

Section 4000 – Business Management

TC-4000-1

4000—BUSINESS MANAGEMENT

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4005 Employee Conflict of Interest - Purchases

4005

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

Purchases of, or use of District property, materials and manpower, by employees, shall be accomplished in accordance with good business practices, and within the framework of applicable laws, regulations, and Board policies.

The Superintendent and his/her cabinet and any other administrator deemed by the Superintendent to be in a position to influence the purchase of any goods or services, shall periodically sign and file a conflict of interest disclosure document.

Approved: November 9, 2009
LEGAL REF: MCL 15.322-323; 380.1202

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4010 Buildings and Grounds Management

4010

All buildings and surrounding property shall be maintained and inspected by the Superintendent on a regular basis. The Superintendent shall develop a comprehensive program, which will ensure proper maintenance of all District-owned real property.

Approved: November 9, 2009

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4015 Insurance Program (Cf. 1190, 1220, 8460)

4015

The Board shall insure District property unless otherwise directed by the District electors. Such insurance may be obtained from companies licensed to do business in the state of Michigan. The status of the insurance program in its entirety shall be reviewed annually by the Chief Business Official with specific reference to adequacy of coverage, placement of insurance, and services provided by insurance agents, their representatives, associates, or companies. Any recommended changes or improvements shall be brought to Board for action.

Liability Insurance

Liability insurance shall be provided to cover Board members and members of the administrative staff in performance of duties relating to District business and operation.

Worker's Compensation

Worker's Compensation insurance shall be carried for all employees as provided by law.

Except in unusual circumstances, or if the District participates in an insurance pool, all insurance shall be purchased based on bids, taking into consideration cost, service, potential dividends, and any other factors that may be of benefit to the District.

Approved: November 9, 2009

LEGAL REF: MCL 380.1269; 380.1332; 691.1405-1409

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4040 Safety (Cf. 8590)

4040

The Board and its administrative staff shall make every effort to provide a safe environment for students to study and play and for all employees to fulfill their employment duties and responsibilities. Safety rules and practices shall be developed by the District's administrative staff. These rules shall be reviewed annually with all employees and students.

Emergency Drills

Each building housing students will comply fully with all laws regarding required fire drills, tornado drills, and lockdown drills. The Superintendent shall report to the Board concerning the nature of legally required “lockdown” drills. There shall be coordination with local emergency management, fire, and/or police officials in the conduct of “Lockdown” drills.

Fire Prevention

The District's employees shall be constantly on the alert for potential fire hazards.

Warning Systems

The Board shall seek to cooperate with local government officials, emergency preparedness authorities and other related state agencies to ensure that adequate warning systems in the event of disasters are available for use in the District.

Safety Inspections

The Superintendent, building Principals and maintenance personnel shall inspect each attendance center, playgrounds, and playground equipment, boilers, bleachers and other such areas to determine whether said facilities or play areas are in adequate repair and free of harmful defects under a schedule developed by the Superintendent.

Approved: November 9, 2009

LEGAL REF: MCL 29.19; 380.1288; R 340.1301-1305

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4050 Environmental Health and Safety - Employee Indemnification

4050

Toxic Hazards and Asbestos

The Board is concerned for the safety of students, staff, and the general public and shall attempt to comply with all federal and state statutes and regulations to protect them from hazards that may result from industrial accidents beyond the control of District officials, from the presence of asbestos materials used in previous construction, and from hazardous materials present in the District.

The Board shall appoint a District employee to serve as the designated person who shall carry out the requirements of the Asbestos Hazard Emergency Response Act (AHERA), the Michigan Occupational Safety and Health Act, and the Michigan Right-To-Know Rules and Regulations.

The Superintendent may appoint a person(s) to develop and implement the District's approved asbestos management plan and shall develop a specific job description, which shall ensure proper compliance with federal and state laws and the appropriate instruction and in-service of staff and students.

The Board shall, through either a separate contract, a sub clause to an existing contract, or as a part of a negotiated master contract, defend, hold harmless, and indemnify current and former District employees who have been assigned the responsibilities related to the AHERA regulations from any and all demands, claims, suits, actions, and proceedings brought against those individuals as agents and/or employees of the Board, provided that any such incidents arose while those individuals were acting within the scope of their respective employment contracts and were not intentional, negligent, or criminal acts.

The Board shall attempt to maintain a secure liability insurance to help serve as a means of implementing this policy.

Approved: November 9, 2009

LEGAL REF: MCL 380.623b; 380.1256(1) (2); 380.1274b (Mercury in the schools); 388.864; 408.1001 (Michigan Occupational Safety and Health Act)

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4080 Emergency Closings

4080

The Superintendent is authorized to close the schools in case of inclement weather or other emergency, which makes it unsafe for students to attend school. The Superintendent may delay the opening of school in cases of inclement weather or other unsafe conditions until such hour as it is anticipated conditions are safe for transportation and school attendance. The Superintendent shall develop a process to make appropriate information available on which to base the decision.

Approved: November 9, 2009

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4090 Traffic and Parking Controls (Cf. 8640)

4090

The building Principal shall develop plans for accommodating the flow of traffic on school roadways, issue traffic regulations, and have responsibility for the assignment of parking areas to staff, students, and visitors to the schools. Convenient parking spaces shall be designated for handicapped persons.

Approved: November 9, 2009

LEGAL REF: OAG, 1989-1990, No 6657, p 372 (August 21, 1990)

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4110 Security

4110

The Board shall attempt, through the entire staff, to ensure that staff members, students, patrons and all property owned by the District are protected at all times from possible damage or injury, outside intrusion or disturbances occurring on school grounds or in school buildings. Security devices and measures, such as, but not limited to, video cameras, motion detectors, metal detectors (stationary or portable) and alarms, may be installed in any or all District buildings, on District grounds, or in District vehicles to protect District personnel, students and property.

Use of Video Surveillance Cameras

In order to protect the health, welfare, and safety of students, staff, visitors and District property, electronic video surveillance systems may be used to monitor activity on District property.

Placement of Camera

District property, which for purposes of this policy includes, but is not limited to, school buses that are owned, leased, contracted and/or operated by the District, may be equipped with electronic video surveillance systems. Video surveillance may occur in any District building or on any District property where the superintendent deems appropriate. The district shall notify staff and students through student handbooks or other appropriate means (e.g., posting of notice) that video surveillance may occur on District property.

Use of Video

The video captured from surveillance cameras will be viewed by District personnel on a random basis and/or when problems have been brought to the attention of the District. Students or staff whose recorded actions are deemed to violate District policies, administrative regulations, or provisions of law may be subject to disciplinary action. A video may be used by the District as evidence in any disciplinary action brought against any individual arising out of the individual's conduct on District property. When appropriate, video captured may be referred to or viewed by law enforcement agencies.

Retention and Release of Video

The District will comply with all applicable state and federal laws related to the retention and release of public records. A video will be retained by the District for a period of thirty (30) days, or until the conclusion of disciplinary proceedings if the video is used for evidence in a disciplinary proceeding. A video that becomes a part of a student's educational record will be released only in conformance with the Michigan Freedom of Information Act and the Family Educational Rights and Privacy Act (20 USC 1232g).

Approved: June 13, 2011

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4170 Records

4170

All records pertaining to District-wide maintenance costs shall be filed in the central office. To the extent possible, a cost analysis of existing and proposed maintenance program shall be developed by the Superintendent.

Approved: November 9, 2009
LEGAL REF: MCL 15.231 *et seq.*

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4250 Printing and Duplicating Service - Copyright

4250

The Board shall make duplicating equipment available for administrative and instructional use to the extent that is economically feasible and practical according to the needs of the District.

The extent of production of instructional materials by clerical staff shall be determined by the building Principal, who shall develop guidelines for requesting such services.

The copyright laws of the United States make it illegal for anyone to duplicate copyrighted materials without permission. Severe penalties are provided for unauthorized copying of all materials covered by the act unless the copying falls within the bounds of the “fair use,” as set forth in 4250-R.

Employee Produced Material

The Board has certain proprietary right to publications, devices, and instructional materials produced by District employees during their regular and normal workdays while in the employment of the District. All items prepared by District employees on District time, including data processing programs, shall become the property of the District. The Board may elect to copyright or patent such materials, devices or programs in the name of the District. All earnings or profits from such original materials, devices, or programs shall become assets of the District.

The Superintendent shall inform staff, through regulations, of the guidelines for use of copyright materials.

Copyright Compliance and Computer Software Copyright

The Board shall adhere to the provisions of the U.S. copyright laws regarding the duplication of computer software programs. The Superintendent shall develop appropriate procedures for staff to follow in this area.

Approved: November 9, 2009

LEGAL REF: 17 USCA §101, et seq. (Copyright Act of 1976)

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4300 Student Transportation Management (Cf. 4350)

4300

The Board shall provide safe, economical transportation to the students of the District. The use of buses by the District shall conform to state law. School bus routes shall be established by the Transportation Department with the approval of the Superintendent.

Bus transportation will be provided students to and from school for those students who qualify. Transportation will be provided by the District for all extra-class activities. Students are prohibited from driving personal automobiles to District-sponsored activities held during the school day unless student self-transportation is approved as per policy 4350.

Students must observe the rules and regulations developed by the administration governing student transportation. Students will also be subject to the school's behavior code while riding school buses. The Superintendent may suspend or revoke the transportation privilege or entitlement of any student who violates any administrative rules or regulations.

All such rules shall be published in the student handbook or copies given to students and parent(s)/guardian(s) at the beginning of the school year.

Bus drivers shall report any violation of said rules to the appropriate administrator who shall take the necessary steps to discipline students according to Board policy. As a disciplinary action for violation of District rules, a student may be refused school bus transportation but required to attend school.

Approved: November 9, 2009

LEGAL REF: MCL 257.1801; 380.1321-1322; 380.1333; R 340.1702; R 340.281-282; Michigan Department of Education Transportation Handbook (Bulletin 431)

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4320 School Vehicles

4320

School buses or other District owned or leased vehicles shall not be loaned, leased, or subcontracted to any person, groups of persons or organizations except as allowed by law and subject to Board approval.

No public funds shall be spent by the Board to hire, rent, or lease any form of transportation to be used by any student, school employee, patron, or any organization to transport anyone to or from a religious activity.

Liability

All school vehicles shall be adequately insured.

Safety

Every bus driver shall have authority and responsibility for the passengers riding in school buses, including an End of Route Inspection.

Safety Inspection

All school vehicles shall be inspected annually prior to the opening of school.

Records

Every bus or other vehicle driver of school vehicles shall keep accurate records pertaining to each vehicle assigned to him/her. The types of records shall be developed by the Superintendent.

Licensing of Drivers

Michigan laws and regulations of the Michigan Department of Education set standards for the physical fitness, competence, experience, training, and proper licensing of school bus drivers. The Board directs the Superintendent to ensure these legal requirements and regulations are complied with strictly.

Revocation of license, inability to secure a proper license, or accumulation of traffic violation points shall serve as sufficient cause for immediate dismissal from employment.

School Bus Safety Program

The Superintendent and Transportation Director shall develop and publish school bus safety rules for bus drivers and students.

Approved: November 9, 2009
LEGAL REF: MCL 15.231 *et seq.*; 257.314; 380.1333

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4350 Student Transportation in Private Vehicles

4350

Field Trips

In scheduling transportation for field trips, the Superintendent may approve the use of private vehicles in situations in which budget or schedule restrictions make it prohibitive or impractical to use school buses.

Student Self-Transportation

In cases where a student is enrolled in a Board approved, shared time program, or District sponsored activity, at another school or program site (Example: An area career center, gifted and talented program, or dual enrollment program with an area junior college, college or university) parent(s)/guardian(s) of the student may request permission for their child to self-transport him/herself to and from that site, subject to rules and regulations established by the administration.

Approved: November 9, 2009
LEGAL REF: MCL 257.57c

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4365 Special Use of Transportation Services

4365

Transportation service equipment and personnel shall be used primarily to transport to and from school during the day those public and non-public school students eligible for such transportation.

Transportation service equipment and personnel may be used secondarily to provide transportation for field trips for curricular and extracurricular activities, which are part of the educational program.

Transportation equipment and personnel shall not be used for any purpose or activity that is not directly connected with and a part of the regular educational programs within the District. Exceptions may be granted to governmental agencies sponsoring approved programs for youth in the community as approved by the Board. “For profit” organizations are prohibited from using school transportation equipment by law (MCL 380.1333.)

The Superintendent shall be authorized to approve the use of buses for field trips for curricular and extracurricular activities upon submission of requests from building administrators, classroom teachers, or faculty sponsors of extracurricular activities.

No fees shall be charged for transportation for field trips which are mandatory or which are a part of the regular classroom or curricular program of the schools.

Fees to cover expenses of non-mandatory and non-credit extracurricular field trips may be charged according to rules promulgated by the State Board of Education or as set by the Board.

Only students enrolled in the District and chaperones authorized by the school shall be allowed to ride buses on curricular or extracurricular field trips. The Superintendent may authorize parent(s)/guardian(s) and/or other residents of the community to ride buses to school sponsored activities if sufficient space is available. In all cases, students shall come first.

Use of transportation by governmental agencies sponsoring approved programs for youth in the community may be granted upon the approval of the Board.

Approved: November 9, 2009

LEGAL REF: MCL 257.1865; 257.1867; 380.1332-1333

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4430 Personal and Business Transportation Services

4430

The Board recognizes the needs of the District to own or lease vehicles to carry out the instructional program and the business of operating the schools. The Superintendent is authorized to determine the extent to which District owned vehicles might be used for official school business. Such vehicles shall not be used for personal travel unless expressly approved by the Board. Drivers of school owned vehicles shall be properly licensed.

Approved: November 9, 2009

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4450 Food Service Management (Cf. 3660, 8453)

4450

The Board of Education shall provide cafeteria facilities in all school facilities where space and facilities permit, and will provide food-service for the purchase and consumption of lunch for all students.

The Board shall also provide a breakfast program in accordance with procedures established by the Department of Education.

The food-service program shall comply with Federal and State regulations pertaining to the selection, preparation, delivery, consumption, and disposal of food and beverages as well as to the fiscal management of the program. In addition, as required by law, a food safety program based on the principles of the Hazard Analysis and Critical Control Point (HACCP) system shall be implemented with the intent of preventing food-borne illnesses. For added safety and security, access to the facility and the food stored and prepared therein shall be limited to food service staff and other authorized persons.

Substitutions to the standard meal requirements shall be made, at no additional charge, for students who are certified by a licensed physician to have a disability which restricts his/her diet, in accordance with the criteria set forth in 7 CFR 15(b)(3). To qualify for such substitutions the medical certification must identify:

- A. the student's disability and the major life activity affected by the disability;
- B. an explanation of why the disability affects the students diet; and
- C. the food(s) to be omitted from the student's diet, and the food or choice of foods that must be substituted (e.g., caloric modifications or use of liquid nutritive formula).

On a case by case basis, substitutions to the standard meal requirements may be made, at no additional charge, for students who are not "disabled persons", but have a signed statement from a qualified medical authority that the student cannot consume certain food items due to medical or other special dietary needs. To qualify for such consideration and substitutions the medical statement must identify:

- The medical or dietary need that restricts the student's diet; and

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4450 Food Service Management (Cf. 3660, 8453)

4450-2

- The food(s) to be omitted from the student's diet and the food(s) or choice of foods that may be substituted.

For non-disabled students who need a nutritional equivalent milk substitute, only a signed request by a parent or guardian is required.

Lunches sold by the school may be purchased by students and staff members and community residents in accordance with the administrative guidelines established by the Superintendent.

The operation and supervision of the food-service program shall be the responsibility of the Superintendent and the Food Service Director. Food services shall be operated on a self-supporting basis with revenue from students, staff, Federal reimbursement, and surplus food. The Board shall assist the program by furnishing available space, initial major equipment, and utensils. Maintenance and replacement of equipment is the responsibility of the program.

A periodic review of the food-service accounts shall be made by the Chief Financial Officer. Any surplus funds from the National School Lunch Program shall be used to reduce the cost of the service to students or to purchase cafeteria equipment. Surplus funds from a-la-carte foods purchased using funds from the nonprofit food service account must accrue to the nonprofit food service account.

The Superintendent shall establish administrative guidelines for the conduct of the school lunch program that shall include provisions for:

- The maintenance of sanitary, neat premises free from fire and health hazards;
- The preparation and consumption of food;
- The purchase of foods and supplies in accordance with law;
- Complying with food holds and recalls in accordance with USDA regulations;
- The accounting and deposition of food-service funds;
- The safekeeping and storage of food and food equipment.

No foods or beverages, other than those associated with the District's food-service program, are to be sold during food-service hours.

Approved: November 14, 2011

LEGAL REF: MCL 380.1272, 1272a, 1272d et seq.; 7 CFR 210, 215, 220, 240; 42 USC 1760

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4460 Allergies - Food and Other

4460

Dealing with Allergic Students

The Allendale Public School District takes allergies seriously. We understand that allergies can be life threatening. Recognizing that the risk of accidental exposure can be reduced in the school setting, we are committed to working with students, parent(s)/guardian(s), and physicians to minimize risks and provide a safe educational environment for allergic students.

Parents' Responsibilities

- Notify the school of the child's allergies.
- Work with the school team to develop a plan that accommodates the child's needs.
- Provide written medical documentation, instructions, and medications as directed by a physician.
- Provide properly labeled medications and replace medications after use or upon expiration.
- Educate the child in the self-management of their allergy.
- Provide emergency contact information.

Schools' Responsibilities

- Be knowledgeable about and follow applicable federal laws including ADA, IDEA, Section 504, and FERPA.
- Review the health records submitted by parents and physicians.
- Include allergic students in school activities.
- Identify a core team to establish a prevention plan.
- Assure that all staff who interact with the student on a regular basis is aware of their allergy and management plan.
- Designate school personnel who are properly trained to administer medications.
- Follow federal/state laws and regulations regarding sharing medical information about the student.
- The person in charge of food service programs will act affirmatively and work closely with parent(s)/guardian(s) to assure that the dietary needs of food-allergic students are taken into consideration in menu planning for the District's food service programs.

Approved: November 14, 2011

LEGAL REF: The Food Allergy & Anaphylaxis Network's (FAAN) School Food Allergy Program.

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4510 Computer Network (Cf. 4520)

4510

The Board authorizes the Superintendent to develop services linking computers within and between buildings in the District, and to provide access to the international computer network (Internet) for students, staff and, if requested, members of the Board of Education. All computer network implementation shall be in line with the Board policy on technology and the District's Strategic Plan.

Use of the computer network(s) as a part of any class or school assignment shall be consistent with the curriculum adopted by the District. The District's general rules for behavior and communications shall apply when using any computer equipment.

Personal Accounts

The Board authorizes the Superintendent to provide personal accounts for students, staff, and, if requested, members of the Board, access to the District computer network and the Internet, including electronic mail and file server space for developing and publishing material on the world wide web or other networked computer media. Such access shall be provided in furtherance of the District's educational mission, to enhance student knowledge and familiarity with technology, and to facilitate communication, innovation, and sharing of resources. To ensure the integrity of the educational process and to guard the reputation of the District, student and staff expression in public electronic media provided by the school may be subject to review, comment, editing, and/or removal by school officials.

Personal accounts and all use of District computer resources are considered a privilege, not a right, and are subject to the District's rules and policies. Electronic communications and stored material may be monitored or read by school officials. Electronic mail in personal accounts will not generally be inspected by school officials without the consent of the sender or a recipient, except as required to investigate complaints, which allege a violation of the District's rules and policies, or to comply with State and/or Federal Law such as FOIA.

Student electronic mail and electronic storage space, which does not contain material made public by the student, shall be subject to the District's policy and rules on student records.

A fee may be charged by the District to defray the cost of personal accounts. However, if use of personal accounts is required for a core curricular class, no fees may be charged of a student for the duration of that class.

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4510 Computer Network (Cf. 4520)

4510-2

Privacy

The School District may collect and store Personally Identifiable Information (PII). In the event PII is collected, all information shall be secured in accordance with Board policies 5180 - Unauthorized Release of Information and 8940 - Student Records.

System Integrity

The Superintendent shall designate person(s) trained in computer technology (“system administrators”) at the building and/or District level to implement the District's rules and regulations and to provide computer support for students, staff and Board members. The Superintendent in concert with the system administrators shall employ hardware and software security to ensure the integrity of the system and to prevent unauthorized access to District and school records.

Network Use

The Superintendent shall develop rules and procedures for computer and network use, and shall see to it that rules are published annually for students, parent(s)/ guardian(s), staff, and Board members. The rules/procedures shall also provide guidance to staff and students about making safe, appropriate and ethical use of the District's network(s), as well as inform both staff and students about disciplinary actions that will be taken if District technology and/or networks are abused in any way or used in an inappropriate, illegal, or unethical manner.

Further safeguards shall be established so that the District’s investment in both hardware and software achieves the benefits of technology and inhibits negative side effects. Accordingly, students shall be educated about appropriate online behavior including, but not limited to, using social media to interact with others online; interacting with other individuals in chat rooms or on blogs; and, recognizing what constitutes cyber bullying, understanding cyber bullying is a violation of District policy, and learning appropriate responses if they are victims of cyber bullying. (Cf. 5202 and 8260)

The District's computer and network use rules shall be consistent with the following requirements:

- Users may not use District equipment to perform or solicit the performance of any activity that is prohibited by law.

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4510 Computer Network (Cf. 4520)

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- Users may not use the system to transmit or publish information that violates or infringes upon the rights of any other person, or information that is abusive, obscene, or sexually offensive.
- District computer equipment shall not be used for commercial purposes by any user, or for advertisement or solicitation without prior written approval from the Superintendent.
- Except with prior authorization from a system administrator or the owner of the record in question, users may not access or attempt to access the records or files of other users, or of the District, nor delete, alter, or otherwise interfere with the integrity of computer-based information or resources.
- Users may not use the electronic mail facility to send unsolicited, bulk, chain, harassing, anonymous, or other messages which are an annoyance to the recipient or which may cause a degradation of system performance.
- Users may not use the network facility to access or bring into the school environment material that is inconsistent with the educational goals of the District, including but not limited to material which is defamatory, abusive, obscene, profane, sexually explicit, threatening, racially offensive, illegal, or which aids or advocates illegal activity other than non-violent civil disobedience.

Social Media (Cf. 5202)

Social media shall be defined as internet-based applications (such as Facebook, My Space, Twitter, etc.) that turn communication into interactive dialogue between users. The Board authorizes the instructional and administrative staff use of social media. Staff will demonstrate good faith efforts to monitor and supervise student use of social media.

District Web Page(s)

Any and all Web pages representing the District shall be carried and posted only on the District's server and shall be designed and published in accordance with rules promulgated by the Superintendent.

Limiting Access

The administration may make use of technology, which attempts to block access by individual users to networked computers, data, or services that provide content, which, in the opinion of the

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4510 Computer Network (Cf. 4520)

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administration, is not in keeping with the educational aims of the District pursuant to state statute. Complaints about content of networked information or access to blocked sites shall be handled in accord with the District's policy and procedures for complaints about library and instructional materials.

Use of Computers in a School District Library

The Board, pursuant to state statute, requires when a school District library offers use of the Internet or a computer, computer program, computer network, or computer system to the public, that access to minors be restricted in the following manner:

Utilize a system or method that is designed to prevent a minor from viewing obscene matter or sexually explicit matter that is harmful to minors. To accomplish this, a library may use passwords and/or filters that restrict Internet access for those less than 18 years of age.

The Superintendent will develop rules concerning library Internet access in compliance with state law.

The Superintendent shall review the Computer Network policy and report any changes, amendments, or revisions to the Board annually.

Approved: November 14, 2011
LEGAL REF: MCL 397.606

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4520 Filtering Software (Cf. 4510)

4520

The Superintendent shall be responsible for directing appropriate District technology staff, or technology consultant staff, to bring all computers used by children into full compliance with all federal requirements regarding Internet filtering software to assure that District discounts under the federal e-rate program are not jeopardized.

Student Internet activities will be monitored by the District to ensure that students are not accessing inappropriate sites. Each District computer with Internet access shall have a filtering device or software program that blocks access to visual depictions that are obscene, pornographic, inappropriate for students, or harmful to minors.

Approved: November 9, 2009

LEGAL REF: H.R. 4577, December 2000 Omnibus Spending Bill; 47 U.S.C. Section 254(h)

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4601 Facilities Development Goals

4601

The Board shall provide the best facilities possible within financial resources available to meet the educational needs of the students in the District. Such efforts shall not only encompass new construction and expansion when deemed necessary, but also renovation and remodeling of existing facilities to serve specific educational needs of specific groups of students. It is also necessary, in declining enrollment periods, to determine how facilities may be used and/or the interim use of facilities not needed at a given time.

Decisions pertaining to the planning, construction, renovation, and elimination of educational facilities shall be made only after sufficient attempts have been made to consider the viewpoints and needs of students, teachers, parent(s)/guardian(s), taxpayers, and appropriate members of the administrative staff.

In determining facility needs and/or elimination of facilities, priority shall be given to plans that benefit the largest number of students in the District but consider important matters such as safety, equal opportunity for students enrolled and the economic implications to the District.

Approved: November 9, 2009

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4650 Planning - Long Range (Cf. 4601)

4650

The Board and the Superintendent shall, at all times, keep in mind the future building needs of the District and give due consideration to the acquisition of school sites well in advance of need.

Approved: November 9, 2009

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4700 Retirement of Facilities

4700

Obsolescence Determination

The administration is responsible for assessing the use of school facilities and other resources to identify schools that might be discontinued as attendance centers for educational programs. Once a school that can be closed is identified, an appropriate recommendation will be made to the Board for action.

Approved: November 9, 2009

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4760 Responsible/Qualified Contractor Policy (Cf. 3660, 4770)

4760

In order to be selected as the successful bidder to construct or renovate buildings in the Allendale Public School District, construction firms must be exemplary in their construction techniques and business practices. The purpose of this policy is to assure the Board that the District's construction and renovation projects utilize the specified materials and equipment, and employ qualified team members. The Board can refuse to hire any contractor who does not meet the requirements of this policy.

The Board may reject any bid proposals that, in the Board's opinion or findings, contain inaccurate information.

The Board's criteria in selecting a contractor(s) for school construction projects shall be determined from the lowest qualified bid(s) on the construction project(s) that meet the requirements of law, this policy, and the administrative rules for this policy developed by the Superintendent. The School Board reserves the right to accept or reject a bid or combination of bids.¹ The criteria and procedures for rejecting a bid or combination of bids shall be included in the construction bid documents, as appropriate to the type of work for which bids are solicited, and, as permitted by law, by the school Board's construction manager, and/or design professionals.

Suspension or Revocation

The Board may, for good cause, suspend a contractor for a specified period or revoke the contract according to rules and criteria developed by the Superintendent. A contractor whose contract with the Board has been suspended or revoked shall be given the benefit of reconsideration and appeal.

The Superintendent shall promulgate appropriate administrative rules to implement this policy.

Approved: November 9, 2009

LEGAL REF: MCL 129.201 – 212; 380.1263; 380.1267; 388.851 – 855a; OAG 6789, 1994.

¹ School districts have significant discretion in awarding contracts, even when they are required to seek competitive bids, and this discretion allows school district to award a contract to a bidder other than the lowest monetary bidder so long as they have a reasonable and rational basis for such an award.

Michigan Courts have held that only the public, and not the disappointed bidders, has standing to object to the awarding of a contract. *Heaney General Contracting, Inc. v Clinton Community Schools Board of Education*, 2000 Mich App Lexis 405 (unpublished); *G.P. Graham Construction Co. v Chesaning Union Schools*, 2002 Mich App Lexis 695 (unpublished); *Malan Construction Corp. v Board of County Road Commissioners*, 187 F Supp 937 (ED Mich 1960). The reservation of the right to reject any and all bids, as contained in the competitive bid statutes for school districts, gives the public authority power to award the contract to any bidder and to reject the others, even though the one securing the contract is not the lowest bidder, provided the public authority acted in good faith in the exercise on an honest discretion. *Leavy v City of Jackson*, 247 Mich 447 (1929.)

Section 4000 – Business Management

4770 Selection of an Architect/Engineer/Construction Manager

4770

The Board shall comply with current law for the selection of an architect/ engineer/construction manager for the District's building plans.

Contacts will be made by the Superintendent with qualified architectural, engineering, or construction management firms requesting a submission of information concerning their firms if they wish to be considered.

Approved: November 9, 2009

LEGAL REF: MCL 388.851-855a; OAG, 1991-1992, No 6734, p 185 (October 12, 1992); OAG 1994 – 1995, No 6789 (March 3, 1994)

Section 4000 – Business Management

4900 Fair Employment Clause

4900

It shall be the intent of the Board to award all contracts in excess of \$15,000 to qualified contractors and subcontractors who do not discriminate against any employee or applicant for employment because of age, sex, race, color, religion, creed, age, physical handicap, ancestry, national origin, height, weight, or marital status. Compliance with this policy shall be assured by contractual provisions.

Prior to awarding a bid or purchase order for construction, materials, and services, a firm shall comply with all state and federal laws, and verify it. The Superintendent shall review and evaluate all such plans and his/her approval or disapproval shall be subject to review by the Board. A bidder has five working days to appeal the decision of the Superintendent.

The above policy shall not apply to those contractors employing less than five persons.

Approved: November 9, 2009

LEGAL REF: MCL 37.1101-1606 (Person's with Disabilities Civil Rights Act); 37.2101-2804 (Elliott-Larsen Civil Rights Act)

Section 4000 – Business Management

4910 Affidavits and Guarantees (Cf. 4770)

4910

All contractors shall submit proof of their coverage of liability and workers compensation insurance as required by Michigan law to the business office. All bids on construction projects shall stipulate that the contractor shall provide liability coverage, which total at least \$1,000,000.00.

On occasion, and at the Board's discretion, a contractor may be added to the school District's workers compensation insurance and/or liability insurance plan.

The general contractor shall provide a performance bond equal to at least 25 percent of the contract amount to protect the District from the failure of the contractor or contractors to perform the terms and conditions of the contract.

The architect/engineer/construction manager shall assume the responsibility that all product guarantees, warranties, and workmanship guarantees for materials and performance of services are duly executed and that signed documents are delivered to the District.

Approved: November 9, 2009

LEGAL REF: MCL 129.201-212 (Contractor's Bond for Public Buildings or Works); 418.101, *et seq.*
(Worker's Disability Compensation Act)

Section 4000 – Business Management

4950 Board Inspection of New or Remodeled Facilities

4950

A building project shall be accepted by the Board only after all details are complete and the architect/engineer/construction manager and project Director have certified to the Board that the project has been completed, along with a written approval by the architect/engineer/construction manager for occupancy certifying the approval of all state and local authorities where required. The architect/engineer/construction manager and representatives of the administrative staff shall complete a preliminary inspection, after which the Board shall inspect the building and give its formal approval and acceptance.

No new or renovated building or addition shall be occupied by students until so authorized by those state and local authorities where approvals for occupancy are required.

Final payments to contractors will be withheld until such a time as the requirements of this policy have been met.

Approved: November 9, 2009

Section 4000 – Business Management

4970 Public Dedication of New Facilities

4970

The Board may sponsor open houses or dedication programs for new facilities appropriate to the nature and type of the facility.

The Superintendent shall assume the responsibility for recommending to the Board appropriate dedication programs or activities. The Superintendent shall work with the appropriate administrator, staff, students and parent(s)/guardian(s) in planning such program or activity, once it has been approved.

Approved: November 9, 2009