

Policy #	Policy Name	Date Adopted	Date Revised	Regulation
SECTION 5000 - PERSONNEL				
5020	Equal Employment Opportunity Affirmative Action	07/11/01		
5030	Non-Discrimination (Cf. 5020, 5050) Americans With Disabilities Act Title IX Compliance	07/11/01	04/15/09	X
5050	Sexual Harassment and Intimidation (Cf. 5030, 8015) Definition Notification	07/11/01	03/18/09	X
5170	Recruitment Certified Staff Non-Certified Staff Identity and Employment Status Non-Discrimination	07/11/01		
5175	Criminal History and Background Checks Criminal History Checks Background Checks - Employment History - Unprofessional Conduct	07/11/01	04/04/07	X
5190	Professional Development Opportunities	07/11/01		
5200	Staff Conduct Staff Appearance and Grooming Staff Use of Cell Phones	07/11/01	01/16/08, 03/04/09	
5205	Academic Freedom Definition	07/11/01		
5220	Staff-Student Relations Threats to Students	07/11/01		
5230	Conflict of Interest (Cf. 5640) Definitions Board Members Duty to Disclose Conflicts of Interest - Board Members Employees Employment of Relatives	07/11/01	03/03/10	
5260	Solicitations	07/11/01		X
5300	Personnel Records	07/11/01		X
5310	HIPAA Policy Definitions Declaration of Policy and Designation of Privacy Officer Development of Procedures and Training Violations No Retaliation Interpretation	11/07/07		
5340	Staff Health and Safety (Cf. 5370)	07/11/01		
5342	Zero Tolerance Policy Against Violence in the Workplace	07/11/01	11/20/02	
5345	Staff Smoking and Tobacco Products	07/11/01		
5350	Drug-Free Workplace	07/11/01	11/20/13	

Policy #	Policy Name	Date Adopted	Date Revised	Regulation
SECTION 5000 - PERSONNEL				
5357	Family Medical Leave and Extended Leave	07/11/01	05/04/16	X
5358	Bus Driver Alcohol and Drug Testing	07/11/01		X
5360	Temporary Illness and Temporary Incapacity	07/11/01		
5365	Absence Without Leave (AWOL)	02/04/09		
5380	Control of Bloodborne Pathogens	07/11/01		
5410	Professional Staff Contracts	07/11/01		
<i>SN: Scope of category determined by actual agreements in force.</i>				
5500	Teaching Staff Probation and Tenure Tenure Administrative Tenure Adminstration of Tenure	07/11/01		
5510	Performance Evaluation Systems	11/16/11		X
5515	Layoff and Recall	01/18/12		X
5520	Evaluation Availability of Evaluation Documents	07/11/01		
5540	Suspension and/or Dismissal of Professional Staff	07/11/01		
5560	Resignation of Professional Staff	07/11/01		
5640	Non-School Employment (Cf. 5230)	07/11/01		
5650	Tutoring for Pay (Cf. 5230)	07/11/01		
5685	Arrangement for Guest Teachers	07/11/01		
5690	Professional Staff Assignments and Transfers	07/11/01		
5695	Tax Sheltered Annuity 403(b) Program	02/04/09		
5700	Non-Certified Employees Appointment	07/11/01		
5710	Compensation Guides and Contracts At-Will Employees	07/11/01		
5780	Non-Certified Staff Probation	07/11/01		
5800	Evaluation of Non-Certified Staff	07/11/01		
5830	Suspension and Dismissal of Non-Certified Staff At-Will Employees	07/11/01	08/17/11	X
5850	Resignation of Non-Certified Staff (Cf. 5560)	07/11/01		

The District shall be an equal opportunity employer.¹ The objective of the District 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.

Affirmative Action

The District is committed to the concept of affirmative action as a means of ensuring equal employment opportunity for all and to ensure that discrimination does not occur. The District will take steps necessary to identify and remedy procedures which have the potential to be discriminatory in the recruitment, hiring, assignment or promotion of staff or which affect other terms and conditions of employment.

Approved: July 11, 2001

Reviewed:

LEGAL REF: Civil Rights Act of 1964, as amended in 1972, Section 100.4(a & b), Title VI, Title VII; Executive Order 11246, 1986 as amended by Executive Order 11375; Equal Employment Opportunity Act of 1972, Title VII; Education Amendments of 1972, Title IX (P.L. 92.318), Section 106.4; 45 CFR, Parts 81, 86 (Federal Register June 4, 1975, August 11, 1975); Michigan Civil Rights Act, Act No. 453 of the Public Acts of 1976, Section 101 through 211; Michigan Compiled Laws, 37.1101-37.1303 (Handicapper Civil Rights Act); Section 110.23 of the Age Discrimination Act of 1975

¹ The board must comply with several federal statutes, including: The Civil Rights Act of 1964, specifically Title VII codified at 42 USC 2000e. Title VII prohibits discrimination in employment based on race, color, religion, sex, or national origin. In addition, Title VI, codified at 42 USC 2000d, prohibits discrimination in all federally funded programs and activities. More federal statutes in this area include: Equal Employment Opportunity Act, codified at 42 USC 1981; Education Amendments of 1972, Title IX, codified at 20 USC 1681 et. seq.; Rehabilitation Act of 1973, Section 504, codified at 29 USC 794; The Americans with Disabilities Act, Title I is codified at 42 USC 12111-12117, Title II is codified at 42 USC 12131-12165, and Title III is codified at 42 USC 12181-12189.

The District 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, age, national origin, height, weight, marital status, political belief, or disability² which does not impair an individual's ability to perform adequately in that individual's particular position or activity.³

Americans With Disabilities Act⁴

The Flint Community Schools assures that no qualified person with a disability shall be discriminated against in employment, transportation, public accommodations, and/or telecommunications resultant from that disability.

"Disability" under the Americans With Disabilities Act is defined as an individual with (a) a physical or mental impairment that substantially limits one or more major life activities of such individual; (b) a record of such an impairment; or (c) being regarded as having such an impairment. The term "substantially limits" shall be interpreted consistently with the findings and purposes of the ADA Amendments Act of 2008.

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

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

³ ² MCL 37.2402 (a) ("An educational institution shall not do any of the following: (a) Discriminate against an individual in the full utilization of or benefit from the institution, or the services, activities, or programs provided by the institution because of religion, race, color, national origin, or sex.")

⁴ 42 USC 12131-12165 (Title 11 of the Americans with Disabilities Act)

An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability. An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active. The analysis of whether or not an impairment "substantially limits" a major life activity is to be made without regard to ameliorative effects or mitigating measures such as medication, use of assistive technology, reasonable accommodation or learned behavioral or adaptive neurological modifications.⁵

Additionally, the Flint Community Schools assures that it will provide auxiliary aids and services to ensure effective communication, such as a telecommunications device for the deaf (TDD), signers for the hearing impaired, and audio tapes for individuals with visual impairments attending meetings.

Compliance will be coordinated with the nondiscrimination requirements contained in Section 35.107 of the Department of Justice regulations.

Title IX Compliance

No District employee or student, on the basis of sex, shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance.

A grievance procedure for responding to claims of discrimination based upon sex by an employee or student of the District has been developed and is available in the Superintendent's office.

⁵ 42 USC 12102 (Title II of the Americans with Disabilities Act)

This statement and information about complaints about Title IX compliance shall be disseminated to students, parents/guardians, employees, applicants, and the general public in a manner as determined by the Superintendent.

Approved: July 11, 2001
Revised: April 15, 2009

LEGAL REF: Civil Rights Act of 1964, Section 100.4(a & b), as amended, 1972, Title VI, Title VII. Executive Order 11246, 1965, as amended by Executive Order 11375. Equal Employment Opportunity Act of 1972, Title VII. Education Amendments of 1972, Title IX 45CFR, Parts 81, 86, Sections 106.4 and 106.8(a), (Federal Register, June 4, 1975, August 11, 1975). Act No. 453 of the Public Acts of 1976 (Michigan Civil Rights Act). Section 504 of the Rehabilitation Act of 1973, Subparts 104.5 and 104.7(a); MCL 37.2402; Title II of the Americans with Disabilities Act, PL 101-336, Section 35.130; Age Discrimination Act of 1975, Section 110.23

It is the policy of Flint Community Schools to maintain a working environment that is free from sexual harassment. No staff member of this District shall be subjected to any form of sexual harassment or intimidation.⁶

It shall be a violation of this policy for any Board member, employee, or student to harass any member of the District staff through conduct or communications of a sexual nature as defined in this policy.

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

All District employees in a supervisory role have the duty to report any alleged sexual harassment and/or behavior that creates a hostile environment as soon as they become aware of the allegation, even in the absence of a complaint.

Definition

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

- a. Submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment; or
- b. Submission to or rejection of such conduct or communication by a Board member or employee is used as the basis for decisions affecting the employee; or
- c. Such conduct or communication has the purpose or effect of unreasonably interfering with an employee's performance or creating an intimidating, hostile, or offensive work environment.

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

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

- Verbal harassment or abuse;
- Pressure for sexual activity;
- Repeated remarks with sexual or demeaning implications;
- Unwelcome touching;
- Suggesting or demanding sexual involvement, accompanied by implied or explicit threats concerning employee's safety or job.
- It may involve the behavior of a person of either sex toward a person of the opposite sex or the same sex (i.e. male-male, female-female).
- In addition, any form of retaliation against the complainant or witness is in itself a form of sexual harassment.

Notification⁷

Notice of this policy will be circulated annually 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 Board members, 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.

Approved: July 11, 2001
Revised: March 18, 2009

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

⁷ An employer is subject to vicarious liability to a victimized employee for an actionable hostile environment created by a supervisor with immediate (or successfully higher) authority over the employee. When no tangible employment action is taken, a defending employer may raise an affirmative defense to liability or damages, subject to proof by a preponderance of the evidence. The defense comprises two necessary elements: (a) that the employer exercised reasonable care to prevent and correct promptly any sexually harassing behavior and (b) that the plaintiff employee unreasonably failed to take advantage of preventive or corrective opportunities provided by the employer or to avoid harm otherwise. *Burlington Industries, Inc. v Ellerth*, 118 S Ct 2257 (1998); *Faragher v City of Boca Raton*, 118 S Ct 2275 (1998).

The objective of the District is to hire the most highly qualified and/or trainable person available for the position based on education, training, experience, personal qualifications, and proper state certification as required for a particular position.

Certified Staff

The ultimate responsibility for the hiring of certified staff rests with the recommendation of the Superintendent and the approval of the Board.

The Superintendent shall initiate procedures for the determining of staff needs, recruitment of qualified candidates and nomination of certified personnel for employment with the District.

Non-Certified Staff

The responsibility for establishing non-certified employee positions rests with the recommendation of the Superintendent and the approval of the Board.

The Board further directs the Superintendent to initiate procedures for the recruitment of qualified candidates for approved non-certified employee positions. The Superintendent has the authority to select and recommend the most qualified candidate to fill Board approved positions.

When salary and conditions of employment are governed by a master agreement negotiated and ratified by the Board, the Superintendent shall be authorized to approve salary and conditions of employment that are consistent with that agreement.

When not governed by a master agreement, the Board shall establish salary and/or conditions of employment upon the recommendation of the Superintendent.

All candidates for employment shall possess a high school diploma as one of the qualifications for employment.

Identity and Employment Status

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

The Superintendent 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 District 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 that does not impair an individual's ability to perform adequately in that individual's particular position or activity.⁸

⁸ MCL 37.2101 et seq.; Civil Rights Act of 1964; 42 USC 2000a et seq.; Equal Employment Opportunity Act of 1972, Title VII.

The Superintendent shall have in place all appropriate procedures relative to the Americans with Disabilities Act.⁹ This statement of non-discrimination shall be published and disseminated to all students, parents/guardians, employees, applicants and the general public in a manner determined by the Superintendent.

Approved: July 11, 2001

Reviewed:

LEGAL REF: Civil Rights Act of 1964, as amended, 1972, Title VI, Title VII; Equal Employment Opportunity Act of 1972, Title VII; Education Amendments of 1972, Title IX, 45CFR, Parts 81, 86, Section 106.8(a); Act No. 453 of the Public Acts of 1976 (Michigan Civil Rights Act); Section 504 of the Rehabilitation Act of 1973, Subpart 104.7(a); MCL 37.2402; Americans with Disabilities Act, P.L. 101-336

⁹ 42 USC 12111 et. seq.

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 work under contract regularly and continuously 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.¹⁰

¹⁰ 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.

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.

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 work under contract regularly and continuously 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.¹¹

¹¹ 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 child¹¹, 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);

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.¹²

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.

If an applicant has not already done so, upon an initial offer of employment, the applicant shall provide written evidence to the office of Human Resources/Legal Affairs that they have ordered their official transcripts; submitted to a five panel drug screen; provided the live scan fingerprint for the fingerprint check; obtained a physical; and provided a current teaching certificate or written evidence of eligibility (if applicable). Failure to provide written evidence of any of the above within thirty (30) calendar days may result in withdrawal of the offer, or termination, whichever is applicable.¹³

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

Approved: July 11, 2001

Revised: April 4, 2007

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.

¹² Any person that violates this policy may be found guilty of a crime.

¹³ Written proof of passing the MTTC, on official transcript with major and minor, official correspondence from the Michigan Department of Education reflecting eligibility for certification or a 90-day letter from their University.

The District supports the concept of professional development for the staff and to this end, shall authorize funding in its budget. Accordingly, the District will provide professional development opportunities through:

- Planned in-service programs, course, seminars, and workshops offered within the District;¹⁴
- Visits to other classrooms and schools, and attendance at conferences, workshops, and other meetings;
- Leaves of absences for advanced training and internships.¹⁵

With the Superintendent's approval, staff members may be released with full pay to attend conventions, professional meetings and workshops, visit exemplary programs, and participate in other professional growth activities. At the time of approval, the Superintendent will indicate the expenses, if any, the District will reimburse.

Approved: July 11, 2001
Reviewed:

LEGAL REF: MCL 380.1254; 380.1525; 380.1526; 388.1695

¹⁴ The policy can be amended to provide for a district advisory committee, appointed by the superintendent, to plan district-sponsored activities. The committee may include school board members and administrative and instructional staff representatives. The superintendent may present to the board an advisory committee report along with recommendations and rationale for upcoming district-sponsored development activities.

¹⁵ Provisions for leaves of absences are subject to the current negotiated agreement.

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 District, and the administrative regulations designed to implement them. All staff members shall be expected to carry out their assigned duties, support and enforce District 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 building principals shall assume the major responsibility for interpreting this policy.

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. Attire that is inappropriate for students shall also be considered to be inappropriate for teachers and other staff.

Staff Use of Cell Phones

The unrestricted use of cell phones, including blue tooth and similar devices, in school has a disruptive effect on the learning and work environment. Employees must be mindful of their responsibility as role models to students who are prohibited from possessing or using cell phones in school.

Staff use of personal cell phones, including blue tooth and similar devices, is therefore restricted to such places, times, and circumstances as are consistent with employees' performance of their duties (i.e. before school, during lunch, their planning period, break time and after school).

Approved: July 11, 2001
Revised: January 16, 2008
Revised: March 4, 2009

The District endorses academic freedom when it is coupled with:

- Consideration of the rights of others;
- Maintenance of the educational process;
- Concern for the welfare, growth, and development of all students;
- Objective scholarship;
- Compliance with District curriculum and standards, policy, procedures, values, mission statements, and strategic plan; and
- Compliance with state and federal laws, court decisions, and regulations.

Definition

“Academic Freedom” means freedom of school personnel or students to investigate or discuss controversial social, economic, and political issues and problems without arbitrary interference or loss of standing.

Approved: July 11, 2001

Reviewed:

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.¹⁶

Employees found to be in violation of this policy may be subject to a letter of reprimand, probation, suspension, and/or termination of employment.¹⁷

Approved: July 11, 2001

Reviewed:

LEGAL REF: MCL 380.1312

¹⁶ MCL 380. 1312 (1) (2) (4) (“As used in this section, ‘corporal punishment’ means the deliberate infliction of physical pain by hitting, paddling, spanking, slapping, or any other physical force used as a means of discipline.”) (2) (“Corporal punishment does not include physical pain caused by reasonable physical activities associated with athletic training.”) (4) (“A person employed by or engaged as a volunteer or contractor by a local or intermediate school board or public school academy may use reasonable physical force upon a pupil as necessary to maintain order and control in a school or school – related setting for the purpose of providing an environment conducive to safety and learning. In maintaining that order and control, the person may use physical force upon a pupil as may be necessary:

- (a) To restrain or remove a pupil whose behavior is interfering with the orderly exercise and performance of school district or public school academy functions within a school or at a school – related activity, if that pupil has refused to comply with a request to refrain from further disruptive acts.
- (b) For self-defense or the defense of another.
- (c) To prevent a pupil from inflicting harm on himself or herself.
- (d) To quell a disturbance that threatens physical injury to any person.
- (e) To obtain possession of a weapon or other dangerous object upon or within the control of a pupil.
- (f) To protect property.

¹⁷ MCL 380. 1535a (2) (b)

The purpose of this policy is to identify situations in which the interest of an employee or Board member may conflict with the interest of the District, and assure that decisions made by the Board or staff are not inappropriately influenced, and are consistent with the fiduciary and legal duties of the Board and staff.

A. Definitions

1. A “direct” conflict of interest exists where an employee or Board member has a personal interest in a Board action or District transaction. It impacts only the individual employee or Board member. A direct conflict of interest ordinarily does not arise if a Board action or District transaction would have an impact upon a whole class and/or category of individuals, of which the employee or Board member happens to be just one member.
2. An “indirect” conflict of interest exists where the individual is related to an employee or Board member and the conflict impacts the individual in the same manner that a “direct” conflict impacts the employee or Board member.
3. A “financial” conflict of interest exists when the individual would receive a financial benefit if the Board action or District transaction is approved.
4. A “fiduciary” conflict of interest exists when an action taken by the Board or the District would favorably impact:
 - (a) Any firm, meaning a co-partnership or other unincorporated association, of which she/he is a partner, member, or employee;
 - (b) Any private corporation in which she/he: 1) is a stockholder owning more than 1% of the total outstanding stock of any class if the stock is not listed on a stock exchange; 2) or owns stock with a present total

market value in excess of \$25,000.00 if the stock is listed on a stock exchange; or 3) is a director, officer or employee; or

(c) Any trust of which she/he is a beneficiary or trustee.

5. An “ethical” conflict of interest exists when the individual’s personal interest in a Board action or District transaction conflicts with her/his official duties and responsibilities as a Board member or employee of the District.

B. Board Members

The Board is the legally constituted body responsible for the conduct of school affairs. Board members are fiduciaries who have a duty of loyalty to the District. In this regard, all Board members are expected to act at all times in the best interest of the District. A Board member shall not act in a way that impermissibly benefits the Board member, or works to the detriment of the District. While each member of the Board is obligated to bring suggestions, proposals, ideas, or recommendations to the whole Board for democratic discussion and appropriate action, as deemed necessary by the Board, it would be a conflict of interest for a Board member to participate in any decision of the Board which is influenced by, or the product of, a Board member’s private or business interests. The action of the Board relative to such suggestions or proposals is binding upon all Board members. Accordingly, each member of the Board shall:

- Resist every temptation and outside pressure to use the position of school Board member to incur personal benefit or to benefit any other individual or agency apart from the total interest of the school district.
- Not speak, write or cause to be published for general or public consumption any criticism of the persons or motives of other Board members relative to lawful action taken by a majority of the Board.

C. Duty to Disclose Conflicts of Interest – Board Members

1. Whenever a Board member has reason to believe that she/he may have a conflict of interest with respect to a matter to be voted upon by the Board, or a Board Committee, the Board member shall disclose the potential conflict of interest to the President of the Board or Chair of the Board Committee. The Board member shall be allowed to vote upon the matter following disclosure, unless excused from doing so by Board action, or prohibited from doing so by law. If the Board member has a financial conflict of interest in any contract or other transaction considered by the Board or Committee, the Board member shall abstain from discussion or deliberation of the matter, and shall abstain from voting upon the matter. The minutes must record the abstention. Any motion to approve a contract in which a Board member has a financial conflict of interest must pass by a two-thirds (2/3) vote of the Board members elected to and serving on the Board without the vote of the abstaining member.
2. Any Board member may raise the question of a conflict of interest with respect to any other Board member present (“conflicted member”). If the conflicted Board member agrees, she/he shall abstain from discussion, deliberation, and voting upon the matter based on the nature of the conflict. If the conflicted Board member disagrees that there is a conflict of interest, the Board or Board Committee will decide, by majority vote with the conflicted Board member abstaining from that vote, whether the conflicted Board member must abstain.
3. A Board member may not choose to abstain from the vote on a matter before the Board or Board Committee without providing the rest of the Board the information needed to determine whether a conflict of interest exists.

4. This policy does not preclude a Board member from participating in a re-election campaign as good election practices declare.
5. Any member of the Board who violates this policy may be subjected to a vote of censure by the Board, or such other penalties as provided by law.

D. Employees

1. No employee shall engage in, or have a direct or indirect financial interest in, any activity that conflicts, or creates the appearance of a conflict, with the employee's assigned duties and responsibilities. This prohibition applies to actual or potential conflicts of a financial or ethical nature. All employees will be required to file conflict of interest statements with the District, and shall keep such statements updated at least annually. All employees have a duty to disclose any actual or potential conflict to the Superintendent.
2. No employee, in any way involved in the sale or purchase of materials for the District, shall directly or indirectly derive any gratuitous benefit from such business transactions. All employees shall immediately report to their supervisors any event or incident that occurs which might constitute an actual or potential violation of this policy. Violation of this policy could result in discipline, up to and including discharge.

E. Employment of Relatives

Relatives of Board members and relatives of employees of the District may be hired if their qualifications are equal to or exceed those of other applicants, in the sole judgment of the Superintendent. A person is a "relative" for purposes of this policy if the person is a spouse, child, parent/guardian, grandparent, or sibling, of a Board member or employee. In no event will a relative be allowed to supervise the work of a relative. In the event such situations arise

following employment, one of the employees will be transferred, if possible, to another area or department to eliminate the supervision of an employee by a relative.

It shall be the sole discretion of the Board, by majority vote, to employ an individual as Superintendent of the District if she/he is a relative of a Board Member.

Approved: July 11, 2001
Revised: March 3, 2010

LEGAL REF: MCL 15.301 – 15.348

All persons seeking to sell, solicit, or display an item relating directly to expenditures of District funds to any school employee on school premises must first secure permission from the building principal before any appointment is made. All such appointments approved by the building principal shall be held before or after regular school hours.

This policy shall not apply to fund-raising by inter-employee groups unless solicitation is to be made outside of the particular group that initiates the fund drive.

Approved: July 11, 2001
Reviewed:

A personnel record¹⁸ shall be maintained in the administrative office for each employee. Personnel records kept by the District concerning employees shall be kept in a secured location, and are to be under the custodianship of the appropriate District personnel. Personnel records of employees who have left the District shall be similarly kept, but in an inactive file. An employee will be given access to his or her personnel records according to law and the guidelines developed by the Superintendent.¹⁹

The Board may have access to personnel files of employees when the Board, in the employee-employer relationship, deems such access necessary. Individual Board members shall not have access to personnel files or records without following procedures established under law.

Approved: July 11, 2001

Reviewed:

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

¹⁸ Under MCL 423.501, a personnel record is defined as a record kept by the employer that identifies the employee, to the extent that the record is used or has been used, or may affect or be used relative to that employee's qualifications for employment, promotion, transfer, additional compensation, or disciplinary action. A personnel record shall include a record in possession of a person, corporation, partnership, or other association who has a contractual agreement with the employer to keep or supply a personnel record as required under law.

¹⁹ MCL 423.503. ("An employee, upon written request which describes the personnel record, shall provide the employee with an opportunity to periodically review at reasonable intervals, generally not more than 2 times in a calendar year or as otherwise provided by law or a collective bargaining agreement, the employee's personnel record if the employer has a personnel record for that employee.").

The Board enacts the following policy in compliance with the Privacy Rule of the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”):

I. Definitions.

HIPAA: The Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191.

Health Information: Information that relates to the past, present, or future physical or mental health or condition of an individual, or that relates to the provision of health care in the past, present or future.

Privacy Rule: HIPAA standards for privacy of “protected health information” at 45 CFR Parts 160, 162, and 164.

Protected Health Information (“PHI”): Health information and demographic information that identifies an individual, or for which there is a reasonable basis to believe can be used to identify an individual, that is used or maintained by a covered component regardless of form or how transferred. PHI excludes, among other things, health information in education records covered by FERPA, as amended, 20 USC 1232g, including records described at 20 USC 1232g(a)(4)(B)(iv).

II. Declaration of Policy and Designation of Privacy Officer. When applicable, the District will comply with HIPAA to maintain the privacy of PHI that it receives, obtains, transmits, or sends. The District designates as its Privacy Officer such official as may be designated in writing by the Superintendent or Board.

III. Development of Procedures and Training. The District shall develop administrative procedures necessary to comply with HIPAA. The District shall train those employees who work in areas covered by the HIPAA Privacy Rule and who have access to PHI

to follow appropriate procedures to ensure PHI is not disclosed except as allowed by law.

IV. Violations. If a District employee violates this policy, or any administrative procedures developed pursuant to this policy, the District may subject the employee to disciplinary action for misconduct, in accordance with applicable District contracts, policies, and procedures.

V. No Retaliation. The District will not intimidate, threaten, coerce, discriminate or retaliate against an individual for exercising any rights under, or participating in any applicable process established by, HIPAA and its Privacy Rule, provided the person has a good faith belief that the practice is unlawful, and the manner of opposition is in accordance with applicable law.

VI. Interpretation. This policy shall be interpreted, and amended as necessary, to permit compliance with the HIPAA Privacy Rule.

Approved: November 7, 2007

LEGAL REF: Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191; HIPAA Privacy Rule, 45 CFR Parts 160, 162 and 164

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

The District shall comply with the provisions of the federal²⁰ and Michigan Occupational Safety and Health Act²¹ as they apply regarding the employee's right to know of hazardous conditions or materials.

The administration shall prepare and distribute to all employees an Occupational Exposure Control Plan to eliminate or minimize occupational exposure to potentially infectious materials.²² The Plan shall be reviewed and updated by the administration annually. The plan shall address the following issues:

- Exposure determination;
- Implementation schedule;
- Procedures for evaluating incident.

Approved: July 11, 2001

Reviewed:

LEGAL REF: MCL 408.1001-1094, Michigan Occupational Safety and Health Act

²⁰ 29 USC 651 et. seq.

²¹ MCL 408.1001-408.1094

²² The federal regulatory agency administering the Occupational Safety and Health Act (OSHA) issued Bloodborne Pathogens Standards (29 CFR 1910.1030). The standards were developed to reduce the risk of occupational exposure to bloodborne pathogens.

It is the policy of the Flint Community School District (“the District”) to provide a safe and nonviolent environment for its staff, faculty, students, volunteers, vendors, contractors and guests that is free of workplace violence.

Workplace violence can be any act, behavior, or statement, which would be interpreted by a reasonable person to be aggressive, intimidating, harassing, or unsafe. It includes physical violence, threats of physical violence, harassment, intimidation or other threatening, disruptive behavior that occurs at the work site. Workplace violence also includes on-site or off-site threats made via the telephone, facsimile, electronic, or conventional mail, or any other communication medium.

A number of different actions in the work environment can trigger or cause workplace violence. It may also be the result of non-work related situations such as domestic violence or “road rage.” Workplace violence can be inflicted by an abusive employee, a manager, a family member, a co-worker, a student, a student’s parent/guardian, or even a stranger.

Threatening, harassing, intimidating, coercing, verbally or physically abusing the District’s staff, faculty, students, volunteers, vendors, contractors or guests, are considered serious offenses that are not accepted and will not be tolerated by the District.

Any person who makes threats, exhibits threatening behavior, or engages in violent acts on District property violates this policy, and may be removed from the premises pending the outcome of an investigation. Violations of this policy by employees will lead to disciplinary action that may include termination of employment, arrest, and/or criminal prosecution. If the violator is a member of the general public, parent of a student, or contractor, the District’s response may include barring the person from District-owned premises, termination of business relationships with that individual or contractor, and criminal prosecution of the person involved.

District employees must notify their immediate supervisor of any threats that they have witnessed, received, or have been told that another person has witnessed or received. Supervisors must complete an incident report, and forward it to the District's Director of Safety and Security. The Director will conduct an initial investigation and forward the incident report to the Workplace Violence Prevention Committee. Failure to report instances of workplace violence and/or making false reports under this policy will constitute a violation of this policy, which may result in disciplinary action up to and including termination of employment at the sole discretion of the District.

In instances of an actual or imminent physical assault, a person experiencing or witnessing such behavior should call 911 immediately, and then call building security. If it is possible to separate the people involved in an altercation safely, all attempts to do so should be made. However, employees are expected to use common sense and good judgment such that they do not place themselves in potential danger.

The District has established a Workplace Violence Prevention Committee that will consist of the Director of Pupil Personnel Services, the Chief Operations Officer, the Director of Security, a representative from Human Resources, two union officials, an elementary school Principal, a secondary school Principal, two police liaison officers, a parent and the Risk and Benefits Manager.

The Workplace Violence Prevention Committee will be responsible for:

- Investigating all reports of violence in the workplace;
- Recommending the appropriate action to be taken by Administration in response to the reports, including disciplinary action and/or recommendations for prevention of similar incidents in the future;

- Designing, implementing and revising workplace violence training and education for all District employees; and
- Establishing the procedures to be followed by building security.

This policy prohibits retaliation against any employee who, in good faith, reports a violation of this policy. Every effort will be made to protect the safety and anonymity of anyone who comes forward with concerns about a threat or act of violence.

Any District employee who has received a Personal Protective Order from a Judge is required to provide their immediate supervisor with a copy of such order.

No person shall possess or have control of any dangerous weapon while on District property. A dangerous weapon is any instrument capable of producing bodily harm, including but not limited to; firearms, knives, box cutters, B-B guns, daggers, etc.

Approved: July 11, 2001

Revised: November 20, 2002

LEGAL REF: MCL 750.82

District employees shall not smoke or use tobacco products in any building or on school grounds.

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

Approved: July 11, 2001

Reviewed:

LEGAL REF: MCL 750.473

In compliance with the Drug-Free Workplace Act of 1988 (PL 100-690) and the 1989 Appropriations Act (PL 100-440) that pertain to the requirements for a drug-free workplace policy, the Flint Board of Education is committed to providing and maintaining a drug-free workplace and a healthy environment for its employees and the students it serves. It is the position of the Board that drug addiction warrants treatment and that addiction can pose serious risks to the individual's health and safety.

Although the Michigan Medical Marijuana Act permits registered patients to use marijuana for certain medical purposes without being arrested or prosecuted under state criminal law, the federal Controlled Substances Act continues to list marijuana as a Schedule I drug and prohibits its possession, manufacturing, dispensing and distribution. There is no "medical necessity" exception for Schedule I drugs under federal law and the Act does not protect an individual from arrest and prosecution under federal law.

Because Federal Law still prohibits the manufacturing, dispensing, use and distribution of marijuana, the school district's policies have not changed regarding the use or possession of the drug. Students and employees may not use or possess marijuana on school district property or at school events. This is true whether the marijuana is smoked or ingested through other means. The Flint Community School District is subject to the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act Amendment of 1989. The District's Drug-Free Workplace Policy prohibits the unlawful manufacture, distribution, dispensation, possession or use of controlled substances, illicit drugs, and alcohol on school distinct property or any school sponsored activity or event. Employees performing safety-sensitive functions and whose position responsibilities require they obtain a commercial driver's license are further regulated against use of alcohol and controlled substances.

Therefore, notwithstanding the Michigan Medical Marijuana Act, the Board prohibits employees from manufacturing, distributing, dispensing, possessing, using, consuming, or being under the influence of alcohol or any controlled substance in the workplace. Violation of such prohibition by Board employees will result in appropriate disciplinary personnel action, up to and including termination.

Further, the Board certifies that it will provide a drug-free workplace by:

1. Publishing a statement notifying employees of the drug-free workplace policy, its prohibitions, and specifying the actions that will be taken against employees for violations against such prohibitions.
2. Establishing a drug-free awareness program to inform employees about:
 - (a.) The dangers of drug abuse in the workplace;
 - (b.) The Board's policy of maintaining a drug-free workplace;
 - (c.) Any available drug counseling, rehabilitation and employee assistance programs; and
 - (d.) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
3. Requiring that every employee be given a copy of this policy statement with the notification that, as a condition of employment, the employee will:
 - (a.) Abide by the terms of the policy statement;
 - (b.) Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction.

4. Notifying the funding agency within ten (10) days after receiving notice under Paragraph #3b from an employee or otherwise receiving actual notice of such conviction.
5. Taking one of the following actions within thirty (30) days of receiving notice under Paragraph #3b with respect to any employee who is so convicted:
6. Taking appropriate personnel action against such an employee, up to and including termination; or
7. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency.

Approved: July 11, 2001

Revised: November 20, 2013

LEGAL REF: PL 100-400; Drug-Free Workplace Act of 1988 (PL 100-690)

It is the policy of the Flint Community Schools to provide employee leaves of absence for family and medical reasons in accordance with state and federal law, including, the Family and Medical Leave Act and to provide opportunities for extended non-FMLA leaves to employees as needed for specific medical or family reasons described herein.

A. Family Medical Leave²³

Any eligible District employee may take an unpaid leave or a combination of unpaid and paid leave of absence for specific family and medical reasons, as described herein, for a period not to exceed 12 weeks for the following reasons:

1. For incapacity due to pregnancy, prenatal medical care or childbirth in order to provide care for a child during the 12 month period after the birth of that child;
2. In order to provide care for the employee's child after birth, or after placement for adoption or foster care with the employee;
3. To provide care for a child, spouse or parent with a serious health condition;
4. For a serious health condition which prevents them from performing the employee's job.

Military Families

Eligible District employees whose spouse, son or daughter or parent is on covered active duty or call to covered active duty status, a "covered service member", may use their 12 week leave to address certain qualifying exigencies. An extended period, up to 26 weeks may be available for eligible District employees to care for covered service members for a serious injury or illness under a special leave entitlement for military caregivers.

²³ Family and Medical Leave Act of 1993 (FMLA), Public Law 103-3, 107 Stat. 6; 29 USC 2601 et seq., 5 USC 6381 et seq., as amended.

Benefits and Protections under FMLA

During FMLA leave, the District will maintain the employee's health coverage under applicable group health plan on the same terms as if the employee continued to work. Use of FMLA leave will not result in the loss of any employment benefit accrued prior to the start of an employee's leave. Under the FMLA, the employer is not required to return the employee to the actual position held prior to his or her leave.

B. Extended Leave of Absence

Upon exhaustion of available leave covered by the FMLA, an eligible District employee may be allowed to take an extended leave of absence as needed for medical or family reasons. The determination to grant an extended leave is made within the District's discretion on a case by case basis. The District retains the right to grant or deny a request for extended leave in accordance with its procedures, applicable law or applicable collective bargaining agreement.

Benefits and Protections during Extended Leave of Absence

During an extended leave of absence, the District will not provide benefits or healthcare coverage after the FMLA leave period and any additional paid leave have expired, although the employee may be able to continue his or her healthcare coverage through COBRA. Unless otherwise required by an applicable collective bargaining agreement, an employee will not be guaranteed return to the position the employee held prior to his or her extended leave.

Compliance

Employees who knowingly misrepresent facts in order to be granted FMLA or extended leave may be subject to discipline, up to and including termination. Except under extraordinary circumstances or other reasons protected by law, an employee who fails to return to work after the expiration of the FMLA or extended leave period will be considered a voluntary resignation.

Procedures

The District shall establish and adopt procedures, attached herein, and additional procedures, incorporated herein by reference, as necessary, to implement and ensure effective compliance with this Policy and in accordance with applicable federal and state law. As such, this policy and these procedures may be amended, as necessary, from time to time.

Approved: July 11, 2001

Revised: May 4, 2016

LEGAL REF: Family and Medical Leave Act of 1993 (PL 103-3), as amended.

Cross References: All applicable collective bargaining agreements

Other References: All applicable District policies and regulations

Attachments: Family and Medical Leave Act (FMLA) and Extended Leave of Absence Regulations and Procedures

In conjunction with Flint Community Schools' Drug-Free Workplace policy and in compliance with the Omnibus Transportation Employee Testing Act of 1991, the Flint Community Schools will conduct an alcohol and controlled substances testing program to help prevent accidents and injuries resulting from the misuse of alcohol and use of controlled substances by school bus drivers and certain other employees required to hold a commercial driver's license (CDL). Said employees who are required to be tested for alcohol and controlled substances under the Omnibus Act will hereafter be referred to in this policy as "drivers."

Testing of drivers for alcohol and/or other controlled substances will be conducted in accordance with procedures specified by the U.S. Department of Transportation, and will occur, as required, under the following conditions:

1. Prior to the first time an employee or prospective employee performs the duties of a driver;
2. As soon as practicable following certain commercial motor vehicle accidents;
3. Randomly among all drivers;
4. When reasonable suspicion exists that a driver has violated prohibitions concerning use of alcohol or controlled substances;
5. Before a driver returns to duty following rehabilitation for misuse of alcohol or use of controlled substances; and

²⁴ The federal Omnibus Transportation Testing Act of 1991 requires that all persons subject to commercial driver's license requirements be tested for alcohol, marijuana, cocaine, amphetamines, opiates (including heroin), and phencyclidine (PCP). Drug testing by government entities constitutes a search of an individual, thereby invoking State and federal constitutional law. In determining whether post-employment testing of a school bus driver is permissible, a court will balance the privacy interests of the employee against the district's interest. *International Brotherhood of Teamsters v Department of Transportation*, 932 F.2d 1292 (9th Cir. 1991). The effects of the implementation of the testing scheme may be subject to negotiation.

6. At unannounced intervals for drivers having returned to duty following rehabilitation for misuse of alcohol or use of controlled substances, as directed by a substance abuse counselor or therapist.

The Flint Community Schools will maintain records of its alcohol misuse and controlled substances use prevention program in a secure location with controlled access. Reports will be completed when requested by the Federal Highway Administration.

Appropriate administrative guidelines and procedures are being published as a part of the implementation of this policy.

Approved: July 11, 2001
Reviewed:

LEGAL REF: Omnibus Transportation Employee Testing Act of 1991, PL 102-143, Title VI, 105 Stat. 917-952.

Temporary illness or temporary incapacity is an illness or other incapacity that renders an employee physically or mentally unable to perform assigned duties. During such a period, the employee can use accumulated sick leave benefits. However, income received from other sources (worker's compensation, District-paid insurance programs, etc.) will be deducted from the District's compensation liability to the employee. The District's intent is that in no case will the employee who is temporarily disabled receive more than 100 percent of gross salary.

Those insurance plans privately purchased by the employee and to which the District does not contribute, are not applicable to this policy.

Professional and technical employees follow the Flint Congress of School Administrators' master agreement relative to extended illness leave.

Approved: July 11, 2001
Reviewed:

LEGAL REF: Americans With Disabilities Act, 42 U.S.C. § 12102; MCL 38.101 *et seq.*

Any employee who is willfully absent from work without leave shall be subject to dismissal from employment as a voluntary quit.

Three (3) consecutive working days of failure to report for duty without an approved leave will be determined to be abandonment of position (voluntary quit) and employee will be subject to termination and shall forfeit compensation for the time of the absence.

The following is a list of examples of brief periods of AWOL, which may be partial or full days, and subject to disciplinary action. The employee:

- Does not report to work and does not contact their supervisor/manager for permission to be absent
- Fails to contact the office within the required timeframe
- Fails to contact their immediate supervisor (where required, in lieu of leaving a message)
- States or leaves a message that s/he will report at a certain time and then fails to do so
- Leaves the work site without permission
- Takes time off without obtaining approval
- Takes time off even though the request for time off was disapproved

Approved: February 4, 2009

Reviewed:

The District seeks to protect those staff members who may be exposed to Bloodborne pathogens and other potentially infectious materials in their performance of assigned duties.

The Superintendent shall implement administrative guidelines that will:

- A. Identify those categories of employees whose duties create a reasonable anticipation of exposure to blood and other infectious materials;
- B. Provide for inoculation of the hepatitis B vaccine at no cost to the staff member and in accordance with federally mandated scheduling;
- C. Ensure proper training at the universal precautions against exposure and/or contamination including the provision of appropriate supplies and equipment;
- D. Establish appropriate procedures for the reporting, evaluation, and follow-up to any and all incidents of exposure;
- E. Provide for record-keeping of all of the above which complies with both federal and state laws;
- F. Develop an exposure control plan which complies with the current OSHA regulations.²⁵

Approved: July 11, 2001

Reviewed:

²⁵ The federal regulatory agency administering the Occupational Safety and Health Act (OSHA) issued Bloodborne Pathogens Standards (29 CFR 1910.1030). The standards were developed to reduce the risk of occupational exposure to bloodborne pathogens. According to the standards, "occupational exposure" means reasonably anticipated skin, eye, mucous membrane, or parental/guardian contact with blood or other potentially infectious materials that may result from the performance of an employee's duties." The standards require employers to institute a written Exposure Control Plan containing these elements:

1. Exposure determination. Positions that do not subject the employee to occupational exposure are exempt from the plan and the standards generally.
2. Implementation schedule, which specifies how and when risks can be reduced. The standards are very specific on risks reduction.
3. Procedures for evaluating an exposure incident.

The employment of teachers shall be secured through written contracts according to their status as a probationary or tenured teacher.²⁶

The Superintendent is authorized to sign teacher contracts on behalf of the District.²⁷ All provisions of individual contracts shall be in compliance with the negotiated master agreement.

Approved: July 11, 2001

Reviewed:

LEGAL REF: MCL 380.471; 380.1224; 380.1231

²⁶ MCL 380.1231 (1) (“The board of a school district shall hire and contract with qualified teachers. Contracts with teachers shall be in writing and signed by a majority of the board in behalf of the district, or by the president and secretary, or by the superintendent of schools or an authorized representative of the board. The contracts shall specify the wages agreed upon.”)

²⁷ MCL 380.1231 (1)

All teachers during the first four full school years of employment shall be on probation,²⁸ unless he or she has previously received tenure at another school district, in which case the teacher shall be on probation for two years.²⁹

During this probationary period, the District 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.³⁰ Additional performance evaluations or classroom observations, in addition to those required under the Teachers' Tenure Act, may be required as noted in the Master Teacher Contract.

Tenure

Teachers shall be placed on continuing tenure 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.³¹

The District may discharge or demote a continuing tenure teacher only for reasonable and just cause and only as provided for under current law.³²

Continuing tenure will not be granted to any annual assignment of extra duty for extra pay.³³

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

²⁸ MCL 38.81(1).

²⁹ MCL 38.92 ("If a teacher on continuing tenure is employed by another controlling board, the teacher is not subject to another probationary period of more than 2 years beginning with the date of employment, and may at the option of the controlling board be placed immediately on continuing tenure.").

³⁰ MCL 38.83a. Failure of a school district to provide an individualized development plan and perform a year-end evaluation is conclusive evidence that the teacher's performance for that school year was satisfactory (MCL 38.83a (2)).

³¹ MCL 38.91(1).

³² MCL 38.101.

³³ MCL 38.91(8).

status in their teaching position.³⁴ In these areas, contracts or supplements to tenure contracts shall specifically state that the individual signing the contract shall not be accorded tenure.

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: July 11, 2001
Reviewed:

LEGAL REF: MCL 38.71 *et seq.*

³⁴ MCL 38.91(7)

The Flint Community Schools Board of Education is responsible by law for the employment and supervision of all personnel. MCL 380.11a(3)(d).

The Race to the Top Legislation, enacted on January 4, 2010 and codified in Section 1249 of the Revised School Code provided the following requirements for performance evaluation systems for teachers and administrators, which was again codified on July 19, 2011 as part of a four-bill tenure reform package. Pursuant to this legislation, school boards are required to:

- Adopt and implement for all teachers and school administrators a rigorous, transparent and fair performance evaluation system
- Evaluate job performance of teachers and administrators and to provide timely and constructive feedback to teachers and administrators regarding their performance.
- Establish clear approaches to measuring student growth and to provide teachers and school administrators with relevant data on student growth.

The Flint Community Schools Board of Education delegates to the Superintendent the responsibility of developing administrative regulations, that does all of the following:

1. Evaluates teacher's or school administrator's job performance at least annually while providing timely and constructive feedback.
2. Establishes clear approaches to measuring student growth and provides teachers and administrators with relevant data on student growth.
3. Evaluates teacher's or school administrator's job performance using multiple rating categories that take into account data on student growth as a significant factor. For these purposes, student growth will be measured by national, state, or local assessments and other objective criteria.
4. Rates teachers as highly effective, effective, minimally effective, or ineffective.

5. Uses the evaluations, at a minimum, to inform decisions regarding all of the following:
 - a. The effectiveness of teachers and school administrators, ensuring that they are given ample opportunities for improvement.
 - b. The promotion, retention and development of teachers and school administrators, including providing relevant coaching, instruction support, or professional development.
 - c. Whether to grant tenure or full certification, or both, to teachers and school administrators using rigorous standards and streamlined, transparent, and fair procedures.
 - d. Removing ineffective tenured teachers, untenured teachers and school administrators after they have had ample opportunities to improve, and ensuring that these decisions are made using rigorous standards and streamlined, transparent, and fair procedures.

The Flint Community Schools Board of Education recognizes that the recent amendments to Section 1249 of the Revised School Code provide for additional elements to be included in the performance evaluation system beginning with the 2013-2014 school year. The amendments also create the Governor's Council on Educator Effectiveness, which is responsible for developing the additional evaluation tools for teachers and school administrators. The Flint Community Schools Board of Education will examine the additional evaluation tools when they become available and will revise this policy accordingly.

Approved: November 16, 2011

Reviewed:

LEGAL REF: MCL 380.1249, MCL 38.83a; MCL 38.93, as amended by Public Acts 101 and 102, effective July 19, 2011

The Flint Community Schools Board of Education is responsible by law for the employment and supervision of all staff and personnel. MCL 380.11a(3)(d).

Public Act 102 of 2011, amended the Revised School Code and now requires that School Districts:

- Shall not adopt, implement, maintain, or comply with a policy that provides that length of service or tenure status is the primary or determining factor in personnel decisions when conducting a staffing or program reduction or any other personnel determination resulting in the elimination of a position, when conducting a recall from a staffing or program reduction or any other personnel determination resulting in the elimination of a position, or in hiring after a staffing or program reduction or any other personnel determination resulting in the elimination of a position. MCL 380.1248(1)(a).
- Adopt, implement, maintain, and comply with a policy that provides that all personnel decisions when conducting a staffing or program reduction or any other personnel determination resulting in the elimination of a position, when conducting a recall from a staffing or program reduction or any other personnel determination resulting in the elimination of a position, or in hiring after a staffing or program reduction or any other personnel determination resulting in the elimination of a position, is based on retaining effective teachers. MCL 380.1248(1)(b). The policy shall ensure that a teacher who has been rated as ineffective under the performance evaluation system is not given any preference that would result in that teacher being retained over a teacher who is evaluated as minimally effective, effective, or highly effective under the performance evaluation system as provided under MCL 380.1249.

Public Act 103 of 2011 places the responsibility and authority with the Board of Education to develop the content, standards, procedures, adoption, and implementation of the policies regarding personnel decisions when conducting a reduction in force or any other personnel determination resulting in the elimination of a position or a recall from a reduction in force or any other personnel determination resulting in the elimination of a position or in hiring after a reduction in force or any other personnel determination resulting in the elimination of a position, as provided under MCL 380.1248. MCL 423.215(3)(k).

The Flint Community Schools Board of Education delegates to the Superintendent the responsibility of developing administrative regulations, in accordance with the Teachers' Tenure Act, Revised School Code and the Public Employment Relations Act, for personnel decisions conducted pursuant to MCL 380.1248

Approved: January 18, 2012
Reviewed:

LEGAL REF: MCL 380.1248 as added by Public Act 102, effective July 19, 2011.

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

District policy provides that the evaluation instrument shall be available to the Superintendent, evaluating administrator, or supervisor under whose direct supervision the teacher will work and others as required under law.³⁵

Approved: July 11, 2001

Reviewed:

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

³⁵ *Bradley v Saranac Community Schools Board of Education* (1997) 565 N.W. 2d 650. Exemption from Freedom of Information Act (FOIA) for medical, counseling or psychological evaluations which cannot be revealed if they would disclose individual's identity did not apply to parent/guardians' request for personnel records or public school teachers and principals, despite argument that performance evaluations contained in records were counseling evaluations, where definition of counseling did not include employment relationship, and exemption was meant to protect identities of parties which were already known.

The District may discipline, dismiss, or demote any probationary teacher, or discipline or recommend for dismissal, any tenured teacher upon recommendation by the Superintendent in accordance with the Michigan Tenure Act³⁶ and/or within the provisions of the current negotiated master contract.

The Superintendent or building principal shall make written recommendations to the Board concerning an employee on tenure or probation who is being considered for dismissal.

The Superintendent may suspend from active duty a 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.³⁷

Approved: July 11, 2001

Reviewed:

LEGAL REF: MCL 38.71-121

³⁶ MCL 38.101 (“Discharge or demotion of a teacher on continuing tenure may be made only for reasonable and just cause only as provided in this act.” The board cannot, directly, discharge a teacher on continuing tenure, but can vote to recommend discharge to the Michigan Teacher Tenure Commission.)

³⁷ MCL 38.103.

The Superintendent or his/her designee may accept the resignation and/or retirement of an employee on behalf of, and without further action by, the Board.

Teachers may resign by giving written notice to the Superintendent at least 60 days prior to September 1 of the ensuing school year, unless other arrangements are mutually agreed upon.

In instances where an employee wishes to leave on shorter notice, the District may permit an earlier release on condition that satisfactory arrangements can be made for replacement. The District reserves unto itself the right to make the final decision on such requests.

Once a resignation is tendered to the Board through its Superintendent, and has been accepted by the Superintendent, that resignation shall be considered final unless the Board approves its withdrawal.

Any teacher discontinuing his/her service in any other manner shall forfeit rights to continuing tenure previously acquired, and such action shall become part of the personnel record of said teacher.³⁸

Approved: July 11, 2001
Reviewed:

LEGAL REF: MCL 38.71-121

³⁸ MCL 38.111 (“No teacher on continuing tenure shall discontinue his/her services with any controlling board except by mutual consent, without giving a written notice to said controlling board at least 60 days before September first of the ensuing school year. Any teacher discontinuing his/her services in any other manner than as provided in this section shall forfeit his/her rights to continuing tenure previously acquired under this act.”).

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, raise a question of conflict of interest or require or imply the use of any District facilities or equipment.

No employee shall act as a representative of the Flint Community Schools in any work for which there is no payment or contract for payment by the Flint Community Schools, unless specifically assigned by the Board and/or the Superintendent.

Approved: July 11, 2001

Reviewed:

As used in this policy, the term “tutoring” shall mean and include the giving, for extra pay or other remuneration, of private or group music lessons or other instruction of any kind which is related to school activities. The term shall not, however, apply to extra help given to students, without extra pay or other remuneration, in the discharge of regular teaching responsibilities and assignments.

No professional staff member shall receive pay or other remuneration for tutoring students during regular duty hours as specified in the master contract.

In general, teachers for tutoring purposes, unless circumstances dictate that the building Principal recommends such use, shall not use school facilities. Guidelines shall be established for such recommendations.

Teachers assuming tutoring responsibilities shall always be aware of ethical relationships with other staff members and shall refrain from criticizing other teachers or implying that a student’s teacher has been negligent or ineffective in the performance of teaching duties.

Teachers shall not actively solicit pupils for tutoring. From an ethical standpoint, teachers are discouraged from tutoring students for whom they exercise teacher responsibility as a part of their regular teaching assignment.

Exceptions to this policy may be made by the building principal when there is no other reasonable or feasible manner of serving the educational needs of the student or when the student or his/her parent(s)/guardian(s) would be greatly inconvenienced by making other arrangements.

Approved: July 11, 2001

Reviewed:

Guest teachers shall be obtained to provide for a level of instruction commensurate with the regular teacher's performance as nearly as practicable.

The Superintendent and principals shall compile a list of all guest teachers available to the District, and each building principal shall have a copy of said list before the beginning of the school year.

The Office of Human Resources for Learning shall secure guest teachers for use in the schools of the District on an "as needed" basis. Each attendance center shall maintain a record on each substitute that indicates the number of times he/she has subbed in the District.

The District shall annually establish a daily and a long-term compensation rate for guest teachers as provided in the master agreement.³⁹

Approved: July 11, 2001
Reviewed:

LEGAL REF: MCL 380.1236; 421.42; 421.50; AG Opinion #6360

³⁹ MCL 380. 1236 ("If a teacher is employed as a substitute teacher with an assignment to 1 specific teaching position, then after 60 days of service in that assignment the teacher shall be granted for the duration of that assignment leave time and other privileges granted to regular teachers by the school district, including a salary not less than the minimum salary on the current salary schedule for that district.") 1986 Mich. Op. Atty. Gen. No. 6360 (If a substitute teacher serves the last 30 days of a school year and the first 30 days of the next school year in the same teaching position that substitute teacher is entitled to the benefits provided in MCL 380. 1236.)

Assignment, reassignment, and transfer of personnel will be based on the need to effectively staff the Flint Community Schools. Such assignment will reflect the qualifications of personnel, the financial resources available, existing vacancies, and applicable provisions of master agreement. Insofar as feasible, employee preference will be considered in the assignment, and transfer of staff members.

Approved: July 11, 2001

Reviewed:

The Board of Education of the Flint Community Schools believes that reasonable measures should be taken to protect both the District and its employees who participate in the Flint Community Schools' Tax Sheltered Annuity Plan from the consequences of the failure of tax-sheltered annuity investments to comply with the requirements of the Internal Revenue Code. The Board also wishes to maximize accuracy and efficiency in the administration of the District's tax-sheltered annuity program. Therefore, the District adopts the following policies concerning its tax-sheltered annuity program.

The District's Risk and Benefits Office shall develop and maintain a list of vendors approved to sell investments to participants in the Flint Community Schools' Tax-Sheltered Annuity Plan (the Plan). To be included in the approved list, a vendor must satisfy the following requirements:

Execution of a written agreement which meets the District's specifications assuring:

1. Investments which will be offered for sale under the Plan will meet the applicable requirements of Internal Revenue Code Sections 401(f)(2) 401(g) and 403(b). The District may also require reasonable assurance that the assets which form the investment are held in a manner which satisfies applicable Internal Revenue Code requirements, including but not limited to the requirement that any custodial account has been designed to provide only for investment in regulated investment company stock and that any annuity contract is nontransferable and complies with the requirements of Internal Revenue Code Sec. 403(b).
2. The vendor will provide an indemnification meeting the District's specifications to protect against misrepresentation, mishandling, theft or loss of employees' money by the vendor or its sales agents. If assets are not transmitted directly from the District to the annuity company; or custodial account sponsor, the vendor shall

also be required to post a bond to protect the District and its employees from such acts.

3. The vendor will accept responsibility for compliance with the requirements of Internal Revenue Code Sections 415(c), 402(g), 402A, 403(b) and 414(v) concerning the maximum deferrals from compensation and maximum annual additions by an employee to his/her tax-sheltered annuity or custodial account. The vendor shall be responsible for annually providing to the District a calculation or other documentation in a form acceptable to the District that the deferrals and employer contributions meet applicable Internal Revenue Code requirements. In the event that an employee makes deferrals to a tax-sheltered annuity; or custodial account which was sold by the vendor, the vendor shall be responsible for assuring the return of the excess deferral to the participant and preparing and filing with the Internal Revenue Service the tax reporting required in connection with the excess deferral. Similarly, the vendor will accept responsibility for compliance with the requirements of Internal Revenue Code applicable to plan loans and hardship distributions to an employee from his/her tax-sheltered annuity or custodial account to the extent such loans and distributions are available under the Plan.
4. The vendor will provide to the District or the District's designee any information reasonably deemed necessary by the District for administration of the Plan, including, but not limited to, any information pertinent to compliance with the requirements of the Internal Revenue Code applicable to the Plan.
5. The vendor will provide an indemnification meeting the District's specifications protecting the District and its employees in any matter relating to alleged adverse

tax consequences affecting any tax-sheltered annuity or custodial account sold by the vendor.

6. The vendor will annually provide to the District proof of errors and omissions insurance, in a form and amount acceptable to the District covering the vendor and each salesperson representing the vendor in the District.
7. Only vendors who are on the approved list will be authorized to sell tax-sheltered annuity investments to the District's employees under the Flint Community Schools' Tax-Sheltered Annuity Plan. Contributions to the underlying annuity contract or custodial account sold by any vendor which fails to meet the requirements described above will cease unless the employee can find another vendor on the approved list who sells the same TSA investment.
8. This policy is intended to ensure that the District is in compliance with provisions of the Internal Revenue Code applicable to the Plan. The Superintendent is hereby authorized to take whatever actions necessary to ensure such compliance.

Approved: February 4, 2009
Reviewed:

The primary role of non-certified personnel is to support and enhance the efforts of instructional personnel.

All personnel policies and regulations, including the specifics of employee agreements pertaining to non-certified personnel, must be written in harmony with the above primary role.

The Office of Human Resources for Learning shall classify all employees not requiring certification according to the provisions of the job assignment.

Appointment

The Office of Human Resources for Learning is authorized to determine the selection and appointment of all non-certified employees, the conditions of continued employment, dismissal and/or duration, promotion and transfer of all classified employees as set forth in the master agreement, if applicable.

Approved: July 11, 2001

Reviewed:

Non-certified employees who are members of a recognized bargaining unit shall be paid according to pay rates established by the negotiated master contract.

At-Will Employees

Unless an employee is covered by a collective bargaining agreement or a written employment contract providing to the contrary, the employee's employment with the District shall be employment at will. This means an employee does not have a contractual obligation to the District, and the Board and District do not have a contractual obligation to the employee.⁴⁰ Any oral or written statement by a Board member, District administrator, or supervisor contrary to this policy shall be invalid and not binding on the District.

The District shall establish salary and wages for non-certified at-will personnel. Increments are dependent on evidence of continuing satisfactory performance.

Approved: July 11, 2001

Reviewed:

⁴⁰ Michigan law does not create a protected property interest in continued employment for non-certified employees. They are, therefore, employed at-will, meaning that an employee may be terminated at any time, without restriction. However, an employment contract, collective bargaining agreement, past practice, an employees' handbook, personnel policy manual, or an oral promise may create a protected property interest in continued employment.

Each new employee is subject to a probationary period in compliance with the current applicable master contract, or with a designated period specified in writing at the time of employment. Unless indicated otherwise, the probationary period will be one year.

Throughout the probationary period, and at the end of it, the employee's performance will be evaluated and reviewed by his/her supervisor(s). If the probationer's performance is found to be satisfactory, he/she will be placed on regular employment. If his/her performance is found to be unsatisfactory, the employee may be terminated or transferred to another position for which he/she seems suited.

Matters of classification, reclassification, transfer, reassignment, demotion, and seniority are governed by the applicable master contract or salary schedule.

Approved: July 11, 2001
Reviewed:

Evaluation shall be based on the achievement of results specified in the employee's position description and on specific goals and objectives.

Employees shall be evaluated at least twice during the probationary period, with a report submitted to the Office of Human Resources for Learning at least two weeks prior to the end of the probationary period with a recommendation as to continued employment.

Non-certified employees shall be evaluated at least annually after serving the probationary period regardless of whether the employee is new to the District or serving in a new position within the District.

The process of evaluation shall be developed cooperatively by the administrative staff and each of the support staff employee groups and shall comply in all respects with provisions in the negotiated master contracts applicable to recognized bargaining units.⁴¹

Approved: July 11, 2001

Reviewed:

LEGAL REF: MCL 15.268

⁴¹ State law does not address evaluation of educational support personnel. Optional provisions:
Evaluations should be completed before the annual salary review.

-and/or-

Supervisors should consider the employee's work quality, promptness, attendance, reliability, conduct, judgment, and cooperativeness.

The District may discipline, dismiss, or demote non-certified staff. The District shall adhere to any relevant provisions contained in the negotiated master contract with the employee's collective bargaining unit. The Superintendent shall make written recommendations to the Board concerning a non-certified employee who is being considered for dismissal.

At-Will Employees

Non-certified employees who are not part of a recognized bargaining unit may be terminated at any time, with or without cause, upon resolution of the Board. A written notice of termination will be provided by the District following the approval of the employee's termination by the Board.

Approved: July 11, 2001
Revised: August 17, 2011

Any non-certified staff member desiring to resign from his/her position with the District shall submit a written resignation to the District at least ten working days prior to the effective date of the resignation. Except when the best interests of the District require otherwise, resigning employees should be permitted to work to their effective resignation date.

The Office of Human Resources for Learning is authorized to accept resignations of support staff personnel on behalf of the Board and they become final upon his/her acceptance. A resignation notice cannot be revoked once accepted or otherwise acted upon (such as, a new employee was hired).

The Executive Director of Labor Relations/Human Resources shall present all resignations to the Board for information.

Approved: July 11, 2001
Reviewed: