

Policy #	Policy Name	Date Adopted	Date Revised	Regulation
<b>SECTION 8000 - STUDENTS</b>				
8010	Equal Educational Opportunity (Cf. 5020) Section 504 Administrative Implementation	07/11/01	11/06/02	X
8015	Sexual Harassment and Intimidation (Cf. 5050) Definition Notification	07/11/01		X
8016	Anti-Bullying Policy (Cf. 8015)	01/16/08		
8020	Attendance Compulsory Attendance - Religious Exemption	07/11/01		X
8040	School Admissions School Entrance Requirements First Time Enrollments Resident Students Non-Resident Students Tuition (Cf. 8990) Resident Attendance In Another District Assignments To Schools	07/11/01		
8045	Homeless Children	07/11/01		
8080	Readmission (Cf. 8310)	07/11/01		X
8090	Release of a Student During the School Day (Cf. 8040)	07/11/01		X
8130	Searches Lockers Students Automobiles Use of Canines	07/11/01	08/21/13	X
<i>SN: Policy regarding searches by school officials</i>				
8140	Interrogation and Investigations Conducted in School	07/11/01		X
<i>SN: Policy regarding interrogation by school officials and law enforcement authorities</i>				
8180	Serious Acts of Violence	07/11/01		
8185	Terroristic Threats/Acts	07/11/01		
8190	Behavior Code	07/11/01		
8200	Safe and Drug-Free Schools/Students/Community	07/11/01		
8220	Violence, Drug and Alcohol Use by Students Prohibited Conduct Disciplinary Action Policy Communication	07/11/01		
8240	Student Appearance	07/11/01		
8245	Gangs	07/11/01		X
8300	Student Discipline (Cf. 5220)	07/11/01		
8305	Electronic Devices	07/11/01	11/20/02	
8310	Weapon Free School Zone	07/11/01		X

Policy #	Policy Name	Date Adopted	Date Revised	Regulation
<b>SECTION 8000 - STUDENTS</b>				
8315	Assaults Committed By Students (Cf. 8310) Assaults Committed Against School Personnel Assaults Committed Against Other Students Reinstatement (Cf. 8310-R) Application to Students with Disabilities Implementation	07/11/01		
8320	Corporal Punishment	07/11/01		X
8350	Student Suspension and Expulsion (Cf. 8080)	07/11/01		
8360	Class, Subject, and Activity Suspensions Application to Students with Disabilities Implementation	07/11/01		
8453	Student Wellness Policy (Cf. 4450, 4460)	04/04/07	11/21/07	X
8455	Unsafe School Choice Policy	11/07/07		
8480	Student Health Services Immunization of Students and Vision Testing	07/11/01		
8510	Communicable Diseases - Students	07/11/01		X
8530	Student Assistance Program (Cf. 7110, 7145, 8015, 8180, 8190, 8220, 8310, 8315, 8350, 8530, 8580)	07/11/01		X
8580	Child Abuse Access to Students on School Premises (Cf. 8140) Cooperation Between School and Agencies	07/11/01		X
8650	Student Accidents (Cf. 8660)	07/11/01		X
8655	Concussions	09/18/13		X
8660	First Aid (Cf. 8650)	07/11/01		X
8670	Administration of Medications Student Self-Medication Lifesaving Medication	07/11/01		X
8675	Emergency Anaphylaxis Policy (Stock Epi-Pens)	10/01/14		
8680	Food Allergies	11/07/07		
8710	Student Use of Building - Equal Access	07/11/01		X
8730	Student Publications	07/11/01		X
8750	Public Performances and Contests Contests	07/11/01		
8860	Homebound Instruction	07/11/01		X
8890	Pregnant Students	07/11/01		X
8920	Admission of Exchange Students Guidelines	07/11/01		
8940	Student Records Directory Information	07/11/01	08/17/11	X
8990	Student Fees, Fines, Charges and Deposits (Cf. 8040) Fees and Charges Fines	07/11/01		X

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

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

#### Section 504

The District shall identify, evaluate and provide a free appropriate public education to students who are disabled<sup>2</sup> within the meaning of Section 504 of the Rehabilitation Act of 1973; and the Americans with Disabilities Act of 1990; and the District will designate a Section 504 compliance officer to coordinate the District's efforts to comply with Section 504 and to investigate and attempt to resolve grievances regarding alleged violations of Section 504 and this policy.<sup>3</sup> A copy of Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990 and Section 504 implementing regulations may be obtained from the Section 504 compliance officer.

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

<sup>2</sup> "Disabled," as used in this policy, excludes persons:

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

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

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

Administrative Implementation

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

Approved: July 11, 2001

Revised: November 6, 2002

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

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

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

It shall be a violation of this policy for any Board member, employee,<sup>7</sup> student, or a non-employee third party<sup>8</sup> to harass any member of the student body through conduct or communications of a sexual nature as defined in this policy.

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

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

#### Definition

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

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

<sup>6</sup> 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

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

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

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

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

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

#### Notification

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

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

Approved: July 11, 2001

Reviewed:

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

The Board prohibits acts of harassment or bullying. The Board has determined that a safe and civil environment in school is necessary for students to learn and achieve high academic standards. Harassment or bullying, like other disruptive or violent behaviors, is conduct that disrupts both a student's ability to learn and a school's ability to educate its students in a safe environment. Demonstration of appropriate behavior, treating others with civility and respect, and refusing to tolerate harassment or bullying is expected of administrators, faculty, staff, and volunteers to provide positive examples for student behavior.

“Harassment or bullying” is any gesture or written, verbal, graphic, or physical act (including electronically transmitted acts, such as internet, cell phone, or wireless hand held device) that is reasonably perceived as being motivated either by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression; or a mental, physical, or sensory disability or impairment; or by any other distinguishing characteristic. Such behavior is considered harassment or bullying whether it takes place on or off school property, at any school-sponsored function, or in a school vehicle.

“Harassment” is conduct that meets all of the following criteria:

- is directed at one or more pupils;
- substantially interferes with educational opportunities, benefits, or programs of one or more pupils;
- adversely affects the ability of a pupil to participate in or benefit from the school district's educational programs or activities because the conduct, as reasonably perceived by the pupil, is so severe, pervasive, and objectively offensive as to have this effect; and,
- is based on a pupil's actual or perceived distinguishing characteristic (see above), or is based on an association with another person who has or is perceived to have any of these characteristics.



“Bullying” is conduct that meets all of the following criteria:

- is directed at one or more pupils;
- substantially interferes with educational opportunities, benefits, or programs of one or more pupils;
- adversely affects the ability of a pupil to participate in or benefit from the school district’s educational programs or activities by placing the pupil in reasonable fear of physical harm or by causing emotional distress; and,
- is based on a pupil’s actual or perceived distinguishing characteristic (see above), or is based on an association with another person who has or is perceived to have any of these characteristics.

The Board expects students to conduct themselves in a manner in keeping with their levels of development, maturity, and demonstrated capabilities with a proper regard for the rights and welfare of other students, school staff, volunteers, and contractors.

The Board believes that standards for student behavior must be set cooperatively through interaction among the students, parents and guardians, staff, and community members of the school district, producing an atmosphere that encourages students to grow in self-discipline. The development of this atmosphere requires respect for self and others, as well as for district and community property on the part of students, staff, and community members.

The Board believes that the best discipline is self-imposed, and that it is the responsibility of staff to use disciplinary situations as opportunities for helping students learn to assume responsibility and the consequences of their behavior. Staff members who interact with students shall apply best practices designed to prevent discipline problems and encourage students’ abilities to develop self-discipline. Since bystander support of harassment or bullying can support these behaviors, the district prohibits both active and passive support for acts of harassment or bullying. The staff should encourage students to support students who walk away

from these acts when they see them, constructively attempt to stop them, or report them to the designated authority.

The Board requires its school administrators to develop and implement procedures that ensure both the appropriate consequences and remedial responses to a student or staff member who commits one or more acts of harassment or bullying. The following factors, at a minimum, shall be given full consideration by school administrators in the development of the procedures for determining appropriate consequences and remedial measures for each act of harassment or bullying.

#### Factors for Determining Consequences

- Age, development, and maturity levels of the parties involved
- Degree of harm
- Surrounding circumstances
- Nature and severity of the behavior(s)
- Incidences of past or continuing pattern(s) of behavior
- Relationship between the parties involved
- Context in which the alleged incident(s) occurred

#### Factors for Determining Remedial Measures

##### *Personal*

- Life skill competencies
- Experiential deficiencies
- Social relationships
- Strengths
- Talents
- Traits
- Interests
- Hobbies
- Extra-curricular activities
- Classroom participation
- Academic performance

*Environmental*

- School culture
- School climate
- Student-staff relationships and staff behavior toward the student
- General staff management of classrooms or other educational environments
- Staff ability to prevent and de-escalate difficult or inflammatory situations
- Social-emotional and behavioral supports
- Social relationships
- Community activities
- Neighborhood culture
- Family situation

Consequences and appropriate remedial actions for a student or staff member who commits one or more acts of harassment or bullying may range from positive behavioral interventions up to and including suspension or expulsion, in the case of a student, or suspension or termination in the case of an employee.

Consequences for a student who commits an act of harassment or bullying shall be unique to the individual incident and will vary in method and severity according to the nature of the behavior, the developmental age of the student, and the student's history of problem behaviors and performance, and must be consistent with the Board's approved code of student conduct. Remedial measures shall be designed to correct the problem behavior; prevent another occurrence of the behavior; and protect the victim of the act. Effective discipline should employ a school-wide approach to adopt a rubric of bullying offenses and the associated consequences. The consequences and remedial measures may include, but are not limited to, the examples listed below:

Examples of Consequences

- Admonishment
- Temporary removal from the classroom

- Loss of privileges
- Classroom or administrative detention
- Referral to disciplinarian
- In-school suspension during the school week or the weekend, for students
- Out-of-school suspension
- Legal action
- Expulsion or termination

### Examples of Remedial Measures

#### *Personal*

- Framing the aggressive behavior as a failed attempt to solve a real problem or reach a goal. The adult assists the misbehaving student to find a better way to solve the problem or meet the goal.
- Restitution and restoration
- Transformative conferencing/restorative justice
- Peer support group
- Corrective instruction or other relevant learning or service experience
- Supportive discipline to increase accountability for the bullying offense
- Supportive interventions, including participation of an Intervention and Referral Services team, peer mediation, etc.
- Behavioral assessment or evaluation, including, but not limited to, a referral to Student Assistance Team, as appropriate
- Behavioral management plan, with benchmarks that are closely monitored
- Involvement of school disciplinarian
- Student counseling
- Parent conferences
- Student treatment
- Student therapy

*Environmental (Classroom, School Building, or School District)*

- Set a time, place, and person to help the bully reflect on the offending behavior, maintaining an emotionally-neutral and strength-based approach
- School and community surveys or other strategies for determining the conditions contributing to harassment, intimidation, or bullying
- School culture change
- School climate improvement
- Adoption of research-based, systemic bullying prevention programs
- Modifications of schedules
- Adjustments in hallway traffic
- Modifications in student routes or patterns traveling to and from school
- Targeted use of monitors (e.g., hallway, cafeteria, bus)
- General professional development programs for certificated and non-certificated staff
- Professional development plans for involved staff
- Disciplinary action for school staff who contributed to the problem
- Parent conferences
- Referral to family counseling
- Involvement of parent-teacher organizations
- Involvement of community-based organizations
- Development of a general bullying response plan
- Peer support groups
- Law enforcement involvement (e.g., school resource officer, juvenile officer)

The Board requires the principal and/or the principal's designee at each school to be responsible for receiving complaints alleging violations of this policy. All school employees are required to report alleged violations of this policy to the principal or the principal's designee. All other members of the school community, including students, parents, volunteers, and visitors, are encouraged to report any act that may be a violation of this policy. Reports may be made

anonymously, but formal disciplinary action may not be based solely on the basis of an anonymous report.

The Board requires the principal and/or the principal's designee to be responsible for determining whether an alleged act constitutes a violation of this policy. In so doing, the principal and/or the principal's designee shall conduct a prompt, thorough, and complete investigation of each alleged incident. The investigation is to be completed within three school days after a report or complaint is made.

The Board prohibits reprisal or retaliation against any person who reports an act of harassment or bullying. The consequences and appropriate remedial action for a person who engages in reprisal or retaliation shall be determined by the administrator after consideration of the nature, severity, and circumstances of the act.

The Board prohibits any person from falsely accusing another as a means of harassment or bullying. The consequences and appropriate remedial action for a person found to have falsely accused another as a means of harassment or bullying may range from positive behavioral interventions up to and including suspension or expulsion. Consequences and appropriate remedial action for a school employee found to have falsely accused another as a means of harassment or bullying shall be disciplined in accordance with district policies, procedures, and agreements.

The Board requires school officials to annually disseminate the policy to all school staff, students, and parents, along with a statement explaining that it applies to all applicable acts of harassment and bullying that occur on school property, at school-sponsored functions, or on a school bus. The Superintendent shall develop an annual process for discussing the school district policy on harassment and bullying with students and staff.

The school district shall incorporate information regarding the policy against harassment or bullying into each school employee training program and handbook.

Approved: January 16, 2008

Reviewed:

LEGAL REF: Michigan 2007 SB 36, 2007 SB 107, 2007 HB 4201, 2007 HB 4091, 2007 HB 4162, 2007 HB 4439.

It is the policy of the School District of the City of Flint to expect and encourage all students to attend school every day.<sup>9</sup> Students who repeatedly miss school will not be allowed to earn credit toward promotion and/or graduation. Standards for each of elementary, middle school and high school levels are contained in the District's attendance procedure.

If students are unable to attend school for any part of the school day, it is the responsibility of the parent/guardian to notify the school of this absence. Parents or legal guardians are ultimately responsible for their children attending school on a regular basis.<sup>10</sup> Every effort should be made to limit absenteeism and to discourage truancy. Where appropriate, the District will proceed with community and/or court intervention when there is a flagrant disregard for the District's attendance policy and procedures.

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

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<sup>9</sup> MCL 380. 1586 (2) ("If a child is repeatedly absent from school without valid excuse, or is failing in schoolwork or gives evidence of behavior problems, and attempt to confer with the parent or other person in parental relationship to the child fail, the superintendent of schools, or the intermediate superintendent in a district which does not employ a superintendent, may request the attendance officer to notify the parent or other person in parental relationship by registered mail to come to the school or to a place designated at a time specified to discuss the child's irregularity in attendance, failing work, or behavior problems with the proper school authorities.")

<sup>10</sup> MCL 380. 1587 ("If a parent or other person in parental relation fails to send a child under his or her control to the public school or other school listed under section 1561, the attendance officer, upon receiving notice from proper authority of that fact, shall give written notice in person or by registered mail to the parent or other person in parental relation requiring the child to appear at the public school or other school on the next regular day following the receipt of notice, and to continue in regular and consecutive attendance in school.") MCL 380. 1588 ("The attendance officer, after giving the formal notice prescribed in section 1587, shall determine whether the parent or other person in parental relation had complied with the notice. The attendance officer shall make a complaint against the parent or other person in parental relation having the legal charge and control of the child who fails to comply to the court having jurisdiction in the county of residence for refusal or neglect to send the child to school.")



Compulsory Attendance - Religious Exemption<sup>11</sup>

A student shall be released from school for a day or a portion of a day for the purpose of religious instruction. A letter, requesting the student's absence and written by the student's parent(s)/guardian(s), must be given to the building principal at least 5 days before the day the student is to be absent.<sup>12</sup>

Approved: July 11, 2001

Reviewed:

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

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<sup>11</sup> A child is not required to attend school when he/she is regularly enrolled in a public school while in attendance at religious instruction classes for not more than 2 class hours per week, off public school property during public school hours, upon written request of the parent, guardian, or person in loco parentis under rules promulgated by the state board (MCL 380.1561(3)(d)).

<sup>12</sup> According to the United States Supreme Court, a release time policy does not violate the Establishment Clause; it only accommodates a program of outside religious instruction. *Zorach v Clauson*, 72 S. Ct. 679 (1952).

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

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

#### School Entrance Requirements

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

#### First Time Enrollments

The parents and/or guardians of any student, grades kindergarten through 12, enrolling in the District for the first time, shall furnish, within 30 days, evidence regarding that student's age and identity<sup>13</sup> to the enrolling officer, proof of required immunizations and a hearing test, and social security number to be used as an identifier in data collection and analysis.

#### Resident Students

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

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<sup>13</sup> MCL 380.1135 ("Upon enrollment of a student for the first time in a local or intermediate school district, the district shall notify in writing the person enrolling the student that within 30 days he or she shall provide to the local or intermediate school district either of the following: (a) A certified copy of the student's birth certificate. (b) Other reliable proof, as determined by the school district, of the student's identity and age, and an affidavit explaining the inability to produce a copy of the birth certificate.")

residence of a student, the Superintendent shall refer the question to the school attorney who shall prepare a written report to the Board.<sup>14</sup>

### Non-Resident Students

Since schools are maintained for the primary benefit of the residents of the District, non-resident students may be admitted only if the District participates in “Schools of Choice”<sup>15</sup> or to the extent that staff, facilities, equipment, and supplies are available, and only upon Board approval.<sup>16</sup> A student will not normally be admitted to the District who is under suspension or expulsion from another district or who has voluntarily withdrawn from school in another district due to poor academic performance or for disciplinary reasons.

### Tuition

Tuition may be charged to non-resident students<sup>17</sup> who are not eligible to attend the District under “Schools of Choice” at a rate established by the Board and according to the formula established by state statute.<sup>18</sup>

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<sup>14</sup> Op. Atty. Gen. 5574 (1979) (“A child placed in a relative's home pursuant to a power of attorney authorized by the *Revised Probate Code* for the purposes of securing a suitable home and not for an educational purpose is a resident for educational purposes of the school district in which the relative lives. A child placed with a person other than a relative pursuant to a power of attorney under the *Revised Probate Code* does not become a resident of the school district in which such person resides.”)

<sup>15</sup> MCL 388.1705. Section 105 and 105c of the State School Aid Act require action by the board of education of each local school district to determine whether the district is opting in or out of a schools of choice program. A board's failure to make its decision by June 1 of each year will result in a forfeiture of 10% of the district's Section 20c transitional state school aid payments.

<sup>16</sup> MCL 380.1401 (1)

<sup>17</sup> Op. Atty. Gen. 5995 (“A school district admitting a nonresident pupil is not required to charge the parents tuition in the amount of full per capita operating costs, irrespective of whether the district is able to count the pupil in membership for state school aid purposes.”)

<sup>18</sup> MCL 380.1401 (2) Tuition for grades K to 6 shall not exceed 25% more than the operation cost per capita for the number of pupils in membership in grades K to 12. (3) Tuition for grades 7 to 12 shall not exceed 12 - 1/2% more than 115% of the operation cost per capita for the number of pupils in membership in grades K to 12. (5) The operation costs and membership figures of the preceding fiscal year shall be used. The per capita cost used shall not include moneys expended for school sites, school building construction, equipment, payment of bonds, or other purposes not properly included in operation costs as determined by the state board. MCL 380.1416 (“If nonresident pupils, their parents, or guardians pay school taxes in a school district and the pupils are admitted to schools in the district, the amount of the total current school taxes shall be credited on the pupils' tuition and transportation in a sum not to exceed the amount of the tuition and transportation. The pupils, their parents, or guardians shall be required to pay tuition and transportation only for the difference therein.”)

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

#### Resident Attendance In Another District

The Board may approve resident students attending another school district that does not participate in “Schools of Choice” when the needs of the student dictate as determined by the school’s counselors, teachers, administrators and the student’s parents/guardians.<sup>19</sup>

#### Assignments To Schools

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

Approved: July 11, 2001

Reviewed:

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

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<sup>19</sup> A district has no control over another district’s decision to operate a schools of choice program and accept non-resident students. As long as the other district complies with all of the provisions of sections 105 and/or 105c, it may accept, enroll, and count nonresident students (from within the same or a bordering intermediate school district) in membership without the consent of the district in which the student resides.

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

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

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

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

Approved: July 11, 2001  
Reviewed:

LEGAL REF: McKinney Homeless Education Act of 1988 as amended

Students whose enrollment has been terminated, either voluntarily or otherwise, may be re-admitted by following the procedures established by the Board of Education.<sup>20</sup> If the student who is applying for re-admission was previously expelled for violating MCL 380.1311(2) or 380.1311a, the student shall be reinstated in accordance with procedures established under law.

Approved: July 11, 2001

Reviewed:

LEGAL REF: AG Opinion #6271

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<sup>20</sup>Op. Atty. Gen. 6271 ("The board of education of a school district which, in accordance with due process requirements, suspends for a lengthy period of time, or permanently expels a non-handicapped student who is subject to the compulsory education law, is not required to provide an alternate education program for such student.")

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

Approved: July 11, 2001

Reviewed:

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

All searches shall be conducted in accordance with the rules developed by the Superintendent, and as allowed by law.

### Lockers

School lockers are the property of the District. At no time does the District relinquish its exclusive control of lockers provided for the convenience of students. Students have no reasonable expectation of privacy in their lockers. Accordingly, school authorities may periodically inspect and search lockers for any reason at any time, without notice, without student consent, and without a search warrant.<sup>21</sup>

The search of the locker shall not include search of students' personal belongings, such as backpacks, bag, purses, or coats unless there is reasonable suspicion such person's belongings contain items or substances prohibited by law or school rules.

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

### Students

In order to protect the health, safety, or welfare of students or staff under school jurisdiction, building principals or designated representatives are authorized to search students when there is individualized reasonable suspicion to believe that the search will reveal evidence that the student is in possession of an object or substance which may jeopardize the health, welfare, or safety of other students or staff.<sup>22</sup> School authorities shall conduct no strip searches. All searches shall be carried out in the presence of an adult witness.

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<sup>21</sup> The Fourth Amendment protects individuals from searches only when the person has a legitimate expectation of privacy. This paragraph attempts to avoid Fourth Amendment protection for student lockers by telling students not to expect privacy in lockers or in their personal effects left therein.

<sup>22</sup> *New Jersey v. T.L.O.*, 469 U.S. 325, 105 S.Ct. 733 (1985). (In this case, two students were caught smoking in a bathroom. One student admitted that she was smoking, while the other student (T.L.O.) denied that she smoked at all. T.L.O. was sent to the vice-principal who asked to see her purse. After looking inside the purse the vice-



Automobiles

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

Use of Canines

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

Approved: July 11, 2001  
Revised: August 21, 2013

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principal found a pack of cigarettes and some rolling papers. Upon further searching, he found some marijuana, a roll of single bills, and a list of students who owed T.L.O. money. The U.S. Supreme Court found the search to be reasonable because the school official had a reasonable suspicion that T.L.O. had cigarettes in her purse. Justice Byron White, writing for the court, stated: "Under ordinary circumstances, a search of a student by a teacher or other school official will be 'justified at its inception' when there are reasonable grounds for suspecting that the search will turn up evidence that the student has violated or is violating either the law or the rules of the school. Such a search will be permissible in its scope when the measures adopted are reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction.")

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

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

Approved: July 11, 2001  
Reviewed:

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

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

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

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

Approved: July 11, 2001

Reviewed:

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

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

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

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

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

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

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

Approved: July 11, 2001

Reviewed:

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

Approved: July 11, 2001  
Reviewed:

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

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<sup>23</sup> MCL 380.11312(8) requires local and intermediate school districts to develop and implement a code of student conduct.

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

- **Principle 1:** Conducting Needs Assessment — The District shall base its program(s) on a thorough assessment of objective data about the drug and violence problems in the schools and communities served.
- **Principle 2:** Setting Measurable Goals and Objectives —The District shall, with the assistance of the Safe and Drug Free Schools Advisory Board, which includes community representatives, establish a set of measurable goals and objectives, and design its activities to meet those goals and objectives.
- **Principle 3:** Effective Research-Based Programs —The District shall design and implement its activities based on research or evaluation that provides evidence that the strategies used prevent or reduce drug use, violence, or disruptive behavior.
- **Principle 4:** Program Evaluation — The District shall evaluate its program periodically to assess its progress toward achieving its goals and objectives and use its evaluation results to refine, improve, and strengthen its program and to refine its goals and objectives as appropriate.

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

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

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

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

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

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

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

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

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

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

Approved: July 11, 2001

Reviewed:

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



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

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

#### Prohibited Conduct

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

#### Disciplinary Action

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

Policy Communication

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

Approved: July 11, 2001

Reviewed:

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

Students' dress and grooming must not disrupt the educational process, interfere with the maintenance of a positive teaching/learning climate, or compromise reasonable standards of health, safety, and decency. Procedures for handling students who dress or groom inappropriately will be developed by the Superintendent and included in the *Code for Student Conduct Handbook*.<sup>24</sup>

Approved: July 11, 2001  
Reviewed:

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<sup>24</sup> First Amendment protection will be given to a student's dress that is intended to be communicative. *Tinker v Des Moines Independent School District*, 89 S. Ct. 7 (1969).

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

The Superintendent shall:

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

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

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

The District prohibits the presence of any apparel, jewelry, accessory, notebook or manner of grooming which, by virtue of its color, arrangement, trademark or any other attribute, denotes membership in gangs which advocate drug use, violence, or disruptive behavior.<sup>25</sup>

Approved: July 11, 2001

Reviewed:

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<sup>25</sup> The Southern U.S. District Court of Texas struck down a school district policy that defined “gang-related apparel” as any attire that is “gang related” as being too vague to be enforced. Accordingly, districts with anti-gang dress codes should require building principals to keep comprehensive lists of banned apparel. *Chalifoux v New Caney Independent School District* (97-1763).

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

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

Approved: July 11, 2001

Reviewed:

LEGAL REF: MCL 380.1312; 380.1311; PL 103.227

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

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

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

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

Approved: July 11, 2001  
Revised: November 20, 2002

LEGAL REF: MCL 380.1303

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

Accordingly, students in possession of a dangerous weapon/firearm and/or who commit arson or criminal sexual conduct on/in District property or at District or school-sponsored events shall be permanently expelled from school and referred to the criminal justice or juvenile delinquency system and the Family Independence Agency or community mental health agency.<sup>27</sup> The parent, legal guardian, and/or student shall also be notified of the referral.

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

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<sup>26</sup> Gun-Free Schools Act of 1994 20 U.S.C. 8921(b)(1) ("Except as provided in paragraph (3), each state receiving federal funds under this chapter shall have in effect a state law requiring local educational agencies to expel from school for a period of not less than one year a student who is determined to have brought a weapon to a school under the jurisdiction of local educational agencies in that state, except that such state law shall allow the chief administering officer of such local educational agency to modify such expulsion requirement for a student on a case-by-case basis.")

<sup>27</sup> MCL 380. 1311 (2) ("If a pupil possesses in a weapon free school zone a weapon that constitutes a dangerous weapon, commits arson in a school building or on school grounds, or commits criminal sexual conduct in a school building or on school grounds, the school board, or the designee of the school board as described in subsection (1) on behalf of the school board, shall expel the pupil from the school district permanently, subject to possible reinstatement under subsection (5). However, a school board is not required to expel a pupil for possessing a weapon if the pupil establishes in a clear and convincing manner at least 1 of the following: (a) The object or instrument possessed by the pupil was not possessed by the pupil for use as a weapon, or for direct or indirect delivery to another person for use as a weapon. (b) The weapon was not knowingly possessed by the pupil. (c) The pupil did not know or have reason to know that the object or instrument possessed by the pupil constituted a dangerous weapon. (d) The weapon was possessed by the pupil at the suggestion, request, or direction of, or with the express permission of, school or police authorities.")

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

Approved: July 11, 2001

Reviewed:

LEGAL REF: MCL 380.1312; 380.1311; PL 103.227



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

The Board may permanently expel a student in grade 6 or above, for up to 180 days, if the student commits a physical assault, as defined by MCL 380.1311a(12)(b),<sup>28</sup> against a District employee or against a person engaged as a volunteer or contractor for the District on school property, on a school bus or other school related vehicle, or at a school-sponsored activity or event.

**Verbal Assaults:**

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

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

Assaults Committed Against Other Students

A student in grade 6 or above shall be suspended or expelled, depending upon the circumstances, for up to 180 days if the student commits a physical assault, as defined by MCL 380.1310(3)(b),<sup>29</sup> against another student on school property, on a school bus or other school related vehicle, or at a school-sponsored activity or event. The Board may modify the expulsion period on a case-by-case basis.

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<sup>28</sup> MCL 380.1311a(12)(B) and MCL 380.1310(3)(B) define “Physical Assault” as “intentionally causing or attempting to cause physical harm to another through force or violence.”

Reinstatement (Cf. 8310-R)

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

Application to Students with Disabilities

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

Implementation

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

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

Approved: July 11, 2001

Reviewed:

LEGAL REF: MCL 380.1308; 380.1311a

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<sup>29</sup> See Note 5.

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

No employee, volunteer or contractor of the District shall inflict physical pain by hitting, paddling or spanking, or cause to be inflicted, corporal punishment upon a student.<sup>30</sup> Reasonable physical force may be used to maintain order and control in a school or a school related setting for the purposes of providing an environment conducive to safety and learning.

Physical force upon a student may be necessary to restrain or remove a student whose behavior is interfering with the orderly exercise and performance of District functions within a school or school related activity if that student has refused to comply with a request to refrain from further disruptive acts; for self defense or the defense of another; to prevent a student from inflicting harm on himself/herself; to quell a disturbance that threatens physical injury to any person; to obtain possession of a weapon or other dangerous objects; and to protect property.<sup>31</sup>

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

Approved: July 11, 2001  
Reviewed:

LEGAL REF: MCL 380.1312

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<sup>30</sup>MCL 380.1312.

<sup>31</sup>In determining whether an employee of the District has acted in accordance with this paragraph, deference shall be given to reasonable good-faith judgments made by that person (MCL 380.1312(7)).

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

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

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

Approved: July 11, 2001

Reviewed:

LEGAL REF: MCL 380.1311

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

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

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

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

with District policy and the *Code for Student Conduct*.

Application to Students with Disabilities

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

Implementation

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

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

Approved: July 11, 2001

Reviewed:

LEGAL REF: MCL 380.1309

The Flint Community Schools are committed to creating a healthy school environment that enhances the development of lifelong wellness practices to promote healthy eating and physical activities that support student achievement and hereby adopts this Student Wellness Policy.<sup>32</sup>

#### Nutrition Education

Every year, all students, Pre - K-12, shall receive nutrition education that is aligned with the *Michigan Health Education Content Standards and Benchmarks*.<sup>33</sup> Nutrition education that teaches the knowledge, skills, and values needed to adopt healthy eating behaviors shall be integrated into the curriculum. Nutrition education information shall be offered throughout the school campus including, but not limited to, school dining areas and classrooms. Such information shall be shared with the parents/guardians of the students. Staff members who provide nutrition education shall have the appropriate training.

#### Nutrition Standards

The District shall ensure that reimbursable school meals meet or exceed the program requirements and nutrition standards found in federal regulations.<sup>34</sup> The District shall encourage students to make nutritious food choices.

The District shall monitor all food and beverages sold or served to students, including those available outside the federally regulated child nutrition programs. The District shall

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<sup>32</sup>(MASB Note: This local Student Wellness Policy, was adopted, unanimously, by the Michigan State Board of Education on Monday, October 10, 2005. It is the product of a collaborative effort between the Michigan Department of Education and MASB as reviewed and finalized by a panel of health, nutrition, and physical education specialists from across the State. It is a MODEL, and is not MANDATED, so local districts are free to modify it some based on local needs and circumstances – particularly the administrative rules. We urge, however, that local boards give serious consideration to adoption of the POLICY itself as it is written, and allow, then, the administration to modify the administrative rules to meet local needs and expectations.)

<sup>33</sup> Michigan Department of Education Health Education Content Standards and Benchmarks, July 1998.

[http://www.michigan.gov/documents/Health\\_Standards\\_15052\\_7.pdf](http://www.michigan.gov/documents/Health_Standards_15052_7.pdf).

<sup>34</sup> Title 7—United States Department of Agriculture, Chapter ii - Food and Nutrition Service, Department of Agriculture, Part 210 - National School Lunch Program. [http://www.access.gpo.gov/nara/cfr/waisidx\\_04/7cfr210\\_04.html](http://www.access.gpo.gov/nara/cfr/waisidx_04/7cfr210_04.html)

consider nutrient density<sup>35</sup> and portion size before permitting food and beverages to be sold or served to students.

The Superintendent shall continually evaluate vending policies and contracts. Vending contracts that do not meet the intent and purpose of this policy shall be modified accordingly or not renewed.

#### Physical Education and Physical Activity Opportunities

The District shall offer physical education opportunities that include the components of a quality physical education program.<sup>36</sup> Physical education shall equip students with the knowledge, skills, and values necessary for lifelong physical activity. Physical education instruction shall be aligned with the *Michigan Physical Education Content Standards and Benchmarks*.<sup>37</sup>

Every year all students, Pre - K-12, shall have the opportunity to participate regularly in supervised physical activities, either organized or unstructured, intended to maintain physical fitness and to understand the short- and long-term benefits of a physically active and healthy lifestyle.

#### Other School-Based Activities Designed to Promote Student-Wellness

The District may implement other appropriate programs that help create a school environment that conveys consistent wellness messages and is conducive to healthy eating and physical activity.

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<sup>35</sup> Nutrient dense foods are those that provide substantial amounts of vitamins and minerals and relatively fewer calories. Foods that are low in nutrient density are foods that supply calories but relatively small amounts of micronutrients (sometimes not at all). [http://www.health.gov/dietaryguidelines/dga2005/report/HTML/G1\\_Glossary.htm](http://www.health.gov/dietaryguidelines/dga2005/report/HTML/G1_Glossary.htm)

<sup>36</sup> Offering physical activity opportunities is required by federal law (Section 204 of Public Law 108-265). Physical education, while recommended, is not required.

<sup>37</sup> Michigan Department of Education Physical Education Content Standards and Benchmarks, July 1998. [http://222.michigan.gov/documents/Physical\\_Education\\_Content\\_Standards\\_42242\\_7.pdf](http://222.michigan.gov/documents/Physical_Education_Content_Standards_42242_7.pdf)



Implementation and Measurement

The Superintendent shall implement this policy and measure how well it is being managed, and enforced. The Superintendent shall develop and implement administrative rules consistent with this policy. Input from teachers (including specialists in health and physical education), school nurses, parents/guardians, students, representatives of the school food service program, the Board of Education, school administrators, and the public shall be considered before implementing such rules. A sustained effort is necessary to implement and enforce this policy. The Superintendent shall report to the Board, as requested, on the District's programs and efforts to meet the purpose and intent of this policy.

Approved: April 4, 2007

Revised: November 21, 2007

LEGAL REF: MASB recommended and approved by the Michigan State Board of Education. Section 204 of Public Law 108-265 (Child Nutrition and WIC Reauthorization Act of 2004) (Approved by the Michigan State Board of Education, October 10, 2005.)

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

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

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

Approved: November 7, 2007

LEGAL REF: 20 USCA § 7412 - NCLB of 2001; Michigan Statewide Unsafe School Choice Policy (2003).

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

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

#### Immunization of Students and Vision Testing

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

1. Submitting a statement by an authorized health care provider that the child has been tested for, immunized or protected against, diseases specified by the director of public health;<sup>38</sup>
2. Submitting a statement signed by the parents or guardian to the effect that the child has not been immunized because of religious convictions or other objections to immunization;<sup>39</sup> and/or
3. Submitting a statement signed by an authorized health care provider that certifies that the child is in the process of complying with all immunization requirements; and/or
4. Submitting a signed request that the local health department give the needed protective injections.

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

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<sup>38</sup> MCL 380.1177 (1) (a)

<sup>39</sup> MCL 380.1177 (1) (b)

osteopathic physician, or a licensed optometrist stating that the child's eyes have been examined during the preschool years after age 3 and before initial entrance.<sup>40</sup> A vision test is not required if there is a statement signed by a parent or guardian to the effect that the child cannot be subjected to the test because of religious convictions.<sup>41</sup>

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

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

Approved: July 11, 2001  
Reviewed:

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

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<sup>40</sup> MCL 380.1177 (2)

<sup>41</sup> MCL 380.1177 (2)

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

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

A student with or carrying a communicable and/or chronic infectious disease has all rights, privileges, and services provided by law and the District's policies.<sup>42</sup>

Approved: July 11, 2001

Reviewed:

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

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<sup>42</sup> A student with a contagious disease is probably a "handicapped individual" under Section 504 of the Rehabilitation Act (29 U.S.C. § 794(a). See *Thomas v Atascadero Unified School District*, 662 F. Supp.376 (C.D. Cal 1986) (a child with Aids was a "handicapped person" under Section 504.

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

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

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

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

The District recognizes that education and disciplinary actions, although necessary components of safe and drug free programs, may not deter students from violence, weapons possessions, alcohol or illicit substance use. Students directly or indirectly may need assistance. It is the policy of the District to provide students assistance with their problems or to refer to licensed agencies those students whose problems cannot be effectively dealt with by the District. To implement this policy the District establishes a Student Assistance Program following guidelines set forth below.

To insure that the adoption of this Student Assistance Program policy and participation in Student Assistance Programs developed pursuant to this policy are not construed to relieve students from responsibility for their actions, it is emphasized that the policies set forth in the Prohibited Conduct and Disciplinary Action sections of Policy 8220, and mandated by the Safe and Drug-Free Schools and Communities Act Amendments of 1998, will be enforced.

Approved: July 11, 2001  
Reviewed:

LEGAL REF: Title IV of the Elementary & Secondary Education Act of 1965; Gun-Free School Zone Act of 1994; MCL 380.1310; 380.1311; 380.1311a; 380.1596; 722.621

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

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

Access to Students on School Premises (Cf. 8140)

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

Cooperation Between School and Agencies

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

Approved: July 11, 2001

Reviewed:

LEGAL REF: MCL 722.621-636

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

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

Approved: July 11, 2001  
Reviewed:



The district will provide a safe environment for students while in school or extra-class activities. The district will take prompt appropriate remedial action in response to student illness or injuries and consult with parents as time permits. Specifically, when dealing with student concussions, the district will follow Michigan High School Athletic Association (MHSAA) concussion protocols for resuming all classes, athletics, intramurals, club teams, after-school programs, and community education programs.

MHSAA protocols shall be specifically incorporated into the District administrative regulations.

The district will provide and follow the Concussion Law, Public Act 341 and 343 which requires all non-interscholastic sports and the more stringent MHSAA protocols for students participating in interscholastic sports.

Approved: September 18, 2013

Reviewed:

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

First aid and CPR may be administered to students or adults only by those school employees qualified by District-approved training and then only in case of an emergency.<sup>43</sup> School employees shall not attempt to treat any student injury after the initial treatment of emergency first aid. The District will not assume liability under these policies for employees acting outside the scope of their authority.

Approved: July 11, 2001  
Reviewed:

LEGAL REF: MCL 691.1504

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<sup>43</sup> MCL 691.1504 (1) ("A person who having no duty to do so in good faith voluntarily renders cardio-pulmonary resuscitation to a person, shall not be liable for civil damages resulting from an act or omission in the rendering of that cardio-pulmonary resuscitation, except an act or omission amounting to gross negligence or willful and wanton misconduct.")

Whenever possible, parents/guardians at home should administer medications for students. As a service to the family, the Superintendent shall establish procedures for the administration of medication by school personnel in circumstances where such administration is deemed necessary for the student's well being by the student's parent/guardian or authorized health care provider.<sup>44</sup>

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

#### Student Self-Medication

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

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

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

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<sup>44</sup> MCL 380. 1178 ("A school administrator, teacher, or other school employee designated by the school administrator, who in good faith administers medication to a pupil in the presence of another adult or in an emergency that threatens the life of the pupil, pursuant to written permission of the pupil's parents or guardian, and

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

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

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

#### Lifesaving Medication

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

Approved: July 11, 2001  
Reviewed:

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

Anaphylaxis is a severe and life-threatening allergic reaction. A variety of allergens can cause anaphylaxis, but the most common are food, insect bites, medications, and latex. Anaphylaxis typically occurs within minutes or even seconds of exposure. The symptoms of anaphylaxis may be different for different individuals, and may also be different for one person over time. Reported symptoms include:

- Skin reactions, including hives along with itching, and flushed or pale skin (almost always present with anaphylaxis)
- A feeling of warmth
- The sensation of a lump in the throat
- Constriction of the airways and a swollen tongue or throat, which can cause wheezing and trouble breathing
- A weak and rapid pulse
- Nausea, vomiting, or diarrhea
- Dizziness or fainting

Commencing with the 2014-2015 school year, each school operated by the Flint School District is required by law to have at least two (2) epinephrine auto-injectors (Epi-Pens) devices available at all times at the school site. It shall be the responsibility of the Principal to be sure that the supply of epinephrine is maintained at the appropriate level, in an accessible location and they have not expired. The Superintendent (or designee) shall be responsible for coordinating the training of District employees to administer epinephrine injections and to maintain the list of employees authorized to administer such injections. The stock epinephrine can only be used during regular school hours and must not leave the building.

Individuals Qualified to Administer

Only a licensed, registered professional nurse employed or contracted by the Flint School District or a school employee who has successfully passed the required training shall be allowed to possess and administer epinephrine injections to students. A list of persons authorized to administer the stock epinephrine will be maintained in each school by the Principal, and shall be available for employees' reference.

Each school shall have at least two (2) staff persons trained in the appropriate use and administration of an epinephrine auto-injector. Training of District employees on the appropriate use and administration of an epinephrine auto-injector shall be done in accordance with any guidelines provided by the Michigan Department of Education, and shall be conducted under the supervision of a licensed, registered professional nurse. The training shall include an evaluation by the nurse of the employees' understanding of the protocols for administering an epinephrine auto-injector.

To Whom Epinephrine Injections May Be Administered

A licensed, registered professional nurse or trained and authorized employees under this policy may administer epinephrine injections to any individual who is not previously identified as diagnosed with a life-threatening allergy on school grounds who is believed to be experiencing an anaphylactic reaction.

Reporting of Injections

All epinephrine injections administered by District employees to an individual shall promptly implement the emergency response. This response includes calling 9-1-1 for EMS and notifying the student's parent/guardian that an epinephrine injection has been administered. They shall also report in writing to the building administrator whether the school's stock or the

student's epinephrine auto-injector was used, and whether the individual was previously known to be subject to severe allergic reaction (anaphylaxis).

The Superintendent (or designee) shall at least annually report to the Michigan Department of Education, in the form and manner determined by the Department, information on the number of injections provided to students, the number of injections with District stock epinephrine auto-injectors and the number of incidents where students were not known to be subject to severe allergic reactions.

Nothing in this policy alters or diminishes the rights of individuals authorized by law to self-possess or self-administer a metered dose inhaler or a dry powder inhaler to alleviate asthmatic symptoms or an epinephrine auto-injector or epinephrine inhaler to treat anaphylaxis.

Nothing in this policy alters or diminishes the rights of individuals who have prescription epinephrine auto-injectors or students under an allergy response plan, Section 504 plan, or individualized education plan.

Approved: October 1, 2014

LEGAL REF: MCL 380.1178, 380.1179; 380.1179a  
Michigan Department of Education, Model policy and Guidelines for Administering Medications to Pupils at School

The Board recognizes the growing number of students enrolling in our schools with potentially life-threatening food allergies. The District has a responsibility to develop appropriate guidelines for students with food allergies which detail emergency treatment while also addressing conditions to prevent exposure to allergens. While medical and health-related needs are unique for each child, the Board concludes that establishment of a set of consistent, systemic practices within the District as a starting point is imperative.

The District shall develop administrative guidelines for students with food allergies which detail emergency treatment while also addressing conditions to prevent exposure to allergens. The District shall provide appropriate training in the requirements of the guidelines to all District personnel who have student contact.

Employee violation of this policy, or of administrative procedures developed pursuant to this policy, may subject the violator to disciplinary action for misconduct, in accordance with applicable District contracts, policies, and procedures.

Approved: November 7, 2007



Non-curriculum related student groups may meet on school premises during non-instructional time if approved by the building principal.<sup>46</sup>

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

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

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

Approved: July 11, 2001

Reviewed:

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

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<sup>45</sup> This policy should be adopted only by school districts that wish to establish or already have a limited open forum within their secondary schools by allowing non-curriculum related student groups to meet. Note that if a limited open forum was created, it can be stopped by refusing to allow all non-curriculum related groups access to school facilities. The Equal Access Act prohibits the school from denying fair opportunity or “equal access” to any students who wish to conduct a meeting within a limited open forum on the basis of the religious, political, philosophical or other content of speech at such a meeting.

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

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

<sup>46</sup> Non-instructional time is the time set aside before actual classroom instruction begins or after actual classroom instruction ends.

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

Student publications that are not libelous, disruptive, or obscene (obscene as defined by local community standards and lacking sufficient, redeeming social value) may be distributed on school property during school hours in areas designated by the building principal.<sup>47</sup> Distribution that substantially interferes with the normal flow of traffic within the school corridors and entry ways, that is coercive of any other person's right to accept or reject any publication, or that causes substantial and material interference with "normal school activities" shall not be permitted.

Approved: July 11, 2001

Reviewed:

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<sup>47</sup> School authorities may reasonably regulate student expression in school-sponsored publications for education-related reasons. *Hazelwood School District v Kuhlmeier*, 108 S. Ct. 562 (1988). This policy allows such control by clearly stating that school-sponsored publications are not a "public forum" open for general student use but are, instead, part of the curriculum.

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

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

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

#### Contests

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

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

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

Approved: July 11, 2001

Reviewed:

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

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

Approved: July 11, 2001  
Reviewed:

The District advocates the right to continued public education for all pregnant students.<sup>48</sup>

A pregnant student has the right to continued schooling in regular school classes.<sup>49</sup> In the event an individual pregnant student desires to withdraw from school during pregnancy, the District alone or in conjunction with other community institutions will furnish her with such assistance as is possible to enable her to return to school on a full-time basis.

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

Approved: July 11, 2001

Reviewed:

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

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<sup>48</sup> MCL 380. 1301 (1) ("A person who has not completed high school may not be expelled or excluded from a public school because of being pregnant.")

<sup>49</sup> MCL 380. 1301 (2) ("A pregnant person who is under the compulsory school age may withdraw from a regular school program in accordance with rules promulgated by the state board.")

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

#### Guidelines

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

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

Approved: July 11, 2001  
Reviewed:

LEGAL REF: AG Opinion #6316

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

Student records shall be available only to students and their parents/guardians, adult students, and designated school officials and personnel, who have a legitimate educational interest in the information. In situations in which a student has both a custodial and non-custodial parent/guardian, both shall have access to the student's educational records unless stipulated otherwise by court order.<sup>50</sup>

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

#### Directory Information

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

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<sup>50</sup> Family Educational Rights and Privacy Act (FERPA) 20 U.S.C. 1232g (b) (1) ("No funds shall be made available under any applicable program to any educational agency or institution which has a policy or practice of permitting the release of education records (or personally identifiable information contained therein other than directory information, as defined in paragraph (5) of subsection (a) of this section) of students without the written consent of their parents to any individual, agency, or organization, other than to the following--(A) other school officials, including teachers within the educational institution or local educational agency, who have been determined by such agency or institution to have legitimate educational interests, including the educational interests of the child for whom consent would otherwise be required;") Other authorities cited in the statute include persons designated in a federal grand jury subpoena, state and local officials, and appropriate person in an emergency if the student's health or safety is in jeopardy.

release of this information.

The District shall inform students and their parent(s) or guardian(s) annually and upon initial enrollment of their rights under law and District policy with respect to student records, and of the procedures for exercising those rights.<sup>51</sup>

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

The District shall protect the rights of privacy of students and their families in connection with any surveys or data-gathering activities conducted, assisted, or authorized by the Board or administration.<sup>52</sup> Regulations established under this policy shall include provisions controlling the use, dissemination, and protection of such data.

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

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

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

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<sup>51</sup> Family Educational Rights and Privacy Act (FERPA) 20 U.S.C. 1232g (a)(1)(A) ("No funds shall be made available under any applicable program to any educational agency or institution which has a policy of denying, or which effectively prevents, the parents of students who are or have been in attendance at a school of such agency or at such institution, as the case may be, the right to inspect and review the education records of their children.")

<sup>52</sup> 20 U.S.C. 1232g (c) ("No survey or data-gathering activities shall be conducted by the secretary, or an administrative head of an education agency under an applicable program, unless such activities are authorized by law.")



Fees and Charges

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

Fines

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

Approved: July 11, 2001

Reviewed: