

**BOARD OF DIRECTORS**

 **POLICIES**

**Lighthouse Academy**

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Table of Contents

[OVERVIEW 1](#_Toc27639376)

[ADMINISTRATIVE GOVERNANCE STRUCTURE 1](#_Toc27639377)

[AGE OR GRADE RANGE OF PUPILS 1](#_Toc27639378)

[APPLICATION AND ENROLLMENT OF STUDENTS 1](#_Toc27639379)

[BYLAWS 1](#_Toc27639380)

[CURRICULUM 1](#_Toc27639381)

[DESCRIPTION OF ADMINISTRATIVE RESPONSIBILITIES 1](#_Toc27639382)

[DESCRIPTION OF STAFF RESPONSIBILITIES 1](#_Toc27639383)

[EDUCATIONAL GOALS AND EDUCATIONAL PROGRAMS 1](#_Toc27639384)

[FINANCES 1](#_Toc27639385)

[GENERAL OPERATING REQUIREMENTS 1](#_Toc27639386)

[METHODS OF PUPIL ASSESSMENT 2](#_Toc27639387)

[PHYSICAL PLANT 2](#_Toc27639388)

[SCHOOL CALENDAR AND SCHOOL DAY SCHEDULE 2](#_Toc27639389)

[BOARD POLICIES 2](#_Toc27639390)

[COMMUNICATION WITH THE BOARD 2](#_Toc27639391)

[CONFLICT OF INTEREST 2](#_Toc27639392)

[DEVELOPMENT OF ADMINISTRATIVE PROCEDURES 2](#_Toc27639393)

[ACADEMY OPERATIONS 3](#_Toc27639394)

[ANTI-HARASSMENT/ANTI-VIOLENCE 4](#_Toc27639395)

[ATHLETIC PROGRAM 4](#_Toc27639396)

[COMMUNICABLE DISEASE 4](#_Toc27639397)

[CONTROL OF BLOOD–BORNE PATHOGENS 4](#_Toc27639398)

[COORDINATION OF HOMELESS STUDENT SERVICES 4](#_Toc27639399)

[DELEGATION OF COMPLIANCE WITH STATE AND FEDERAL LAW TO IES 6](#_Toc27639400)

[DIRECTORY INFORMATION 6](#_Toc27639401)

[DISCRIMINATION, SEXUAL OR OTHER HARASSMENT, TITLE IX COMPLAINTS 6](#_Toc27639402)

[DRUGS (INCLUDING ALCOHOL AND TOBACCO) 7](#_Toc27639403)

[EMERGENCY DRILLS 7](#_Toc27639404)

[GENDER EQUITY (TITLE IX) 7](#_Toc27639405)

[HEALTH EDUCATION 7](#_Toc27639406)

[INDIVIDUALS WITH DISABILITIES 7](#_Toc27639407)

[MAINTENANCE OF STUDENT RECORDS – IN-SCHOOL AND OUT-OF-SCHOOL SUSPENSIONS AND EXPULSIONS 8](#_Toc27639408)

[PARENT / FAMILY INVOLVEMENT 8](#_Toc27639409)

[PARENT PARTICIPATION IN TITLE I PROGRAMS 8](#_Toc27639410)

[PESTICIDE NOTIFICATION 9](#_Toc27639411)

[PROHIBITION AGAINST PERFORMANCE ENHANCING SUBSTANCES 9](#_Toc27639412)

[PUBLIC RECORDS / FREEDOM OF INFORMATION ACT REQUESTS 9](#_Toc27639413)

[PURCHASING 9](#_Toc27639414)

[SOCIAL SECURITY NUMBERS 9](#_Toc27639415)

[TOXIC AND ASBESTOS HAZARDS MANAGEMENT PLAN 9](#_Toc27639416)

[VISITORS 10](#_Toc27639417)

[VOLUNTEERS 10](#_Toc27639418)

[WELLNESS POLICY 10](#_Toc27639419)

[STUDENT POLICIES 11](#_Toc27639420)

[ACADEMY SPECIFIC DRESS CODE/UNIFORM 11](#_Toc27639421)

[ACCESS TO EQUAL EDUCATIONAL OPPORTUNITY 11](#_Toc27639422)

[FIELD TRIPS 11](#_Toc27639423)

[HAZING 11](#_Toc27639424)

[IMMUNIZATIONS 11](#_Toc27639425)

[LIMITED ENGLISH PROFICIENCY 11](#_Toc27639426)

[ABORTION POLICY 11](#_Toc27639427)

[MEDICATIONS 12](#_Toc27639428)

[PUBLICATIONS -- SCHOOL-SPONSORED, CURRICULUM-RELATED PUBLICATIONS 12](#_Toc27639429)

[SEARCHES OF STUDENT LOCKERS AND LOCKER CONTENTS 12](#_Toc27639430)

[STUDENT DISCIPLINE 12](#_Toc27639431)

[STUDENT SECLUSION AND RESTRAINT 13](#_Toc27639432)

[TECHNOLOGY / INTERNET USE 13](#_Toc27639433)

# OVERVIEW

The Board of Directors adopts and incorporates by reference herein the following Policies set forth in the Charter Contract approved by the Authorizer and the Board:

ADMINISTRATIVE GOVERNANCE STRUCTURE (Schedule 7 of the Charter Contract)

AGE OR GRADE RANGE OF PUPILS (Schedule 7 of the Charter Contract and the Management Agreement with IES)

APPLICATION AND ENROLLMENT OF STUDENTS (Schedule 7 of the Charter Contract and the Management Agreement with IES)

BYLAWS (Board Operations Policy and General Governance, Schedule 2)

CURRICULUM (Schedule 7 of the Charter Contract and the Management Agreement with IES)

DESCRIPTION OF ADMINISTRATIVE RESPONSIBILITIES: Administration shall have the responsibilities and requirements set forth in the Description of Staff Responsibilities. (Schedule 5 of the Charter Contract)

DESCRIPTION OF STAFF RESPONSIBILITIES (Non-Administrative) (Schedule 5 of the Charter Contract)

EDUCATIONAL GOALS AND EDUCATIONAL PROGRAMS (Article VI and Schedule 7 of the Charter Contract; and the Management Agreement with IES), and will contain the curriculum content required by applicable law.

FINANCES of the Academy shall be controlled by Article III, Article VI, Article XI of the Charter Contract; the Management Agreement with IES; the State School Aid Act, MCL § 388.1601, et seq.; the financial requirement of the Revised School Code relative to Public School Academies set forth in MCL § 380.501, et seq.

GENERAL OPERATING REQUIREMENTS (Article VI of the Charter Contract and the Management Agreement with IES)

METHODS OF PUPIL ASSESSMENT (Article VI and Schedule 7 of the Charter Contract; and the Management Agreement with IES)

PHYSICAL PLANT (Article XI and Schedule 6 of the Charter Contract, and the Management Agreement with IES)

SCHOOL CALENDAR AND SCHOOL DAY SCHEDULE (Schedule 7 of the Charter Contract and the Management Agreement with IES)

# BOARD POLICIES

##

## COMMUNICATION WITH THE BOARD

The Superintendent and the School Leader shall keep the Board of Directors informed of Academy operations by contributing to the preparation of the monthly Board agendas and by providing oral and/or written reports as the Board deems necessary.

## CONFLICT OF INTEREST

The Board shall at all times comply with applicable law as it relates to conflicts of interest, including MCL 15.321, *et seq*.

## DEVELOPMENT OF ADMINISTRATIVE PROCEDURES

The Board of Directors delegates to the Superintendent and School Leader the function of designing and implementing the procedures, required actions, and detailed arrangements under which the Academy will operate. These administrative procedures shall not be inconsistent with the policies adopted by the Board.

The Board itself will formulate and adopt administrative policies only when required by law, and when the Superintendent and/or School Leader recommend Board adoption.

The Superintendent and/or School Leader may also issue such administrative handbooks and student handbooks as he or she may consider necessary for the effective administration of the schools and distribute them to employees and students and/or their parents.

A copy of the Academy’s administrative procedures and the student handbook shall be made a part of the Board's reference materials maintained in the Academy office.

The Superintendent and/or School Leader shall maintain a current organizational chart to which reference can be made by the Board or any employee of the Board.

The Board delegates to IES and the Superintendent and/or School Leader the authority and responsibility to implement administrative guidelines that are consistent with these policies as adopted by the Board of Directors. These administrative guidelines should be consistent with Federal and Michigan law, the Board Policies, and the Charter Contract.

REIMBURSEMENT OF EXPENDITURES AND CREDIT CARDS FOR BOARD MEMBERS

(1) Except as provided in subsection (3), the Board of Directors of Lighthouse Academy may pay the actual and necessary expenses incurred by its members and employees in the discharge of official duties or in the performance of functions authorized by the board. The expenditure, and the policy described in subsection (2)(b) that establishes specific categories of reimbursable expenses, shall be a public record and shall be made available to a person upon request.

(2) The Board of Directors of Lighthouse Academy shall not approve payment of an expense incurred by a board member under subsection (1) unless 1 or both of the following conditions are met:

(a) The board, by a majority vote of its members at an open meeting, approved reimbursement of the specific expense before the expense was incurred.

(b) The expense is consistent with a policy adopted by the board, by a majority vote of its members at a regular board meeting, establishing specific categories of reimbursable expenses and the board, by a majority vote of its members at an open meeting, approves the reimbursement before it is actually paid.

(3) The Board of Directors of Lighthouse Academy shall not provide, allow, or obtain credit cards for, issue credit cards to, or provide to a board member a debit card or similar instrument that pledges payment of funds from an account of the public school academy except in compliance with law.

# ACADEMY OPERATIONS

ANTI-BULLYING/CYRBERBULLYING POLICY

The Lighthouse Academy (LA) board of directors recognizes that a school that is physically and emotionally safe and secure for all students promotes good citizenship, increases student attendance and engagement, and supports academic achievement. To protect the rights of all students and groups for a safe and secure learning environment, the board of education prohibits acts of bullying, harassment, and other forms of aggression and violence both in person or in cyberspace. Bullying or harassment, like other forms of aggressive and violent behaviors, interferes with both a school’s ability to educate its students and a student’s ability to learn. All administrators, faculty, staff, parents, volunteers, and students are expected to refuse to tolerate bullying and harassment and to demonstrate behavior that is respectful and civil. It is especially important for adults to model these behaviors (even when disciplining) in order to provide positive examples for student behavior. Complaints regarding bullying should be delivered in writing to the School Leader, or his/her designee, of the Academy. The Administration shall develop guidelines to effectuate this policy.

## ANTI-HARASSMENT/ANTI-VIOLENCE

It is the Academy’s policy to maintain learning and working environments that are free from all forms of harassment, including sexual harassment, physical assault and threats of imminent harm. No board member, staff member or student at the Academy shall be subjected to any form of harassment or intimidation on the basis of a protected characteristic. No Board member, staff member or student of the Academy shall be subjected to any form of harassment including sexual harassment, bullying or physical assault or threats of imminent harm by another.

## ATHLETIC PROGRAM

The Academy’s athletic program shall comply with all Federal and State laws and regulations. No person shall be discriminated against on the basis of race, color, gender, religion, national origin or disability, while at the Academy, or at any Academy activity. Student athletes must comply with the Board of Directors’ Policy regarding prohibition against performance-enhancing substances as required by Michigan law.

CERTIFICATE OF COMPLETION AND PERSONAL CURRICULUM

 The Academy’s Personal Curriculum (PC) and Certificate of Completion (CoC) shall comply with all federal and state laws, including the Michigan Merit Curriculum legislation, 380.1278a and 380.1278b. The Administration shall develop guidelines to effectuate this policy.

## COMMUNICABLE DISEASE

The Academy will cooperate with the County Health Department to enforce and adhere to the Michigan Public Health Code for the prevention, control and containment of communicable diseases.

## CONTROL OF BLOOD–BORNE PATHOGENS

 The Board of Directors seeks to protect those staff members and volunteers who may be exposed to blood pathogens and other potentially infectious materials in their performance of assigned duties. As such, the Board directs IES to develop a Blood-borne Pathogen Exposure Control Plan to limit and/or prevent the risk of occupational exposure to blood and other infectious body fluids and the transmission of blood-borne disease.

## COORDINATION OF HOMELESS STUDENT SERVICES

The Superintendent will appoint a Liaison for Homeless Children and Youth whose general duty will be to safeguard the rights of homeless children attending school in this District. The Liaison must be notified immediately upon the enrollment or assignment of a homeless child. The Liaison will coordinate District operations and services so that:

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|   | A. | homeless children are identified, with special attention given to the locating and enrolling of homeless children who are not currently attending school; |
|   | B. | homeless children have a full and fair opportunity to succeed in school; |
|   | C. | homeless families and children receive all educational services for which they are eligible, including any District preschool programs, and referrals to health care services, dental services, mental health services, and other appropriate services; |
|   | D. | parents or guardians of homeless students are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children; |
|   | E. | public notice of the educational rights of homeless children is disseminated at locations where homeless families and children receive services, such as schools, family shelters, and soup kitchens, public aid offices, city hall, food pantries, public libraries, court houses, and police stations; |
|   | F. | enrollment/assignment disputes are mediated/handled in accordance with Board Policy, District guidelines, applicable laws, and the State Consolidated Plan; |
|   | G. | the parents or guardians of any homeless child and any unaccompanied homeless minor are fully informed of all transportation services including transportation to the school of origin and are assisted in accessing transportation to the school that is appropriately selected. |

Upon enrollment of a homeless child, the Liaison will coordinate with appropriate administrative staff to assure that the school last attended by a homeless child is immediately contacted to provide relevant academic or other relevant records. If upon enrollment the student does not have any immunization required for enrollment by State law or any other medical records, the Liaison will assist the family or student in obtaining the immunizations or necessary medical records. The Liaison will also contact the Director of Transportation to assure transportation of the homeless student is provided in accordance with the Board's Transportation Policy.

Any disputes regarding the enrollment or assignment of a homeless student will be referred to the Liaison for expeditious resolution. The Liaison should attempt to resolve disputes within five (5) school days. Any dispute which cannot be resolved by the Liaison should be reported to the State Coordinator for the Education of Homeless Children and Youth at the Michigan Department of Education. According to State guidelines, the State Coordinator has an additional five (5) school days from the time of notification to bring about resolution. Individuals not satisfied with the State Coordinator's proposed resolution can appeal such decision to the State Superintendent of Public Instruction within five (5) school days for final resolution of the dispute.

As part of his/her assigned duties, the Liaison will coordinate and collaborate with the State Coordinator for Homeless Children and other community and school personnel responsible for providing education and related services to homeless children including but not limited to:

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|   | A. | School District services with local social service agencies and other agencies or programs providing services to homeless children and their families; and |
|   | B. | With other school districts on inter-district issues, such as transportation or the transfer of school records. |

Such coordination should be designed to: (1) facilitate homeless children having access and reasonable proximity to available education and related support services; and (2) raise the awareness of school personnel and service providers of the effects of short-term stays in a shelter and other challenges associated with homelessness.

As part of his/her assigned duties, the Liaison for Homeless Children will inform school personnel, services providers and advocates working with homeless families about his/her duties.

## DELEGATION OF COMPLIANCE WITH STATE AND FEDERAL LAW TO IES

The Academy has entered into a Management Agreement with Integrity Educational Services (“IES”) to, in part, provide all personnel and labor necessary for the operation of the Academy. The terms and conditions of employment shall meet the requirements of all applicable Federal and Michigan employment and discrimination laws, including but not limited to the following:

Title VII of the Civil Rights Act of 1964, 42 USC §2000e, *et seq*.

Age Discrimination in Employment Act of 1967, as amended, 29 USC §621, *et seq.*

Americans With Disabilities Act, as amended by the ADAAA of 2008, 42 USC §12101, *et seq.*

Section 504 of the Rehabilitation Act of 1973

Title IX of the Education Amendments Act of 1972, 20 USC §1701, *et seq*.

Family Medical Leave Act of 1993, 29 USC §2601, *et seq.*

Michigan’s Elliott-Larsen Civil Rights Act, MCL §37.2201, *et seq.*

Michigan’s Persons With Disabilities Act, MCL §37.1101, *et seq.*

Criminal History & Unprofessional Conduct Checks, MCL §380.1230, *et seq*. and

Student Safety Legislation, MCL §380.1230(a)-380.1230(h)

## DIRECTORY INFORMATION

The Academy shall annually notify parents of education record information that it designates as Directory Information pursuant to the Family Educational Rights and Privacy Act.

## DISCRIMINATION, SEXUAL OR OTHER HARASSMENT, TITLE IX COMPLAINTS

A person who believes they have been subjected to discrimination based on race, sex, age, religion, national origin, disability, height or weight, sexual harassment or other harassment or violation of Title IX, should promptly report the alleged violation to the Title IX Coordinator. All alleged conduct should be reported as soon as the alleged discrimination, sexual harassment, harassment or violation of Title IX occurs. Such reports shall be investigated thoroughly. *Refer to Addendum A for the complete Title IX Policy.*

## DRUGS (INCLUDING ALCOHOL AND TOBACCO)

The Academy maintains zero tolerance for the use, possession, or distribution of any alcohol, tobacco or illegal drug on Academy property, in an Academy vehicle or at any Academy–sponsored event.

## EMERGENCY DRILLS

The Academy shall conduct emergency drills as required by State law.

FREEDOM OF INFORMATION ACT (FOIA)

The Academy will comply with the Freedom of Information Act (Act 442 of the Public Acts of 1976) which provides for public access to certain public records of public bodies; to permit certain fees; to prescribe the powers and duties of certain public officers and public bodies; to provide remedies and penalties; and to repeal certain acts and parts of acts. FOIA should be delivered in writing or electronically to the FOIA Coordinator of the Academy. The Administration shall develop guidelines to effectuate this policy.

## GENDER EQUITY (TITLE IX)

The Academy certifies compliance with Title IX of the Education Amendments Act of 1972, as amended, 20 USC §1681, *et seq*., and its implementing regulation, at 34 CFR, Part 106, which prohibits discrimination based on sex. The Academy does not discriminate based on sex in employment or any educational program of activity it operates.

Complaints regarding discrimination based on sex should be delivered in writing to the Superintendent, School Leader, or his/her designee, of the Academy. The Administration shall develop guidelines to effectuate this policy.

## HEALTH EDUCATION

The Board of Directors, in compliance with State law, has adopted an appropriate program of health education, which will prepare students to maintain good health and enable them to adapt to changing health problems of our society. All health education curriculum shall be developed in accordance with applicable law and Michigan Department of Education Guidance.

## INDIVIDUALS WITH DISABILITIES

The Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act provide that no individual will be discriminated against on the basis of a disability. This protection applies not just to the student, but to all individuals who have access to the Academy’s programs and facilities.

A student can access special education services through the proper evaluation procedures. Parent or guardian involvement in this procedure is required by federal (IDEA) and State law.

## MAINTENANCE OF STUDENT RECORDS – IN-SCHOOL AND OUT-OF-SCHOOL SUSPENSIONS AND EXPULSIONS

Records of student discipline shall be maintained in accordance with state and federal law, including required provisions relating to confidentiality.

## PARENT / FAMILY INVOLVEMENT

The Academy recognizes that a child’s education is a responsibility shared by both the school and the child’s parents and family. In order to provide the most effective education for all students, the Academy believes that teachers and parents must work as knowledgeable partners. The Academy, in collaboration with parents, has established programs and practices that enhance parent involvement and reflect the specific needs of our students and their families.

The Academy also supports professional development opportunities for staff members to enhance understanding of effective parent involvement strategies. The administrative leadership also helps to set expectations and create a climate conducive to parental participation.

The Academy believes that parent/family participation is essential to improved student achievement. To this end, the Academy is committed to establishing effective two-way communication; connecting students and families with community organizations that provide education enrichment and support, and providing parents with opportunities for input into their child’s education. The Academy shall also insure that parents and legal guardians of a student enrolled in the Academy have the opportunity to review the curriculum, text books and teaching materials of the Academy at a reasonable time and place, and in a reasonable manner, and permit parents and legal guardians, subject to reasonable restrictions and limits, to observe instructional activity in a class or course in which their child is enrolled.

The Superintendent, School Leader, or his/her designee, shall develop administrative guidelines to implement this policy.

## PARENT PARTICIPATION IN TITLE I PROGRAMS

In accordance with requirements of Section 118 of ESEA Title I, programs supported by Title I funds must be designed and implemented in consultation with parents of the students being served.

The Superintendent, School Leader or designee shall ensure that the Title I plan contains written procedures which have been developed with, approved by, and distributed to parents of participating students.

The Superintendent, School Leader, or his/her designee, shall develop guidelines to implement this policy.

## PESTICIDE NOTIFICATION

The Academy will notify parents in advance of pesticide applications unless an emergency exists. Notice will be in accordance with federal and state law.

## PROHIBITION AGAINST PERFORMANCE ENHANCING SUBSTANCES

 It is the policy of the Academy that a student’s eligibility for participation in interscholastic athletics will be affected by the use of any performance–enhancing substance prohibited by law. Any loss of eligibility imposed pursuant to this policy shall be in addition to any other discipline under the Code of Conduct. Any staff member providing, promoting or advising the use of such substances shall be subject to discipline, up to and including termination.

## PUBLIC RECORDS / FREEDOM OF INFORMATION ACT REQUESTS

In accordance with the Freedom of Information Act (FOIA), MCL 15.231 *et seq*., the Academy will make public records accessible as required by law. The Academy shall designate a FOIA Coordinator.

In responding to a FOIA request, the Academy may charge for any and all costs, including a good faith deposit, allowable under applicable law.

## PURCHASING

The Academy will procure supplies, materials, and equipment in accordance with applicable law, including MCL §§380.1274, 380.1267, and 15.321.

## SOCIAL SECURITY NUMBERS

No Social Security number or portion of a Social Security number will be used in the conduct of the Academy’s business other than as permitted by applicable law.

TESTING OUT POLICY

 Lighthouse will grant high school credit to any pupil who can demonstrate mastery in the subject area content expectations or guidelines for a course. Teachers will establish the assessment process that measures a student’s understanding of the subject area content expectations for the course (the principal should approve the test out assessment and keep on file, as well as completed test out assessments). To all students who wish to test out of a course, teachers will provide all the learning objectives for that course, a summary of the course syllabus, a sample written examination, and a description of the final assessment required to establish mastery. The teacher will ensure that the assessment used to determine mastery is comparable to that required of students taking the actual course for credit.

## TOXIC AND ASBESTOS HAZARDS MANAGEMENT PLAN

The Asbestos Hazard Emergency Response Act (AHERA) requires the Academy to annually notify parents, students, staff and others who regularly occupy the school building of compliance with AHERA. An Asbestos Management Plan (AMP) and Preparedness for Toxic Hazard Policy (PTHP) have been developed for the Academy and are on file in the school office. Parents may schedule an appointment with the building administrator to review the AMP and PTHP.

## VISITORS

Parents and other adults are encouraged to visit the Academy. The School Leader will ensure that visits do not disrupt the educational program.

The School Leader may impose such conditions on the presence of registered sex offenders on Academy premises, or at Academy functions, as he or she deems reasonable and appropriate, including: advance permission for visits; escort by a staff member or other adult; and, time and place restrictions.

## VOLUNTEERS

Parents and other adults are encouraged to volunteer at the Academy. The School Leader may impose conditions on the presence of volunteers, as he or she deems reasonable and appropriate. The School leader may also establish guidelines that require background checks for volunteers in order to protect the safety of students, staff, and visitors.

## ****WELLNESS POLICY****

  The Academy is committed to providing a healthy school environment that enhances learning and development of lifelong wellness practices.

The School Leader shall establish rules and regulations to be used in the implementation of this policy.

WORLD LANGUAGE TESTING OUT POLICY

The board recognizes the value of preparing students to be global citizens with the skills to communicate in English and other world languages. In our world’s diverse communities, it is not unusual for students to have various opportunities to develop language skills, for example, through experiences of using the language at home, attendance at language programs offered in the community, learning online or time spent living abroad. The district encourages students and their families to take advantage of any language learning opportunities available to them.

To enable students to fully benefit from the advantages of multilingualism, the district will encourage students to learn to understand, speak, read and write at a high level of language proficiency. Proficiency can also be demonstrated in languages that are only spoken or signed.

In order to recognize the language proficiency of students, the superintendent is directed to develop procedures for awarding world language credits to students based on demonstrated proficiency across a range of language skills.

The Administration shall develop guidelines to effectuate this policy.

# STUDENT POLICIES

## ACADEMY SPECIFIC DRESS CODE/UNIFORM

The Board empowers the Administration to make decisions and interpretations concerning the dress code and enforcement thereof in accordance with the requirements of applicable law.

## ACCESS TO EQUAL EDUCATIONAL OPPORTUNITY

It is the policy of the Board of Directors to provide an equal opportunity for all students, regardless of race, color, creed, disability, religion, sex, ancestry, age or national origin to learn through the curriculum offered by the Academy.

## FIELD TRIPS

Only trips off school grounds approved by the School Leader shall be deemed official field trips. Faculty, staff or others are not to use the Academy’s name or imply endorsement by the Academy without such approval.

## HAZING

Hazing on or in any Academy property at any time, or in connection with any activity supported or sponsored by the Academy, whether on or off Academy property, is strictly prohibited.

## IMMUNIZATIONS

The Board of Directors believes that immunization is one of the most cost-effective measures to protect children from vaccine-preventable diseases. Accordingly, the Board requires that all students be properly immunized at the time of registration or not later than the first day of school pursuant to the provisions of the State Health Department regulations.

## LIMITED ENGLISH PROFICIENCY

Limited proficiency in the English language should not be a barrier to equal participation in the instructional or extra–curricular programs of an academy. It is, therefore, the policy of the Academy that those students identified as having limited English proficiency will be provided additional support and instruction to assist them in gaining English proficiency and in accessing the educational and extra–curricular programs offered by the Academy.

## ABORTION POLICY

A school official, board member, or employee of the DISTRICT/ISD/PSA shall not refer a student for an abortion or assist a student in obtaining an abortion. This prohibition does not apply to a person who is the parent or legal guardian of that student. If a parent or legal guardian of a student enrolled in the DISTRICT/ISD/PSA believes that a DISTRICT/ISD/PSA school official, board member, or employee has violated this Policy, he or she may file a complaint with the Superintendent/Chief Administrator, who will investigate the complaint and, within 30 days after the date of the complaint, provide a written report of his or her finding to the complainant and to the superintendent of public instruction in accordance with State law. If a violation is substantiated, the Superintendent/Chief Administrator or the Board will discipline that person in accordance with Board Policy and any applicable employment contract. The Superintendent/Chief Administrator will take corrective action to ensure that there is no further violation.

## MEDICATIONS

The Academy shall comply with applicable law in the administration of medication for students, including MCL §380.1178a.

## PUBLICATIONS -- SCHOOL-SPONSORED, CURRICULUM-RELATED PUBLICATIONS

The Administration may impose reasonable time, place and manner restrictions on the distribution of all student publications and communications and may prohibit any speech or publication which may be reasonably anticipated to cause substantial disruption.

## SEARCHES AND SEIZURE OF STUDENT LOCKERS AND LOCKER CONTENTS

A. SEARCHES OF PUPILS’ LOCKERS AND LOCKER CONTENTS

1. Lockers Are School Property

All lockers assigned to students are the property of the Academy. At no time does the Academy relinquish its exclusive control of its lockers. The Building Principal (or designee) shall have custody of all combinations to all lockers or locks. Students are prohibited from placing locks on any locker without the advance approval of the Building Principal (or designee).

2. Legitimate Use of School Lockers

The Academy assigns lockers to its students for the students' convenience and temporary use. Students are to use lockers exclusively to store school-related materials and authorized personal items such as outer garments, footwear, grooming aids, or lunch. Students shall not use the lockers for any other purpose, unless specifically authorized by Academy Board policy or the Building Principal (or designee), in advance of students bringing the items to school. Students are solely responsible for the contents of their lockers and should not share their lockers with other students, nor divulge locker combinations to other students, unless authorized by the Building Principal (or designee).

3. Search of Locker Contents

Random searches of school lockers and their contents may have a positive impact on deterring violations of school rules and regulations, ensure proper maintenance of school property, and provide greater safety and security for students and personnel. Accordingly, the Board authorizes the Building Principal (or designee) to search lockers and locker contents at any time, without notice, and without parent/guardian or pupil consent. The Building Principal (or designee) shall not be obligated to but may request the assistance of a law enforcement officer in conducting a locker search. The Building Principal (or designee) shall supervise the search. In the course of a locker search, the Building Principal (or designee) shall respect the privacy rights of the pupil regarding any items discovered that are not illegal or against school policy and rules.

4. Seizure

When conducting locker searches, the Building Principal (or designee) may seize any illegal or unauthorized items, items in violation of Academy Board policy or rules, or any other items reasonably determined by the Building Principal (or designee) to be a potential threat to the safety or security of others. Such items include, but are not limited to, the following: firearms, explosives, dangerous weapons, flammable material, illegal controlled substances or controlled substance analogues or other intoxicants, contraband, poisons, and stolen property. Law enforcement officials shall be notified immediately upon (a) seizure of such dangerous items, (b) seizure of items that schools are required to report to law enforcement agencies under the Statewide School Safety Information Policy, or (c) seizure of images that may constitute sexting or pornographic images of minors. Any items seized by the Building Principal (or designee) shall either (i) be removed from the locker and held by school officials for evidence in disciplinary proceedings or (ii) turned over to law enforcement officials as required by law. The Building Principal (or designee) shall retain in appropriate Academy file(s) a photograph or photocopy that depicts any item turned over to law enforcement officials, other than sexting or pornographic images of minors. The parent/guardian of a minor pupil, or a pupil eighteen (18) years of age or older, shall be notified by the Building Principal (or designee) of items removed from the locker.

5. Notice of Policy

A copy of this policy regarding locker searches shall be provided annually to each pupil and parent/guardian of the pupil assigned a school locker. Inclusion of this policy in the Student/Parent Handbook distributed to families satisfies this requirement.

B. POLICY ON NON-LOCKER SEARCHES

1. Reasonable Suspicion

Students are protected from unreasonable searches and seizures. School officials, however, may search students and their personal belongings when school officials have reasonable grounds to suspect that the search will uncover contraband or evidence that the student has violated or is violating the law or Academy Policy or rules (i.e., Reasonable Suspicion). In special cases, school officials may conduct a search without Reasonable Suspicion if there is a compelling safety interest in accordance with law.

2. 2-Part Reasonableness Test

An individualized student search must be (1) justified at its inception and (2) reasonable in its scope. A search is justified at its inception when based on Reasonable Suspicion or a compelling safety interest in accordance with law. A search is reasonable in its scope when the search measures adopted are reasonably related to the objectives of the search and are not excessively intrusive in light of the age and sex of the student and the nature of the infraction.

School officials are not required to have Reasonable Suspicion to search lockers or other Academy property. See Section A of this Policy.

3. Video Surveillance

Video surveillance cameras may have a positive impact on deterring violations of school rules and regulations, and provide greater safety and security for students and personnel. The Academy may use video surveillance cameras to monitor hallways, commons areas, and other locations in the school facility in which students, staff members, and visitors do not enjoy a reasonable expectation of privacy. The Building Principal (or designee) will post a notice in any school facility in which video surveillance equipment is used.

4. Canine Detection

The Academy may use trained and certified canines to detect drugs, bombs, and other contraband on Academy property. A canine sweep of Academy facilities and grounds, including the exterior of vehicles on Academy property, is not an individualized search and may occur without advance notice. Except as otherwise provided in this policy, using a canine to sniff an individual student or an individual student’s belongings (other than student belongings left unattended on school property) requires individualized Reasonable Suspicion.

5. Mobile Metal Detectors

When a school official has Reasonable Suspicion to believe that a student is in possession of a weapon, the school official (or designee) shall contact law enforcement and comply with applicable safety procedures. A school official trained in the use of metal detectors is authorized to use a mobile metal detector to search the student and the student’s belongings (e.g., backpack, gym bag, purse).

6. Breathalyzer

A breath alcohol test constitutes a search and may be administered during regular school hours only upon Reasonable Suspicion that a student is under the influence of alcohol. For voluntary school activities occurring outside of regular school hours (e.g., extra-curricular activities, school dances), suspicion-less breath alcohol tests may be administered for student health and safety purposes if students and their parent/guardian are notified in advance, in writing.

7. Urinalysis

A urinalysis test constitutes a search and may be administered during regular school hours only upon Reasonable Suspicion that a student is under the influence of marijuana or has ingested drugs (including marijuana) or medication (not in incompliance with the Academy’s policy on administration of medications to students).

8. Strip Searches

Strip searches are not, in most circumstances, reasonable in scope because they are highly intrusive when balanced against the objectives reasonably related to most searches. If school officials have Reasonable Suspicion that a student is in possession of drugs, weapons or other dangerous contraband and the student refuses to voluntarily disclose the dangerous contraband, school officials shall use less intrusive search methods, if possible, and contact law enforcement.

9. Seizure

Section A.4 of this Search and Seizure Policy (concerning items seized during the search of a student’s locker) applies equally to items seized during an individualized student search.

10. Notice of Policy

A copy of this policy regarding individualized student searches shall be provided annually to each pupil and parent/guardian of the pupil. Inclusion of this policy in the Student/Parent Handbook distributed to families satisfies this requirement

## STUDENT DISCIPLINE

The Academy will follow all Michigan laws regarding misconduct which requires student discipline, including: arson; criminal sexual conduct; possession of dangerous weapons; physical assault involving an employee, volunteer, or contractor; physical assault against another student; verbal assault against an employee, volunteer, or contractor; bomb threats or similar threats; and, any other misconduct which may by law require disciplinary action by the Academy. The Academy shall develop a Student Code of Conduct prescribing offenses, their consequences, and due process rights of students.

Nothing in this Policy shall diminish the due process rights accorded to students who have been determined to be eligible for special education services under federal and State laws.

The Academy shall comply with the Statewide School Safety Information Policy.

## STUDENT SECLUSION AND RESTRAINT

The Academy shall follow the guidelines adopted by the State Board of Education for seclusion and restraint; for notification requirements and for required training. Corporal punishment, as defined by applicable law, is prohibited at all times.

## TECHNOLOGY / INTERNET USE

The Administration shall develop a technology use policy in accordance with the requirements of applicable law.

##  Addendum A

***Title IX Sexual Harassment Policy***

* + - 1. The District prohibits unlawful sex discrimination, including harassment and retaliation, in any of its education programs or activities in accordance with Title IX of the Education Amendments of 1972 and corresponding implementing regulations.
			2. This Policy addresses only allegations of sexual harassment under Title IX. Allegations of all other forms of sex discrimination should be addressed under the District’s applicable non-discrimination or anti-harassment policies. Allegations alleging both Title IX sexual harassment and other forms of unlawful discrimination and harassment (e.g., race, age, disability) that cannot be reasonably separated into two distinct complaints should be investigated under this Policy, and the Grievance Process described in this Policy will satisfy any investigation requirements in other anti-harassment or non-discrimination policies. Nothing in this paragraph limits the District’s right to determine at any time during the Grievance Process that an allegation not involving Title IX sexual harassment should be addressed under other District Policies.
			3. The Board directs the Superintendent or designee to designate persons to serve as Title IX Coordinator, Investigator, Decision-Maker, and Appeals Officer. If a Formal Complaint is made under this Policy against the Superintendent, the Board President will designate the persons who will serve as the Investigator, Decision-Maker, and Appeals Officer and will work with the Title IX Coordinator to ensure that all other requirements of this Policy are met. If a Formal Complaint is made against the Board President, the Board Vice President will designate who will serve as the Investigator, Decision-Maker, and Appeals Officer.
			4. The Investigator, Decision-Maker, and Appeals Officer cannot be the same person on a specific matter, and the persons designated to serve in those roles may or may not be District employees.
			5. Inquiries about Title IX’s application to a particular situation may be referred to the Title IX Coordinator, the Assistant Secretary for Civil Rights of the United States Department of Education, or both.
				1. Definitions: For purposes of this Policy, the below terms are defined as follows:

“Sexual Harassment” means conduct on the basis of sex that satisfies one or more of the following:

1. A District employee conditioning the provision of a District aid, benefit, or service on a person’s participation in unwelcome sexual conduct;
2. Unwelcome conduct that a reasonable person would determine to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District’s education program or activity; or
3. Sexual assault, dating violence, domestic violence, or stalking, as defined by the Violence Against Women Act, 34 USC § 12291 et. seq., and the uniform crime reporting system of the Federal Bureau of Investigation, 20 USC 1092(f)(6)(A)(v).

“Sexual assault” means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

“Dating violence” means violence committed by a person who is or has been in a romantic or intimate relationship with the Complainant. The existence of such a relationship is based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

“Domestic violence” means felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the Complainant, person with whom the Complainant shares a child, person who is cohabitating with or has cohabitated with the Complainant as a spouse or intimate partner, person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Michigan; or any other person against an adult or youth Complainant who is protected from that person’s acts under the domestic or family violence laws of Michigan.

“Stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to (1) fear for the person’s safety or the safety of others; or (2) suffer substantial emotional distress.

“Actual Knowledge” means notice of sexual harassment or allegations of sexual harassment to the District’s Title IX Coordinator or any District employee. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only District employee with actual knowledge is the Respondent.

“Appeals Officer” is the person designated by the District to handle appeals of a dismissal or determination of responsibility for matters investigated under this Policy. The Appeals Officer may not be the same person as the Investigator, Title IX Coordinator, or Decision-Maker on a specific matter.

“Complainant” is a person who is alleged to be the victim of conduct that could constitute Title IX sexual harassment.

“Consent” means a voluntary agreement to engage in sexual activity by a person legally capable of consenting. Someone who is incapacitated cannot consent. Past consent does not imply future consent. Silence or an absence of resistance does not imply consent. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another. Consent can be withdrawn at any time. Coercion, force, or threat of either invalidates consent. Sexual conduct or relationships between District employees, volunteers, or contractors and students, regardless of age or consent, are prohibited.

“Day,” unless otherwise indicated, means a day that the District’s central office is open for business.

“Decision-Maker” is the person designated by the District to review the investigation report and provide a written determination of responsibility that provides the evidentiary basis for the Decision-Maker’s conclusions. The Decision-Maker may not be the same person as the Investigator, Title IX Coordinator, or Appeals Officer on a specific matter.

“Education Program or Activity” means any location, event, or circumstance over which the District exhibits substantial control over both the Respondent and the context in which the harassment occurred.

“Formal Complaint” means a written document or electronic submission signed and filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the District investigate the sexual harassment allegation.

“Grievance Process” is the process by which the District handles Formal Complaints.

“Investigator” is the person designated by the District to investigate a Title IX Formal Complaint or report. The Investigator cannot be the same person as the Decision-Maker or Appeals Officer on a specific matter. The Title IX Coordinator may serve as the Investigator on a particular investigation, unless the Title IX Coordinator signed the Formal Complaint.

“Report” means an account of Title IX sexual harassment made by any person (regardless of whether the reporting party is the alleged victim).

“Respondent” is a person who has been reported to be the perpetrator of conduct that could constitute Title IX sexual harassment.

“Supportive Measures” are non-disciplinary, non-punitive, individualized services offered and implemented by the Title IX Coordinator as appropriate, as reasonably available, and at no-cost to the Complainant and the Respondent before or after the filing of a Formal Complaint or when no Formal Complaint has been filed. Supportive measures are designed to restore or preserve equal access to the District’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District’s educational environment, or deter sexual harassment.

“Title IX Coordinator” is the person(s) designated by the District to coordinate the District’s Title IX compliance. The Title IX Coordinator may not be the same person as the Appeals Officer or Decision-Maker on a specific matter. A person not serving as a Title IX Coordinator in a particular investigation is not disqualified from serving in another role in that investigation. The Title IX Coordinator may also serve as the Investigator on a particular investigation, unless the Title IX Coordinator signed the Formal Complaint.

* + - * 1. Posting Requirement

The Title IX Coordinator’s contact information (name or title, office address, electronic mail address, and telephone number), along with the District’s Title IX nondiscrimination statement must be prominently posted on the District’s website and in any catalogs or handbooks provided to applicants for admission or employment, students, parents/guardians, and unions or professional organizations with a collective bargaining or professional agreement with the District.

The District will provide notice of this Policy to all applicants, students, parents/guardians, employees, and unions or professional organizations with a collective bargaining or professional agreement with the District by prominently posting this Policy on its website and referencing this Policy in its handbooks, which will include the Title IX Coordinator’s name or title, office address, electronic mail address, and telephone number.

* + - * 1. Designation of Title IX Coordinator

The District designates the following person(s) as the Title IX Coordinator(s):

TITLE IX COORDINATOR Teriena Schwartz

TITLE IX COORDINATOR 240 Brown Street, SE Grand Rapids, MI 49507

TITLE IX COORDINATOR 616-301-8458

TITLE IX COORDINATOR tschwartz@hopeacademywm.org

* + - * 1. Reporting Title IX Sexual Harassment:

Any person who witnesses an act of sexual harassment is encouraged to report it to a District employee. No person will be retaliated against based on any report of suspected sexual harassment or retaliation.

A person may also anonymously report an incident of sexual harassment or retaliation. The District will investigate anonymous reports pursuant to its investigation procedures described below.

A person who has been the subject of sexual harassment or retaliation may report that behavior to the Title IX Coordinator or any District employee. Any District employee who receives a report of sexual harassment or has actual knowledge of sexual harassment must convey that information to the Title IX Coordinator by the end of the next day.

A person may make a report at any time, including non-business hours. Reports may be filed in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that result in the Title IX Coordinator receiving the person’s verbal or written report.

* + - * 1. General Response to Sexual Harassment

Actual Knowledge without Formal Complaint Being Filed

Upon actual knowledge of Title IX sexual harassment, the Title IX Coordinator must respond promptly in a manner that is not deliberately indifferent. The District will be deemed to be deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances.

The Title IX Coordinator must promptly contact the Complainant to discuss the availability of supportive measures, consider the Complainant’s wishes with respect to supportive measures, inform the Complainant of the availability of supportive measures with or without the filing of a Formal Complaint, and explain to the Complainant the process for filing a Formal Complaint.

If the Complainant does not file a Formal Complaint or if another person informs the Title IX Coordinator of an allegation of sexual harassment, the Title IX Coordinator must evaluate the information and determine whether to sign and submit a Formal Complaint. If the Title IX Coordinator determines not to sign and submit a Formal Complaint, the Title IX Coordinator must address the allegations in a manner that is not deliberately indifferent.

Formal Complaint Filed

Upon the receipt of a Formal Complaint, the District must follow the Grievance Process in Section F of this Policy. A Formal Complaint may be submitted using the Title IX Sexual Harassment Formal Complaint Form.

Equitable Treatment

The District will treat the Complainant and Respondent equitably throughout the Grievance Process. This may include offering supportive measures as described in Subsection E(5) of this Policy.

Documentation and Recordkeeping

The Title IX Coordinator will document all sexual harassment reports, as well as any incidents of sexual harassment that the Title IX Coordinator personally observes.

The District will retain this documentation in accordance with applicable record retention requirements in Section P of this Policy.

Supportive Measures

The Title IX Coordinator must promptly contact the Complainant to discuss the availability of supportive measures, with or without the filing of a Formal Complaint. If the District does not provide a Complainant with supportive measures, then the Title IX Coordinator must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the District in the future from providing additional explanations or taking or describing additional supportive measures.

The District may provide, as appropriate, non-disciplinary, non-punitive individualized services to the Complainant or Respondent before or after the filing of a Formal Complaint or when no Formal Complaint has been filed.

Supportive measures should be designed to restore or preserve equal access to the District’s education program or activity without unreasonably burdening the other party.

Supportive measures are offered without charge to all parties and are designed to protect the safety of all parties or the District’s educational environment, or deter sexual harassment.

Supportive measures may include, but are not limited to:

District-provided counseling;

Course-related adjustments, such as deadline extensions;

Modifications to class or work schedules;

Provision of an escort to ensure that the Complainant and Respondent can safely attend classes and school activities; and

No-contact orders.

All supportive measures must be kept confidential, to the extent that maintaining such confidentiality would not impair the District’s ability to provide the supportive measures.

Respondent Removal

Emergency Removal (Student)

The District may only remove a student Respondent from a District program or activity if, following an individualized safety and risk analysis, the District determines that there is an immediate threat to the physical health or safety of any student or other person arising from the sexual harassment allegations. The District must provide the Respondent with notice and an opportunity to immediately challenge the removal decision. This provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

Administrative Leave (Employee)

The District may place an employee Respondent on administrative leave during the pendency of the Grievance Process. This provision may not be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act.

Law Enforcement

In appropriate circumstances, the Title IX Coordinator will notify law enforcement or Child Protective Services.

The District will attempt to comply with all law enforcement requests for cooperation with related law enforcement activity. In some circumstances, compliance with law enforcement requests may require the District to briefly suspend or delay its investigation. If an investigation is delayed, the District will follow the procedures described in Subsection F(1) of this Policy to notify the parties, in writing, of the delay.

The District will promptly resume its investigation as soon as it is notified by the law enforcement agency that the law enforcement agency has completed its evidence gathering process. This delay should not exceed 10 days.

If the District’s investigation is suspended or delayed, supportive measures will continue during the suspension or delay. If the law enforcement agency does not notify the District within 10 days that the District’s investigation may resume, the District will notify the law enforcement agency that the District intends to promptly resume its investigation.

* + - * 1. Grievance Process

Generally

The Grievance Process begins when a Formal Complaint is filed or when the Title IX Coordinator signs a Formal Complaint. The District will endeavor to complete the Grievance Process within 45-60 days, absent extenuating circumstances or delays as described below. The District will treat both the Complainant and the Respondent equitably throughout the Grievance Process.

Neither the Title IX Coordinator, the Decision-Maker, the Investigator, nor any person designated to facilitate an informal resolution process will have a conflict of interest or bias for or against Complainants or Respondents generally or for or against an individual Complainant or Respondent.

The Grievance Process requires an objective evaluation of all relevant evidence – including both inculpatory and exculpatory evidence. Credibility determinations may not be based on a person’s status as a Complainant, Respondent, or witness.

Throughout the Grievance Process, there is a presumption that the Respondent is not responsible for the alleged conduct unless, in the determination of responsibility at the conclusion of the Grievance Process, the Decision-Maker finds the Respondent responsible for the alleged conduct.

At any point during the process, the Title IX Coordinator, Investigator, or Decision-Maker may temporarily delay the Grievance Process or permit a limited extension of time frames for good cause. Good cause may include absence of a party, party’s advisor, or witness; concurrent law enforcement activity; or the need for accommodations (e.g., language assistance or accommodation of disabilities). If there is a delay or extension, the parties will receive written notice of the delay or extension and the reasons for the action.

Any disciplinary action resulting from the Grievance Process will be issued in accordance with applicable policies, codes of conduct, handbooks, collective bargaining agreements, and individual employee contracts.

After the investigation portion of the Grievance Process has concluded, the Decision-Maker will endeavor to issue determinations of responsibility within 10 days, absent extenuating circumstances.

Notice of Allegations

Upon receipt of a Formal Complaint, the District must provide written notice to the parties who are known at the time that includes:

A copy of this Policy, which includes the District’s Grievance Process, and any informal resolution process;

The sexual harassment allegations, including sufficient details known at the time and with sufficient time so that parties may prepare a response before the initial interview. Sufficient details include parties involved in the incident, if known, the alleged conduct constituting sexual harassment, and the date and time of the alleged incident;

A statement that the Respondent is presumed not responsible for the alleged conduct;

A statement that a determination of responsibility is made at the Grievance Process’s conclusion;

A statement that the parties may have an advisor of their choice, who may be an attorney, although any attorney or advisor who is not a District employee will be at the party’s own cost;

A statement that the parties will be provided an opportunity to inspect and review any evidence before the investigation report is finalized; and

If the Complainant or Respondent is a student, and the District’s Student Code of Conduct addresses false statements by students during the disciplinary process, a citation to that portion of the Code of Conduct. If the Code of Conduct does not address false statements by students, the notice is not required to include any reference.

If, during the course of an investigation, the Investigator decides to investigate allegations that are not included in this notice, the District will provide notice of the additional allegations to the Complainant and Respondent.

Investigation

The District has the burden of proof and the burden to gather evidence sufficient to reach a determination of responsibility.

The District will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege unless the person holding such privilege has waived the privilege in writing.

The District may not access, consider, disclose, or otherwise use a party’s medical records, including mental health records, which are made and maintained by a healthcare provider in connection with the party’s treatment unless the District obtains that party’s voluntary, written consent to do so for the Grievance Process.

The Investigator must provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory or exculpatory evidence. The Investigator cannot restrict parties from discussing the allegations under investigation, nor can the Investigator restrict parties from gathering or presenting relevant evidence.

Parties may be accompanied by an advisor of their choice, including an attorney, in any meeting or Grievance Process proceeding. If a party chooses an advisor who is not a District employee, it will be at that party’s own cost. The Superintendent or designee may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties (e.g., abusive, disruptive behavior or language will not be tolerated; advisor will not interrupt the investigator to ask questions of witnesses).

The Investigator must provide the date, time, location, participants, and purpose of all hearings (if any), investigative interviews, and meetings, to a party whose participation is invited or expected. Written notice must be provided a sufficient time in advance so that a party may prepare to participate.

As described in Section N of this Policy, retaliation against a person for making a complaint or participating in an investigation is prohibited.

The Investigator must ensure that the Complainant and Respondent have an equal opportunity to inspect and review any evidence obtained as part of the investigation so that each party has the opportunity to meaningfully respond to the evidence before the investigation’s conclusion. This evidence includes (1) evidence upon which the District does not intend to rely in reaching a determination regarding responsibility and (2) inculpatory or exculpatory evidence obtained from any source.

Before the investigation’s completion, the Investigator must send to each party and the party’s advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 calendar days to submit a written response to the Investigator. The party’s response must be considered by the Investigator before completing the final investigation report.

Investigation Report

The Investigator must create an investigation report that fairly summarizes relevant evidence and submit the investigation report to the Decision-Maker.

At least 10 calendar days before a determination of responsibility is issued, the Investigator must send the investigation report to each party for review and written response. Written responses to the investigation report must be submitted directly to the Decision-Maker.

Determination of Responsibility

The Decision-Maker cannot be the same person as the Title IX Coordinator, Investigator, or Appeals Officer.

Before the Decision-Maker reaches a determination of responsibility, and after the Investigator has sent the investigation report to the parties, the Decision-Maker must:

Afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness; and

Provide each party with the answers, and allow for additional, limited follow-up questions from each party.

Questions and evidence about the Complainant’s sexual predisposition or prior sexual behavior are not relevant unless offered to prove that someone other than the Respondent committed the alleged misconduct, or the questions and evidence concern specific incidents of the Complainant’s prior sexual behavior with respect to the Respondent and are offered to prove consent.

If the Decision-Maker decides to exclude questions from either party as not relevant, the Decision-Maker must explain the decision to the party proposing the questions.

The Decision-Maker must issue a written determination of responsibility based on a preponderance of the evidence standard (i.e., more likely than not) simultaneously to both parties. The written determination of responsibility must include:

Identification of the sexual harassment allegations;

Description of the procedural steps taken from the receipt of the Formal Complaint through the determination of responsibility, including any:

Notification to the parties;

Party and witness interviews;

Site visits;

Methods used to collect evidence; and

Hearings held.

Factual findings that support the determination;

Conclusions about the application of any relevant code of conduct, policy, law, or rule to the facts;

A statement of, and rationale for, the result as to each allegation, including:

A determination of responsibility;

Any disciplinary action taken against the Respondent (consistent with applicable policies, codes of conduct, handbooks, collective bargaining agreements, or individual employee contracts); and

Whether remedies designed to restore and preserve equal access to the District’s education program or activity will be provided to the Complainant.

Appeal rights

See Section G of this Policy for appeal rights and procedures.

The determination of responsibility is final upon the date the parties receive the Appeals Officer’s written decision or on the date on which an appeal is no longer timely.

* + - * 1. Appeals

Notice of the determination of responsibility or dismissal decision must include notice of the parties’ appeal rights.

Both parties may appeal a determination of responsibility or the decision to dismiss a Formal Complaint in whole or in part for the following reasons only:

A procedural irregularity that affected the outcome.

New evidence that was not reasonably available at the time the determination of responsibility or dismissal decision was made that could affect the outcome.

The Title IX coordinator, Investigator, or Decision-Maker had a conflict of interest or bias for or against the Complainant or Respondent, generally or individually, that affected the outcome.

An appeal must be filed with the Decision-Maker or Title IX Coordinator within 5 days of the date of the determination of responsibility or dismissal decision.

Upon receipt of an appeal, the Appeals Officer will provide both parties written notice of the appeal and an equal opportunity to submit a written statement in support of, or challenging, the determination or dismissal decision.

The Appeals Officer must provide a written decision describing the result of the appeal and the rationale for the result to both parties simultaneously. Appeals based on procedural irregularity, conflict of interest, or bias must be decided within 10 days. Appeals based on new evidence must be decided within 30 days.

The Appeals Officer cannot be the same person who acts as the Title IX Coordinator, Investigator, or Decision-Maker on the same matter. The Appeals Officer also cannot have a conflict of interest or bias against Complainants and Respondents generally or individually.

* + - * 1. Informal Resolution

During the Grievance Process, *after* a Formal Complaint has been filed but *before* a determination of responsibility has been made, the District may offer to facilitate an informal resolution process. A Formal Complaint must be filed to initiate the informal resolution process.

Informal resolution does not require a full investigation and may encompass a broad range of conflict resolution strategies, including, but not limited to, arbitration, mediation, or restorative justice.

Informal resolution is not available for a Formal Complaint alleging that an employee sexually harassed a student.

A party is not required to participate in an informal resolution process.

When offering informal resolution, the Title IX Coordinator or Investigator must (1) provide both parties written notice of their rights in an informal resolution and (2) obtain written, voluntary consent from both parties to enter into the informal resolution process. The written notice must contain the:

Allegations;

Informal resolution requirements, including the circumstances under which the informal resolution precludes the parties from resuming a Formal Complaint arising from the same allegations;

Right to withdraw from informal resolution and resume the Grievance Process at any time prior to agreeing to a resolution; and

Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

* + - * 1. Dismissal

Mandatory Dismissals

The Title IX Coordinator *must* dismiss a Formal Complaint if:

The Formal Complaint’s allegations, even if proven, would not constitute sexual harassment as defined in this Policy;

The Formal Complaint’s allegations did not occur in the District’s programs or activities; or

The Formal Complaint’s allegations did not occur in the United States.

Discretionary Dismissals

The Title IX Coordinator or Investigator *may* dismiss a Formal Complaint if:

The Complainant notifies the Title IX Coordinator in writing that the Complainant wishes to withdraw the Formal Complaint in whole or in part;

The Respondent’s enrollment or employment ends; or

Specific circumstances prevent the District from gathering evidence sufficient to reach a determination (e.g., several years have passed between alleged misconduct and Formal Complaint filing, Complainant refuses or ceases to cooperate with Grievance Process).

The Title IX Coordinator or Investigator will promptly and simultaneously notify both parties when a Formal Complaint is dismissed. The notice must include the reasons for mandatory or discretionary dismissal and the right to appeal. Appeal rights are discussed above in Section G of this Policy.

Dismissal of a Formal Complaint under this Policy does not excuse or preclude the District from investigating alleged violations of other policy, rule, or law, or from issuing appropriate discipline based on the results of the investigation.

* + - * 1. Consolidation of Complaints

The Title IX Coordinator or Investigator may consolidate Formal Complaints where the allegations arise out of the same facts or circumstances. Where a Grievance Process involves more than one Complainant or more than one Respondent, references in this Policy to the singular “party,” “Complainant,” or “Respondent” include the plural, as applicable.

* + - * 1. Remedies

The District will take appropriate and effective measures to promptly remedy the effects of sexual harassment. The Title IX Coordinator is responsible for the effective implementation of any remedies.

Appropriate remedies will be based on the circumstances and may include, but are not limited to:

Providing an escort to ensure that the Complainant and Respondent can safely attend classes and school activities;

Offering the parties school-based counseling services, as necessary;

Providing the parties with academic support services, such as tutoring, as necessary;

Rearranging course or work schedules, to the extent practicable, to minimize contact between the Complainant and Respondent;

Moving the Complainant’s or the Respondent’s locker or work space;

Issuing a “no contact” directive between the Complainant and Respondent;

Providing counseling memoranda with directives or recommendations;

Imposing discipline consistent with applicable policies, codes of conduct, handbooks, collective bargaining agreements, or individual employee contracts.

These remedies may also be available to any other student or person who is or was affected by sexual harassment.

After a determination of responsibility, the Title IX Coordinator should consider whether broader remedies are required, which may include, but are not limited to:

Assemblies reminding students and staff of their obligations under this Policy and applicable handbooks;

Additional staff training;

A climate survey; or

Letters to students, staff, and parents/guardians reminding them of their obligations under this Policy and applicable handbooks.

If the Complainant or Respondent is a student with a disability, the District will convene an IEP or Section 504 Team meeting to determine if additional or different programs, services, accommodations, or supports are required to ensure that the Complainant or Respondent continues to receive a free appropriate public education. Any disciplinary action taken against a Respondent who is a student with a disability must be made in accordance with the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act.

* + - * 1. False Statements

Any person who knowingly makes a materially false statement in bad faith in a Title IX investigation will be subject to discipline, up to and including discharge or permanent expulsion. A dismissal or determination that the Respondent did not violate this Policy is not sufficient, on its own, to conclude that a person made a materially false statement in bad faith.

* + - * 1. Confidentiality

The District will keep confidential the identity of a person who reports sexual harassment or files a Formal Complaint, including parties and witnesses, except as permitted or required by law or to carry out any provision of this Policy, applicable regulations, or laws.

* + - * 1. Retaliation

Retaliation (e.g., intimidation, threats, coercion) for the purpose of interfering with a person’s rights under Title IX is prohibited. This prohibition applies to retaliation against any person who makes a report, files a Formal Complaint, or participates in, or refuses to participate in a Title IX proceeding. Complaints alleging retaliation may be pursued in accordance with the District’s anti-discrimination and anti-harassment policies.

The exercise of rights protected under the First Amendment does not constitute retaliation prohibited by this Section.

When processing a report or Formal Complaint of sexual harassment, pursuing discipline for other conduct arising out of the same facts or circumstances constitutes retaliation if done for the purpose of interfering with that person’s rights under Title IX.

Any person who engages in retaliation will be disciplined in accordance with the applicable policies, codes of conduct, handbooks, collective bargaining agreements, and individual employee contracts.

* + - * 1. Training

All District employees and Board members must be trained on how to identify and report sexual harassment.

Any person designated as a Title IX Coordinator, Investigator, Decision-Maker, Appeals Officer, or any person who facilitates an informal resolution process must be trained on the following:

The definition of sexual harassment;

The scope of the District’s education programs or activities;

How to conduct an investigation and the District’s grievance process, including, as applicable, hearings, appeals, and informal resolution processes; and

How to serve impartially, including avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

Investigators must receive training on how to prepare an investigation report as outlined in Subsection F(4) above, including, but not limited to, issues of relevance.

Decision-Makers and Appeals Officers must receive training on issues of evidence and questioning, including when questions about a Complainant’s prior sexual history or disposition are not relevant.

Any materials used to train District employees who act as Title IX Coordinators, Investigators, Decision-Makers, or who facilitate an informal resolution process must not rely on sex stereotypes and must promote impartial investigations and adjudications of Formal Complaints. These training materials will also be posted on the District’s website.

* + - * 1. Record Keeping

Records related to reports of alleged Title IX sexual harassment will be maintained by the District for a minimum of seven years. This retention requirement applies to investigation records, disciplinary sanctions, remedies, appeals, and records of any action taken, such as supportive measures.

The District will also retain any materials used to train Title IX Coordinators, Investigators, Decision-Makers, Appeals Officers, and any person designated to facilitate an informal resolution process.

* + - * 1. Office for Civil Rights

Any person who believes that he or she was the victim of sexual harassment may file a complaint with the Office for Civil Rights (OCR) at any time:

U.S. Department of Education Office for Civil Rights

1350 Euclid Avenue, Suite 325

Cleveland, Ohio 44115

Phone: (216) 522-4970

E-mail: OCR.Cleveland@ed.gov

An OCR complaint may be filed before, during, or after filing a Formal Complaint with the District. A person may forego filing a Formal Complaint with the District and instead file a complaint directly with OCR. The District recommends that a person who has been subjected to sexual harassment also file a Formal Complaint with the District to ensure that the District is able to take steps to prevent any further harassment and to discipline the alleged perpetrator, if necessary. OCR does not serve as an appellate body for District decisions under this Policy. An investigation by OCR will occur separately from any District investigation.

Legal authority: Education Amendments Act of 1972, 20 USC §§1681 - 1688; 34 CFR Part 106

* + - 1. Date adopted: 8/9/2021
			2. Date revised: