guidance Director, and other administrators who do not assume tenure in that position shall be under the provisions of law. (MCL 380.1229)

The Superintendent is authorized by the Board to suspend from active duty any teacher against whom formal charges are anticipated being filed or have already been filed, until a decision is rendered or until the Board acts to reinstate said teacher.

Teacher Convictions

Generally, if a teacher is suspended, the teacher's salary shall continue during the suspension.

However, if a teacher is suspended and

- The teacher is convicted of a felony that is not a listed offense or a misdemeanor that is a listed offense, upon the Board's discretion, the teacher's salary may be discontinued upon the date of conviction.⁷

⁷ A listed offense includes any of the following:

- 1) Accosting or soliciting a child for immoral purposes (MCL 750.145a-c);
- 2) Sodomy if the victim is an individual less than 18 years of age (MCL 750.158);
- 3) A third or subsequent violation of any combination of the following:
 - a. Being engaged in indecent or obscene conduct in a public place (MCL 750.167(1)(f))
 - b. Indecent exposure (MCL 750.335a)
 - c. A local ordinance of a municipality substantially corresponding to the above;
- 4) Except for a juvenile disposition or adjudication, gross indecency between males, females, or between a male and female, if the victim was under 18 years of age (MCL 750.338-338b);
- 5) Kidnapping (MCL 750.349);
- 6) Kidnapping under age 14 (MCL 750.350);

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5540 Suspension and/or Dismissal of Professional Staff

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- The teacher is convicted of a felony that is a listed offense, the Board shall be discontinued the teacher's salary upon the date of conviction.
 - The teacher pleads guilty, no contest, or is convicted of a crime listed in MCL 380.1535a(2), the Board shall discontinue the teacher's salary.⁸
- Under such circumstances, all discontinued wages shall be held in an escrow account until the Superintendent of Public Instruction makes a final determination of whether or not to suspend or revoke the individual's teaching certificate. If the individual's

-
- 7) Soliciting and accosting (MCL 750.448);
 - 8) Pandering (MCL 750.455);
 - 9) 1st, 2nd, 3rd and 4th degree criminal sexual assault, and second or subsequent offenses (MCL 520b-e);
 - 10) Assault with intent to commit criminal sexual assault (MCL 750.520g);
 - 11) Sexually delinquent persons (MCL 750.10a);
 - 12) The attempt or conspiracy to commit any of the above offenses;
 - 13) Any other violation of a law of this state or a local ordinance of a municipality that by its nature constitutes a sexual offense against an individual who is less than 18 years of age; and (Continued next page)
 - 14) Any offense substantially similar to the above offenses under a law of the United States, any state, or any country or under tribal or military law.

⁸ MCL 380.1535a(2) includes the following offenses:

- a) Criminal sexual conduct in any degree, assault with the intent to commit criminal sexual conduct, or an attempt to commit criminal sexual conduct in any degree;
- b) Felonious assault on a child⁸, child abuse in the first degree, or an attempt to commit child abuse in the first degree;
- c) Cruelty, torture, or indecent exposure involving a child;
- d) A violation of section 7401(2)(a)(i), 7403(2)(a)(i), 7410, or 7416 of the Public Health Code (concerning unlawful manufacture, delivery, or possession of controlled substances or controlled substance analogues; distribution of marijuana to minors near school property; and recruiting or inducing a minor to commit a felony);
- e) A violation of section 83, 89, 91, 145a-c, 316-17, 350, 448, 455, or 529 of the Michigan Penal Code (concerning assault with intent to commit murder or to steal while armed; attempt to murder; consumption or possession of alcohol by minors, or controlled substances at social gatherings; first and second degree murder; armed robbery; and using the Internet when committing a crime against a minor);
- f) A violation of section 158 of the Michigan Penal Code if the victim was an individual less than 18 years of age (concerning crimes against nature or sodomy);
- g) Except for a juvenile disposition or adjudication, a violation of section 338, 338a, or 338b of the Michigan Penal Code if the victim was an individual less than 18 years of age (concerning gross indecency between males, females, and between males and females);
- h) A violation of section 349 of the Michigan Penal Code if the victim was an individual less than 18 years of age (concerning kidnapping);
- i) An offense committed by a person who was, at the time of the offense, a sexually delinquent person – any person whose sexual behavior is characterized by repetitive or compulsive acts which indicate a disregard of consequences or the recognized rights of others, or by the use of force upon another person in attempting sex relations of either a heterosexual or homosexual nature, or by the commission of sexual aggressions against children under the age of 16;
- j) An attempt or conspiracy to commit an offense listed in (a) or (e-i);
- k) A violation of a substantially similar law of another state, of a political subdivision of this state or another state, or of the United States; Any crime listed in 1535(1), if the superintendent of public instruction determines the public health, safety or welfare requires emergency action based on the circumstances underlying the conviction.

Section 5000 – Personnel

5540 Suspension and/or Dismissal of Professional Staff

5540-3

teaching certificate is suspended or revoked, all wages will be forfeited. If the individual's teaching certificate is not suspended or revoked, the individual shall be paid all withheld wages without interest. Should a person's conviction be reversed on appeal, that person shall be treated in a manner consistent with applicable law.

Reporting Crimes and Convictions

All District employees shall disclose criminal charges or convictions to the Superintendent as prescribed by law.

Failure to report being charged or convicted of a crime may result in dismissal.

Approved: August 6, 2001

Revised: May 1, 2006

LEGAL REF: MCL 38.71-121; 380.1229; 380.1230d; 380.1535a; 380.1539b

Section 5000 – Personnel

5560 Staff Resignations

5560

Resignations

Except by mutual consent, no teacher on continuing tenure or administrator shall discontinue his/her services without giving written notice to the Superintendent at least 60 days prior to September 1 of the ensuing school year. The Superintendent shall in writing, immediately accept such notice on behalf of the Board. A written letter of acceptance to a teacher on continuing tenure shall include a copy of the Michigan Teacher Tenure Act. Any teacher discontinuing his/her services in any other manner shall forfeit his/her rights to continuing tenure previously acquired. Such action shall become part of the teacher or administrator's personnel record.

In instances where a teacher or administrator must leave on shorter notice, the Superintendent may, as a condition of release, require the teacher or administrator to continue employment until satisfactory arrangements can be made for a replacement.

Other employees may resign at any time as conditioned by the applicable bargaining unit agreement. "At will" employees may resign at any time.

The Superintendent's acceptance of such written notice of resignation shall be considered final.

Approved: November 5, 2001

Revised: December 5, 2005

LEGAL REF: MCL 38.71-121

Section 5000 – Personnel

5640 Non-School Employment

5640

Certified employees shall not be permitted to engage in outside employment which, by its nature or duration, will impair the effectiveness of their instructional service, adversely affect their professional status, affect detrimentally on the District, raises a question of conflict of interest or requires or implies the use of any District facilities or equipment.

Approved: August 6, 2001

Section 5000 – Personnel

5645 Consulting

5645

Teaching or administrative employees may be excused by the Superintendent to perform short-term (meaning five workdays or less) technical or instructional services as consultants to other Districts, government agencies or private industry. Requests for approval to serve as a consultant for longer than a five workday time period shall be forwarded, along with the Superintendent's recommendation, to the Board for consideration.

Approved: August 6, 2001

Section 5000 – Personnel

5650 Tutoring for Pay

5650

No teacher shall tutor his/her own students for pay unless otherwise specifically set forth in the negotiated master agreement.

Approved: August 6, 2001

Section 5000 – Personnel

5685 Arrangement for Substitutes (Cf. 7840)

5685

Substitute teachers shall be obtained to provide for a level of instruction commensurate with the regular teacher's performance as nearly as practicable. All substitutes shall be duly certified as provided for under current State Department of Education rules. The Board shall establish, as needed, a daily compensation rate for substitute personnel.

Approved: August 6, 2001

LEGAL REF: MCL 380.1236; 421.42; 421.50; OAG, 1985-1986, No 6360, p 283 (May 13, 1986)

Section 5000 – Personnel

5710 Compensation Guides and Contracts

5710

Compensation Guide

No public funds will be spent by the Board in the form of wages or salary for any school employee to sponsor any religious activity. No public funds will be spent by the Board to pay any expenses of any student or school employee to attend any religious activity or conference.

Contracts

When LEA's and/or other appropriate agencies need or request the creation of technical service personnel, the Board authorizes the administration to enter into a bill back contract with the requesting agency. The contract will be for a specified period of time and at no cost to the ISD. (P-7.3B2)

Approved: August 6, 2001

Section 5000 – Personnel

5730 Recruitment (Cf. 5020)

5730

The Superintendent will recruit non-certified personnel to fill existing or proposed vacancies and recommend that the District hire the best-qualified person available.

The Board shall be informed, monthly, of what positions have been filled and who has been hired.

Approved: August 6, 2001

Section 5000 – Personnel

5740 Support Staff Positions, Qualifications, and Duties

5740

The Board shall establish all support staff positions in the District initially.

Specific duties and responsibilities of support personnel shall be determined by the Superintendent who shall, in cooperation with other administrative staff members concerned and the employees, develop job descriptions for each position. Job descriptions shall not be included in these policies/rules but will be filed and published in the appropriate handbook.

Although positions may remain temporarily unfilled or the number of persons holding the same type of position may be reduced as a reduction in force, only the Board may abolish a position that it has created.

Approved: August 6, 2001

Section 5000 – Personnel

5750 Part-Time and Substitute Non-Certified Staff

5750

The Superintendent is authorized to employ part-time and/or substitute non-certified personnel.

The Superintendent shall be responsible to establish procedures for arranging substitutes in case of non-certified absences.

Salary for support staff substitutes shall be according to rates established by the Board upon recommendation of the Superintendent.

Approved: August 6, 2001

Section 5000 – Personnel

5770 Non-Certified Staff Orientation

5770

The Superintendent and administrative staff shall provide for the orientation of non-certified employees.

Approved: August 6, 2001

5780 Non-Certified Staff Probation

5780

All non-certified staff shall be considered to be on probation during the first 90 work days of employment or as otherwise provided in the negotiated master agreement. The Superintendent shall provide for adequate supervision and evaluation of the employee prior to the end of said period. If a person other than the Superintendent performs the evaluation, he/she shall make a recommendation to the Superintendent as to the continued employment of the probationary staff member.

Employees assigned to a new or different position shall be considered to be on probation in said position for the first 30 calendar days of assignment or as otherwise provided in the negotiated master agreement or as extended by the Board.

Approved: August 6, 2001

Section 5000 – Personnel

5790 Supervision

5790

The Superintendent has the responsibility to supervise all non-certified employees not directly under the supervision of a building Supervisor or Department Head. An administrator or building Principal has the responsibility to supervise all non-certified employees who are assigned to their building or specific program, as provided for within the context of 5725.

Approved: August 6, 2001

5830 Suspension and Dismissal of Non-Certified Staff

5830

The Superintendent may suspend, discipline or dismiss non-certified staff. The Superintendent shall adhere to any relevant provisions contained in the negotiated master contract with the employee's collective bargaining unit.

At Will Employees

Non-certified employees who are not part of a recognized bargaining unit may be terminated at any time. A written notice stating the reason(s) for the termination will be given to the employee.

Approved: August 6, 2001

Section 5000 – Personnel

5850 Resignation of Non-Certified Staff (Cf. 5560)

5850

Any non-certified staff member desiring to resign from his/her position with the District shall submit a written resignation to the Superintendent at least ten working days prior to the effective date of the resignation.

The Superintendent is authorized to accept resignations of support staff personnel on behalf of the Board and they become final upon his/her acceptance. The Superintendent shall present all resignations to the Board for information.

Approved: August 6, 2001

5860 Reduction of Non-Certified Staff

5860

When reduction in staff is necessary for employees where provisions are not covered in contracts, the administration shall make recommendations that, in its judgment, will be beneficial to the District. Though length of service may be considered as a criterion for making such recommendations, it shall not be the sole determining factor considered.

Approved: August 6, 2001

Section 5000 – Personnel

5920 Non-School Employment (Cf. 5640)

5920

Non-certified employees shall not be excused during their regularly assigned time schedule to perform outside work. Non-certified employees shall engage in no outside employment which, by nature or duration, will impair the effectiveness of their assigned duties, reflect detrimentally on the District, involve any conflict of interest, or require the use of any District facility, equipment, supplies or materials.

Approved: August 6, 2001

Section 5000 – Personnel

5930 Leaves and Absences

5930

Leaves and absences for non-certified personnel not covered by a negotiated master contract may include provisions for: Sick leave, disability leave, personal leave, military leave, business leave, jury duty and others as provided by the Board and current law.

Approved: August 6, 2001

LEGAL REF: 29 USCA §2619; 29 CFR §825.300; 29 CFR 825.301, 29 CFR §825.209
(Family Medical Leave Act)