



**SERVICE
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EXCELLENCE**

Wayne Regional Educational Services Agency

ADMINISTRATIVE REGULATIONS

**Adopted June 11, 2025
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Miller Johnson School Policy Services

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The 2000 series of Board Policies requires or permits the Superintendent¹ to promulgate and implement administrative regulations. The Superintendent, pursuant to this authority, promulgated and implemented these administrative regulations on April 1, 2023, and posted them on Wayne RESA's website. All Wayne RESA personnel and students² are required to follow these administrative regulations.

The Superintendent designates Wayne RESA's Deputy Superintendent of Administrative Services to review the 2000 series of Board Policies and these regulations at least annually. The Deputy Superintendent of Administrative Services is also expected to recommend to the Superintendent legally compliant revisions and additions to the 2000 series of Board Policies and these administrative regulations.

2002-AR

Educational Operations

Education Records

Creation and Retention. Wayne RESA maintains records according to the Michigan Department of Technology, Management, & Budget General Retention Schedule #2 for Michigan Public Schools.. (Michigan Department of Technology, Management & Budget [website](#).) Documents not addressed within General Schedule #2 may not be disposed of without approval by the Deputy Superintendent of Administrative Services or designee.

Special Services File. Wayne RESA's Deputy Superintendent of Administrative Services will publish legally compliant guidelines requiring RESA personnel to create and maintain special education files for students who are eligible for special education and related services or accommodations under the [Individuals with Disabilities in Education Act](#) and [Michigan special education law](#), [Section 504 of the Rehabilitation Act of 1973](#), or the [Americans with Disabilities Act of 1990](#). The special education file may be created and maintained digitally. The guidelines are available at this link: <https://www.resa.net/teaching-learning/special-education/administration-compliance> Special services files should be shared with the constituent district in which the student is enrolled, if applicable.

Directory Information and Access to Student Education Records

Family Educational Rights and Privacy Act (FERPA). This administrative regulation has been developed to comply with FERPA and does not, itself, confer enforceable rights to any person.

Access to Education Records.

¹ "Superintendent," as used in these regulations, includes the Superintendent's designee, unless otherwise indicated.

² Wayne RESA generally does not have students for which it is responsible and/or in control of for educational purposes. Notwithstanding, these regulations contemplate a variety of student-related situations, rights, and considerations in the event that Wayne RESA ever does have students or should circumstances arise in which Wayne RESA is required to respond in a manner which is indicative of a general responsibility for and/or control of students. As such, all student-related regulations and references contained herein should be read to include the provision "to the extent applicable" for each/all.

Parental Access. The natural parents of minor and dependent students may inspect their children's education record unless that right has been terminated by a court order.

Adult Students. Adult students may inspect their education record.

Board Members and RESA Personnel. Board members and Wayne RESA personnel may access a student's education record if they have a "legitimate educational interest" in doing so, within the meaning of [FERPA](#).

Other Persons. Other persons may inspect student education records to the extent permitted by [FERPA](#).

Time and Place of Inspection. Generally, a person authorized to access a student's education record, other than Wayne RESA personnel, must make an appointment to review education records with the Deputy Superintendent of Administrative Services, or designee, who will remain present during the inspection. An authorized person will be permitted to copy selected education records upon request and fees may be charged as permitted by law.

Access Log. The administrator will include an access log in each student's CA-60 and Special Services file that will identify each person who accessed the education record, the date and time the education record was accessed, and the reason the education record was accessed.

Directory Information. Directory information may be disclosed by Wayne RESA Board members and personnel.

Limited Directory Information. The Board designates photographs, videos, or other media containing a student's image or likeness (student images) as Limited Use Directory Information. Limited Use Directory Information may only be used for the following:

- Publication in official Agency publications, on social media sites, or websites hosted or maintained by, on behalf of, or for the benefit of the Agency, including the Agency's internal email system;
- Agency officials who have access, consistent with FERPA, to such information in conjunction with a legitimate educational interest; and
- External parties contractually affiliated with the Agency if such affiliation requires sharing Limited Use Directory Information.

Amendment of Education Records. Parents and adult students may request the amendment of education records that are inaccurate, misleading, or in violation of the student's rights of privacy or other rights. The following procedure will be used in cases when parents or adult students request the amendment of education records:

1. The parent will request the amendment in writing, including: identifying the education record(s) in question and, the reason(s) the education record should be amended;
2. Wayne RESA administrator, after conferring with his/her direct supervisor, may agree to amend the education record and do so;
3. Wayne RESA administrator, after conferring with his or her direct supervisor, may decline to amend the education record and, if so, notify the parent or adult student of the reason(s) and the parent's right to a hearing.
4. If a hearing is requested, Wayne RESA administrator will immediately notify his/her direct supervisor and the Superintendent, who will arrange for a hearing consistent with [FERPA](#) requirements.

Other Agencies or Institutions. As permitted by [FERPA](#), Wayne RESA may forward education records, including disciplinary records, without student or parental consent, to other agencies or institutions in which the student seeks or intends to enroll or is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer and upon receipt of a request for a student's school or education records.

Memorials. Generally, tributes, ceremonies, and memorials (collectively, memorials) recognizing an adult or student are not held or permitted on Wayne RESA premises. A person who wishes to organize a memorial on Wayne RESA premises must seek the permission of the Deputy Superintendent of Administrative Services, who will consult with the Superintendent before granting permission.

Student Bullying³

Implementation.

Responsible School Official. The Superintendent is primarily responsible for implementing this administrative regulation and its corresponding policy.

Publication. Wayne RESA will adopt a policy specifically prohibiting bullying and cyberbullying, as defined below. The Superintendent is directed to post this administrative regulation and its implementing policy on Wayne RESA's website.

Reporting. The Superintendent shall report to the Board of Education, on an annual basis, all verified incidents of bullying, and the resulting consequences that were imposed.

Definitions. The following definitions apply for purposes of this administrative regulation and its corresponding policy:

"Bullying" means any written, verbal, or physical act, or any electronic communication, including, but not limited to, cyberbullying, that is intended or that a reasonable person would know is likely to harm one or more Wayne RESA students, either directly or indirectly, by doing any of the following:

- (i) Substantially interfering with educational opportunities, benefits, or programs;
- (ii) Adversely affecting a student's ability to participate in or benefit from educational programs or activities by placing a student in reasonable fear of physical harm or by causing substantial emotional distress;
- (iii) Having an actual and substantial detrimental effect on a student's physical or mental health; or
- (iv) Causing substantial disruption in, or substantial interference with, the orderly operation of the school.

"At school" means in a classroom, anywhere else on school premises, on a school bus or other school-related vehicle, and at a school-sponsored activity or event, whether or not it is held on school premises.

³ Consistent with footnote 2, this regulation (and the associated policy) are maintained both in the event that Wayne RESA ever is responsible for students and to be consistent with Matt's Safe School Law, adopted by the Michigan Legislature in 2011.

"At school" includes the off-premises use of a telecommunications access device or telecommunications service provider if the device or service provider is owned by or under the control of Wayne RESA.

"Cyberbullying" means any electronic communication that is intended or that a reasonable person would know is likely to harm one or more students either directly or indirectly by doing any of the following:

- (i) Substantially interfering with educational opportunities, benefits, or programs;
- (ii) Adversely affecting a student's ability to participate in or benefit from educational programs or activities by placing a student in reasonable fear of physical harm or by causing substantial emotional distress;
- (iii) Having an actual and substantial detrimental effect on a student's physical or mental health; or
- (iv) Causing substantial disruption in, or substantial interference with, the orderly operation of the school.

Accountability. Each Wayne RESA individual is accountable for his/her own behavior, based on age-appropriate expectations. Respect for all individuals is part of a safe and healthy learning environment. Each individual is expected to demonstrate respect through their interactions with the give-and-take of friendships, group cooperation, social interaction, compromise, and acceptance of differences among other students and staff.

Retaliation. Retaliation against a target of bullying, a witness, another person with reliable information about an act of bullying or any person who reports, is thought to have reported, files a complaint, or otherwise participates in an investigation or inquiry concerning allegations of bullying is prohibited and will not be tolerated. Such retaliation shall be considered a serious violation of Board policy independent of whether a complaint is found to have been substantiated. Suspected reprisal or retaliation should be reported in the same manner as bullying.

Making intentionally false reports about bullying for the purpose of getting someone in trouble is similarly prohibited and will not be tolerated. Retaliation and intentionally false reports may result in disciplinary action.

Complaint Procedure. In order to implement the bullying policy, Wayne RESA has developed the following complaint procedure:

A student who believes that he/she has been the victim of bullying or cyberbullying must immediately report the incident(s) to the supervising administrator. A student's parent must also report any such incident(s) on behalf of the student. Upon receipt of a report (complaint), the supervising administrator or his/her designee (the investigator) will conduct a prompt investigation. At the request or with the permission of the complainant, the investigator may first attempt to resolve the matter informally, such as through restorative practices. Informal steps will not, however, cause a substantial delay in the investigation. The complainant may, at any time, request that the matter move to a formal investigation. Where the bullying activity is alleged to have been based, in whole or in part, on the protected classifications of race, color, sex, national origin, or disability, the supervising administrator will notify Wayne RESA's designated Compliance Officer or Coordinator pursuant to Board of Education Policy 7007.

Step 1: Formal Investigation. The investigator will interview the complainant and document the interview. Generally, the complainant will be asked to reduce the complaint to writing, to provide the names and contact information, if known, of any persons who witnessed and may be able to substantiate the allegations of the complaint, and to produce any documents or other things supporting the complaint. The complainant will be directed not to discuss the complaint with other students while the investigation is pending.

The investigator will interview the accused and document the interview. Generally, the accused will be asked to reduce his/her response to writing and to produce any documents or other things supporting his/her response. The investigator should not disclose the identity of the complainant unless this is necessary to enable the accused student to respond to the allegations. The accused will be directed not to contact the complainant, if the complainant's identity is known or suspected, or retaliate or threaten to retaliate in any way against the complainant or any potential witnesses.

In the event of a significant discrepancy between the complainant and the accused, the investigator will interview other persons reasonably necessary to resolve the discrepancy.

Step 2: Decision.

Complaint Found Valid. If the investigator concludes that the complaint is valid (i.e., bullying or cyberbullying in violation of Wayne RESA policy has occurred), the following actions will be taken:

- The parent of both the complainant and the accused will be notified of the results of the investigation;
- The results of the investigation will be reported to the Superintendent;
- The Superintendent will consider whether restorative practices may be appropriate and, if so, invite the complainant and the accused to participate in a restorative practices team meeting;
- The Superintendent will consider whether disciplinary action may be appropriate and, if so, initiate disciplinary action in accordance with the Student Code of Conduct; and
- The Superintendent will determine whether relief to the complainant is feasible and available.

Complaint Found Not Valid. If the investigator concludes that the complaint is not valid (i.e., no bullying or cyberbullying in violation of Wayne RESA policy has occurred or can be substantiated), the following actions will be taken:

- The parent of both the complainant and the accused will be notified of the results of the investigation;
- The complainant and the accused will be reminded Wayne RESA prohibits retaliation or threats of retaliatory action;
- The results of the investigation will be reported to the Superintendent; and

Any references to the complaint will be removed from the education records of the accused. The investigator will retain the investigative file for at least three years.

Medication

Administration of Medication by Wayne RESA Personnel. Wayne RESA personnel will not administer medication to students except for Wayne RESA-employed Registered Nurses who will follow applicable state laws as prescribed in the Michigan School and Public Health Codes, and best practices as defined in the MDE Model Policy.

Seclusion and Restraint Michigan law prohibits seclusion and restraint, except emergency seclusion and emergency physical restraint. The Superintendent designates Wayne RESA's Assistant Superintendent of Special Education and Early Intervention Services to train identified staff consistent with Michigan law.

Epinephrine Auto-Injectors (Epi-Pens)

Student Possession and Use. Students may possess and, if necessary, use epi-pens on Wayne RESA premises and at school-related activities, programs, and events on a Wayne RESA campus if the following conditions are met:

1. The student has permission to use the epi-pen from his or her physician and, if the student is a minor, from his or her parent(s); and,
2. The applicable constituent school has on file a written emergency care plan (or IEP or 504 Plan that includes a written emergency care plan, however designated) prepared or approved by a licensed physician in collaboration with the student and the student's parent(s) that is updated as necessary to account for any change in the student's circumstances.

Acquisition and Maintenance. Wayne RESA will acquire and deliver at least two otherwise unassigned functioning epi-pens to each Wayne RESA campus. The Senior Executive Director of IT and Operations Infrastructure is responsible for maintaining the epi-pens at all Wayne RESA buildings, making them readily accessible to designated staff members, and notifying the Superintendent if the Senior Executive Director of IT and Operations Infrastructure believes the necessary number of epi-pens is not available or functional.

Training and Designation. Wayne RESA is responsible for training a sufficient number of staff members in each Wayne RESA campus to properly administer epi-pens. All training will be supervised, evaluated, and approved by a licensed registered professional nurse. The Senior Executive Director of IT and Operations Infrastructure is responsible for designating the necessary number of staff members to administer epi-pen injections on RESA grounds. The Senior Executive Director of IT and Operations Infrastructure is also responsible for informing other Wayne RESA personnel which staff members have been designated to administer epi-pen injections on Wayne RESA grounds and for notifying the Superintendent if there are an insufficient number of trained or designated staff members in the building.

Administration of Epi-Pen Injectors. Designated staff members who have been trained in accordance with these procedures are required to administer an epi-pen injection to any person on Wayne RESA grounds who is believed to be suffering an anaphylactic reaction. An anaphylactic reaction is a severe, potentially life-threatening allergic reaction that may occur within seconds or minutes of exposure to an allergen. Common allergens that cause anaphylactic reactions in school include but are not limited to: peanuts and tree nuts and venom from bee stings. All administrators and teachers are required to notify a designated staff member in the event they believe an individual on Wayne RESA grounds is suffering an anaphylactic reaction.

Reporting. The Deputy Superintendent of Administrative Services is required to notify the parent of any student who receives an epi-pen injection on a Wayne RESA campus. Notification is to be made to the Superintendent and Wayne RESA's Deputy Superintendent of Administrative Services at the same time. The Superintendent designates Deputy Superintendent of Administrative Services to annually report to the Michigan Department of Education the number of epi-pen injections provided to students at school each year; the number of epi-pen injections to such students who were not previously known to have allergies; and, the number of students who were administered epi-pens from Wayne RESA's stock of epi-pens.

Cardiac Emergency Response Plan

Introduction. This regulation was adopted to comply with [2014 PA 12](#), [2024 PA 36](#), and [2024 PA 37](#). Sudden cardiac arrest is the sudden, unexpected loss of heart function, breathing and consciousness. Sudden cardiac arrest is a medical emergency. If not treated immediately, it causes sudden cardiac death. Sudden cardiac arrest symptoms are immediate and drastic and may include sudden collapse, no pulse, no breathing, or loss of consciousness. Sometimes sudden cardiac arrest is preceded by fatigue, weakness, palpitations, or vomiting. Other times, sudden cardiac arrest occurs without warning. Reference: [Mayo Clinic Website](#). The Agency's Director of Safe and Healthy Schools will be responsible for the periodic review and implementation of these regulations, including the cardiac emergency response plan for each building or facility.

Equipment. Wayne RESA will make best efforts, based on funding, to purchase and maintain a sufficient number of automated external defibrillators (AEDs) so that an AED is available on Wayne RESA grounds within one to three minutes of a sudden cardiac arrest on a Wayne RESA campus or facility. AEDs must be easily retrievable and may not be locked or otherwise secured against public access. AEDs will be purchased from or through a supplier listed on the [Michigan Department of Education's \(MDE\) list of Approved Providers for First Aid and CPR](#). The Senior Executive Director of Operations and IT Infrastructure will be responsible for: notifying his or her supervisor when a sufficient number of AEDs are not available or not in working order; and informing staff members where AEDs are located. The Senior Executive Director of Operations and IT Infrastructure will be responsible for posting the locations of AEDs in a public place in the office and in the Emergency Procedures Manual.

Training. All staff will be offered training in cardiopulmonary resuscitation techniques (CPR), first aid, and the use of AEDs, and basic lifesaving first aid. Wayne RESA will be responsible for securing and arranging the necessary training from or through a supplier listed on [MDE's List of Approved Providers for First Aid and CPR](#). The Senior Executive Director of Operations and IT Infrastructure will be responsible for conducting at least one cardiac emergency response drill per year.

Required Actions. An untrained staff member who observes a student or other person who may be experiencing sudden cardiac arrest must immediately: call 911 and notify the operator of the victim's name, sex, age or approximate age, condition, and location; notify the office; notify a trained staff member; and, retrieve the nearest AED.

A trained staff member who observes a student or other person who may be experiencing sudden cardiac arrest must immediately: call 911 (and report to the operator as described above); notify the office; and attend to the victim according to his or her training.

All staff members are responsible for removing students, if applicable, from the area of the emergency and taking steps to provide for their appropriate supervision.

Report. The Senior Executive Director of Operations and IT Infrastructure must report all incidents of suspected sudden cardiac arrest, in writing, to the Superintendent or his or her designee.

Annual Review and Evaluation. Annually, the Senior Executive Director of Operations and IT Infrastructure will review this regulation with building staff and, if warranted, provide his or her supervisor with recommendations for revision.

2003-AR Special Education

Parent Advisory Committee The Board will appoint a parent advisory committee (PAC) consistent with [MARSE R 340.1838](#) to participate in the development of The Wayne County Plan for the Delivery of Special

Education Programs and Services and provide input in any matter the PAC deems appropriate to improve special education services within Wayne County.

The PAC is responsible for determining and documenting the organizational structure of the committee, including officers and their responsibilities; meeting times; notice of meeting times; voting procedures; terms of office; and related matters.

Other Duties of the Board The Board must also:

- Employ special education personnel in accordance with the special education plan and appoint a Director of Special Education;
- Accept and use available funds from governmental or private sources for special education programs and services;
- Maintain records consistent with [MCL 380.1711](#);
- Have the authority to place a disabled student in a program or provide services to a disabled student for whom a constituent district is required to place or provide services;
- Investigate and reports the failures of special education programs and services provided or contracted for by Wayne RESA or its constituent districts to the board of the applicable constituent district and the Superintendent of Public Instruction;
- Operate or contract for the delivery of special education programs or services by constituent districts as though Wayne RESA is a constituent district;
- Levy taxes, borrow money, and issue bonds as necessary and permitted to fund special education programs and services consistent with the [Revised School Code](#) and [Michigan Election Law](#).

3000-AR

PERSONNEL

The 3000 series of Board Policies permits or requires the Superintendent to promulgate and implement administrative regulations. The Superintendent, pursuant to this authority, promulgated and implemented these administrative regulations on April 1, 2023, and posted them on Wayne RESA's website. All Wayne RESA personnel and students are required to follow these administrative regulations.

The Superintendent designates Wayne RESA's Deputy Superintendent of Administrative Services to review the 3000 series of Board Policies and these regulations at least annually. The Deputy Superintendent of Administrative Services is also expected to recommend to the Superintendent legally compliant revisions and additions to the 3000 series of Board Policies and these administrative regulations.

3001-AR

Administrative Staff and Organization

The Superintendent, in consultation with the Board of Education, will determine the overall structure and staffing level of Wayne RESA's administration and other professional and non-professional staff.

3002-AR

Employment Considerations

Recruiting Job postings will be published online with an application and application procedure approved by Wayne RESA's Deputy Superintendent of Administrative Services. Job postings will provide, at a minimum, a job description, necessary qualifications and the time period, and methodology for submitting an application. Job postings will be available on the Wayne RESA website. If an enforceable provision of a collective bargaining agreement or employment contract requires notice of posting, the job must be posted accordingly. The Superintendent may choose an outside agency or other method to recruit employees.

Applications Applications should be submitted consistent with job postings. The failure to do so may result in the applicant not being considered for employment.

Physicals and Drug Tests An applicant who has been offered employment may be required to take a pre-employment physical and drug test.

Hiring and Recommendations for Hiring The Board of Education hires the Superintendent. The Board of Education hires other professional and non-professional staff at the recommendation of the Superintendent. If necessary, in the Superintendent's discretion, an individual may begin employment pending approval by the Board.

Criminal Background Checks Wayne RESA will have the Michigan State Police (MSP) obtain criminal history record information (CHRI) from both the state and the Federal Bureau of Investigation (FBI) for all individuals listed in Board Policy 4002 (Criminal Background Checks) and [MCL 380.1230\(1\)-\(2\) of the Revised School Code](#). Employees who fail to comply with this regulation and related policy will be subject to discipline, upon review and approval by the Superintendent. Wayne RESA agrees to enter into any agreements as required by the MSP necessary to access CHRI information and maintain Wayne RESA's legal obligation to perform such checks.

Local Agency Security Officer (LASO). Wayne RESA will appoint the Manager of Human Resources and Title IX Coordinator as its LASO. The LASO will be designated on the appropriate form as provided by MSP and Wayne RESA will submit an updated form for each newly appointed LASO. The LASO will be responsible for ensuring compliance with these regulations and relevant laws. The LASO will also be responsible for

ensuring personnel security screening procedures are being followed, appropriate security measures are in place for the protection of CHRI, MSP is informed of any security breaches, and only approved Wayne RESA personnel have access to and are using the CHRI in a manner compliant with the law.

Access to CHRI.

Background Checks. Wayne RESA will conduct a state and national fingerprint-based criminal history record check within 30 days of hiring or assignment of personnel that require access to CHRI or are involved in the configuration or maintenance of computer systems and networks with access to CHRI. Additional background checks should be performed once every five years. A felony conviction of any kind will disqualify a person from access to CHRI. If results other than a felony conviction are returned, the LASO will review the results and determine whether appointment is nevertheless appropriate. If approved personnel are subsequently arrested or convicted, the LASO or, in the event the LASO is arrested or convicted after appointment, the Superintendent, shall suspend approval until he or she reviews the arrest and/or conviction and determines whether continued approval is appropriate.

Wayne RESA will provide consent forms, such as the Livescan form (RI-030) found on the MSP website, to all personnel requested to undergo fingerprint-based criminal background checks. Wayne RESA personnel should be provided the opportunity to contest or appeal their CHRI results.

This procedure should also be used for information technology contractors and vendors with the exception that approval should not be granted to contractors and vendors with outstanding arrest warrants. Non-information technology contractors or vendors will not have access to CHRI.

Incidental Personnel. Any persons, such as custodial staff, visitors, or remote IT personnel, who may, by function of their job or volunteer duties, be around CHRI information or computer systems used to access CHRI information will be physically or virtually escorted by approved personnel.

List of Approved Personnel. The LASO will maintain a list of all personnel approved to access CHRI. The list will also include the reason each person was approved. The LASO will provide the list to the MSP upon request. In the event of termination, re-assignment, or transfer of approved personnel to a position that does not require access to CHRI, the LASO will take whatever measures are necessary to block such personnel from continued access.

Access to Digital CHRI. If Wayne RESA maintains CHRI digitally, the LASO will provide a unique password to each approved personnel with access to computer or networks from which CHRI is obtained. This provision does not apply to Wayne RESA that maintain physical or e-mail-only copies of CHRI. Pursuant to AG 8321, the password must be at least eight characters long, not be a proper name or word found in the dictionary, not be the same as the username/user identification, must expire and be changed every 90 days, and must not be the same as any 10 prior passwords for each user.

Reassignment/Transfer. The LASO will review the reassignment or transfer of all Wayne RESA personnel with access to CHRI to determine whether access remains appropriate and, if access is no longer appropriate, will suspend access within 24 hours of the employee's reassignment or transfer. The person responsible for approving the reassignment or transfer will provide notice to the LASO that an employee has been reassigned or transferred as soon as possible. In addition, Wayne RESA will follow the bulleted steps identified under "Termination," below.

Termination. Within 24 hours of receiving notice that a Wayne RESA staff member with access to CHRI has terminated their employment with Wayne RESA, the LASO will remove the employee's access to CHRI. The LASO will notify all current and new personnel that he or she should be informed of a staff member's termination via email as soon as possible. In addition:

- The IT Department will disable the employee's digital accounts and accesses.
- The LASO will collect all physical keys and/or key cards from the employee.

The LASO will inactivate the employee on the Criminal History Record Internet Subscription Service system. If the employee is the LASO, a new LASO will be appointed immediately following the steps set forth by the Michigan State Police.

Security Awareness Training. In accordance with the Federal Bureau of Investigation Criminal Justice Information Services Security Policy, Wayne RESA will provide all approved personnel with the required level of security awareness training for their individual role, using the Michigan State Police's online training tool, prior to approval of accessing CHRI. This Security Awareness Training will be required to be completed on an annual basis. The LASO will maintain records of all personnel who have completed training.

Dissemination of CHRI. In the event Wayne RESA disseminates CHRI to another authorized agency, as defined in the [Revised School Code](#), Wayne RESA will maintain a record of such disseminations. The record must include the date of release, the records released, the method of sharing, Wayne RESA personnel who disseminated the CHRI, whether authorization for dissemination was obtained, and the agency and agency personnel to whom the CHRI was disseminated. If CHRI is received from another Wayne RESA or outside agency, Wayne RESA will perform an additional background check using MSP's Internet Criminal History Access Tool (ICHAT) to ensure the information received is accurate.

Media Containing CHRI. Only Wayne RESA personnel who have undergone CHRI Security Awareness Training will have access to digital and physical media containing CHRI. Wayne RESA will either: ensure all media is stored in a physically secure location which can only be accessed by approved persons; or encrypt all CHRI data consistent with the most current FBI CJIS Security Policy and store the data on a server only accessible to approved Wayne RESA personnel. Cloud storage is not permitted.

Wayne RESA will note via posters, signs, or other indicators, the perimeter of the physically secured location in which CHRI data is maintained and ensure it remains separate from non-secure locations. In addition, Wayne RESA will control all items entering and exiting the physically secure location to ensure CHRI is not removed.

Transportation of Media. CHRI media will not be transported without approval by the LASO. The LASO will not grant approval unless transportation is reasonably justified. Physical media must be transported in sealed, locked, or secured containers and/or envelopes and, to the extent possible, digital media must be encrypted and/or password-protected prior to and during transportation.

Destruction of Media. Upon approval in writing by the LASO and the Superintendent, CHRI media no longer needed by Wayne RESA will be destroyed as follows: digital media will be deleted by either overwriting the media at least three times or by degaussing (demagnetizing), prior to disposal or reuse of the media. Physical media must be cross-cut shred or incinerated by approved personnel only. The LASO will maintain records of all CHRI media approved for destruction for five years and written documentation of the steps taken to destroy any media for 10 years. Such records must include the date the media was destroyed and the signatures of the approved personnel performing and/or witnessing the media's destruction.

Incident Handling Capabilities. The following table describes the various means by which Wayne RESA is required to handle storage and breaches of CHRI information.

	Physical/Hard Copy CHRI	Digital CHRI
Preparation	The container in which the CHRI is stored will be locked at all times in the Human Resource office. The office will be locked when staff is not present.	Firewalls, virus protection, and malware/spyware will be maintained. Computer monitors will be positioned so only the person accessing the CHRI can view it.
Detection	Physical intrusions into the building will be monitored by means of a building alarm and by ensuring the building is locked at night.	Electronic intrusions will be monitored by virus and malware/spyware protections.
Analysis	The LASO will work with local law enforcement officers to determine how the subject incident occurred and the data affected.	The IT Department will determine what systems were compromised and what data was affected.
Containment	The LASO will lock uncompromised CHRI information in a secure container or transport CHRI to a secure location.	The IT Department will stop the spread of any intrusion to prevent further damage.
Eradication	The LASO will work with local law enforcement officers to remove any threats that compromise CHRI data.	The IT Department will remove the intrusion before restoring the system. All steps necessary to prevent recurrence of the intrusion will be taken before restoring the system.
Recovery	The local law enforcement agency will handle and oversee recovery of stolen CHRI data. The LASO may contact MSP for assistance in re-fingerprinting, if necessary.	The IT Department will restore the agency information system and data to a safe environment.

Incident Response. For information security incidents, defined as major incidents that significantly endanger the security or integrity of CHRI, the LASO will draft a written incident report and provides copies to the Superintendent and the head of the IT Department. The LASO will also gather evidence of the breach, including: how the breach was initiated, any information that was disseminated, and steps Wayne RESA will take to prevent recurrence of the breach.

Wayne RESA will report incidents to the local police department and Wayne RESA's legal counsel. Reported incidents will be tracked and documented on an ongoing basis. When an incident involves the breach of CHRI, Wayne RESA will report the security breach to the MSP ISO by use of the "Information Security Officer (ISO) Computer Security Incident Response Capability Reporting" form (CJIS-016). A copy of any completed forms will be retained and kept by the LASO.

Audit Records of Events. Wayne RESA shall generate audit records for the events listed below, either via an automated process or, if an automated process is not used, a manual process. The event records must contain: the date and time of each event, the type of event, the user who initiated and/or ended the event, whether the event involved use or access of software and/or hardware, and whether the event was successful or unsuccessful. For automated processes, Wayne RESA will set up and maintain an alert system which informs Wayne RESA each time an audit attempt fails. The events to be recorded are all successful and unsuccessful:

- Log-on attempts;

- Attempts to access, create, write, delete, or change permission on a user account, file, directory, or other system resource;
- Attempts to change account passwords;
- Actions by privilege accounts; and
- Attempts for users to access, modify, and destroy the audit log file.

Wayne RESA will appoint a person to review the audit records at least once per week for unusual or inappropriate activity, to investigate suspicious activity, to report findings to the appropriate person, and to take necessary corrective action.

3003-AR Conditions of Employment

Purposes of Conditions of Employment Wayne RESA employees are public servants who are expected to put the interests of the students and community they serve above their own personal or professional interests. At the same time, Wayne RESA's administration must, consistent with Board of Education policies, resolutions, resources, and directives, create a positive and supportive work environment for Wayne RESA personnel who are meeting or exceeding expectations.

Transportation Employees Subject to the provisions of Policy 3003, Wayne RESA employees who operate commercial motor vehicles or who are required to hold a commercial driver's license (CDL) as part of their Agency employment (Driver(s)) must be medically certified as physically qualified to do so and are subject to Wayne RESA's alcohol and controlled substances testing program. Prospective employees for Driver positions must agree to pre-employment testing and pre-employment query via the Federal Motor Carrier Safety Administration (FMCSA) National Drug and Alcohol Clearinghouse (Clearinghouse). For purposes of this part, "alcohol" and "controlled substances" are defined by 49 C.F.R. § 382.107. Unless excepted by law, no Driver may operate a school vehicle if their blood alcohol concentration is 0.04 or higher or if they are under the influence of a controlled substance. Drivers are subject to the other use restrictions set forth in 49 C.F.R. Part 382. The Agency will select the vendor to provide drug and alcohol testing under this section. Self-administered tests do not meet the requirements of this procedure. Drivers should direct questions regarding this Regulation to Kelly Bohl, Deputy Superintendent of Administrative Services.

Drivers who refuse to participate in the testing program will be dismissed or have their job offer revoked.

Pre-Employment Testing and Query. Prior to beginning work for Wayne RESA, Drivers must submit a verified, negative alcohol and controlled substance test results, which must have been taken within thirty days prior to hire or assignment. This requirement applies both to prospective new employees and current employees reassigned to Driver positions. Employment or promotion offers for Driver positions are conditioned on negative alcohol and controlled substances test results.

Wayne RESA may, at its discretion, choose not to require pre-employment-controlled substances testing if the applicant has undergone drug testing for another employer or prospective employer within thirty days of hire or assignment. Any decision not to require testing will be made in strict compliance with FMCSA regulations.

Within fourteen days after the first time a Driver performs work required a CDL ("Drive," "Drives", or "Driving") Wayne RESA must obtain and review any FMCSA-mandated positive alcohol tests with results of 0.04 or higher, controlled substance test, and/or refusal to test from any employer for which Driver performed safety-sensitive functions in the previous two years. Wayne RESA will conduct a full-employment query via the

Clearinghouse for all prospective Drivers. As a condition of employment, prospective Drivers must provide Wayne RESA with a release for such information and submit electronic consent through the Clearinghouse granting Wayne RESA access to their records.

Annual Query. When applicable, Wayne RESA must annually conduct a limited or full search of the Clearinghouse for each Driver as required by law. If, as part of its annual search, the Agency locates Driver records of which it was not aware, it must address the failure to report as appropriate with the relevant Driver.

Random Testing. Throughout each twelve-month period, Wayne RESA will conduct random alcohol testing of at least 10% of the average number of Wayne RESA Driver positions. The Agency will conduct random controlled substances testing at an annual rate equal to at least 50% of the number of Driver positions. These required random testing rates are set by the FMCSA and are subject to change.

Drivers will be randomly selected for testing by a scientifically valid method so that each Driver will have an equal chance of being tested each time selections are made. Random tests will not be announced in advance and will be spaced throughout the calendar year.

Upon notification of being selected for random testing, Drivers must proceed immediately to the testing site. Wayne RESA will arrange for substitute employee Drivers so selected Drivers may attend the testing.

Drivers will only be randomly tested for the presence of alcohol immediately prior to Driving, when they are Driving or preparing to Drive, or immediately after Driving for Wayne RESA.

If a Driver who is selected for alcohol and/or controlled substances testing is absent from work on the day or time of the scheduled test, Wayne RESA may select another Driver for testing. If the Driver is absent when the testing selections are announced but is expected to be available for testing during the current designated testing period, the Agency may keep the original selection confidential until the Driver returns to duty.

Reasonable Suspicion Testing. Drivers must submit to alcohol or controlled substances testing where a Wayne RESA supervisor has reasonable suspicion that the Driver has violated alcohol or controlled substances prohibitions. Any employee may report suspicion of a violation; however, only a supervisor or Wayne RESA administrator who has received mandated training may make the reasonable suspicion determination. The person making the reasonable suspicion determination must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the Driver. Reasonable suspicion for controlled substances use may also be based on indications of chronic and withdrawal effects of the controlled substance.

Within twenty-four hours of the observations or before the results of an alcohol or controlled substance reasonable suspicion test are released, whichever is earlier, the Agency will record in writing the observations leading to the reasonable suspicion test, which must be signed by the supervisor or Wayne RESA administrator who made the observations.

Reasonable Suspicion Alcohol Testing.

Reasonable suspicion alcohol testing, observations must be made during, just before, or just after the period of the workday in which the Driver is subject to alcohol prohibitions. Simply possessing alcohol is not enough to require reasonable suspicion testing. The test must be administered as soon as practicable following the observation, but no later than eight hours of the observation. If a reasonable suspicion alcohol test cannot be administered within two hours following the observation, the Agency must create and maintain a record explaining why.

If reasonable suspicion exists, the Driver shall not drive for Wayne RESA until an alcohol test is administered and the Driver's blood alcohol concentration measures less than 0.02, or at least twenty-four hours have elapsed following the reasonable suspicion determination.

A Driver with a blood alcohol level equal to or greater than 0.02, but less than 0.04, may not return to duty until the start of the Driver's next regularly scheduled duty period, but not less than twenty-four hours from administration of the test.

Post-Accident Testing. Unless excepted by law, where a commercial motor vehicle being operated for Wayne RESA is involved in an accident, Wayne RESA shall, as soon as practicable under the circumstances, test the following Drivers for alcohol and controlled substances; any Driver who was driving, if the accident involved the loss of human life; or, any Driver who receives a citation for a moving traffic violation arising from the accident.

Immediately following an accident, the Driver must inform their supervisor or a Wayne RESA administrator of the accident. The Driver must remain available for testing, except that Drivers may leave the scene of an accident to seek necessary medical attention for injured persons to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

The Agency must order the Driver to complete post-accident alcohol and controlled substances testing as soon as reasonably possible under the circumstances. If an alcohol test is not administered within eight hours following the accident, or a controlled substances test is not administered within thirty-two hours following an accident, Wayne RESA will continue to request or administer the test. In either instance, the Agency will prepare and maintain a record of any reasons why a test is not administered within two hours of the accident.

Breath or blood test results for alcohol use, or urine test results for controlled substances issue that are administered by federal, state, and/or local officials having independent authority to conduct the test, meet the requirements of this procedure if the results are released to Wayne RESA.

Return to Duty Testing. Any Driver who has tested positive for alcohol or controlled substances, or has otherwise violated this Regulation, will be subject to testing before they may return to Driving for Wayne RESA. The Driver may be subject to additional testing after returning to duty.

Before returning to duty, any Driver who has violated the alcohol use prohibition must have a verified test indicating a blood alcohol concentration of less than 0.02. A Driver who has violated the controlled substances prohibition must have a verified negative return to duty test result before returning to duty.

In order to return to Driving at Wayne RESA, and prior to taking any required return-to-duty alcohol or controlled substance test, the Driver must be evaluated by a substance abuse professional ("SAP") and successfully participate in any prescribed assistance program. Wayne RESA must receive a written statement from the SAP that the employee has been evaluated and has complied with any prescribed rehabilitation. Notwithstanding this provision, the Agency is not required to return the Driver to work after they meet these requirements.

Follow-up Testing. Following a determination by an SAP that Driver needs assistance resolving problems associated with alcohol misuse and/or controlled substances use, Wayne RESA conduct unannounced follow-up alcohol and/or controlled substances testing of that Driver as directed by the SAP. Wayne RESA will conduct at least six unannounced tests during the first twelve months following Driver's return to Driving. Wayne RESA will conduct follow-up alcohol testing of Drivers only immediately prior to Driving, when they are Driving or preparing to Drive, or immediately after Driving for Wayne RESA. The Agency's random testing program and/or any cancelled tests may not be used to meet this requirement.

Refusal to Test. As set forth by federal regulations and subject to any limitations therein, a Driver has refused to take a controlled substance or alcohol test if they: fail or decline to take an employer required test; fail to appear for any test within a reasonable time (as determined by Wayne RESA); fail to remain at the testing site until the testing process is complete (except for preemployment testing); fail to provide a specimen; fail to permit observation or monitoring of providing the specimen or fail to follow an observer's instructions; fail to provide a sufficient amount of specimen when directed; fail to undergo a medical examination or evaluation as part of insufficient specimen procedures; fail to cooperate with any part of the testing process; admit to the collector that they used an adulterated or substituted specimen. For alcohol tests, refusal to test also includes refusal to complete Step 2 on the alcohol test form (ATF).

Reporting Requirements. Wayne RESA will report necessary Driver information to the Clearinghouse consistent with applicable laws.

Recordkeeping. If Wayne RESA maintains a valid Clearinghouse registration, it is not required to maintain physical records of queries conducted and information received from the Clearinghouse. Wayne RESA shall maintain all other records relating to its alcohol misuse and controlled substance use prevention programs as required by state and federal law.

Staffing, Layoff, and Recall of Teachers

This administrative guideline applies to those individuals whose employment is regulated by the [Michigan Teachers' Tenure Act](#).

As used herein, the term "effectiveness" is based on the effectiveness label given a teacher in their most recent year end evaluation pursuant to Wayne RESA's evaluation system. The term "qualification" as used herein includes, but is not limited to, an individual's: areas of certification, level of degree attained, type of degree attained (major, minor, or area(s) of focus), relevant previous experience, grade level of relevant experience, relevant classes or training, previous ratings, effectiveness and overall performance as a teacher, or past disciplinary or other employment concerns. As used in this Administration Regulation, the term "personnel decision" refers to any situation where Wayne RESA is filling a vacancy, placing a teacher into a teaching assignment, conducting a staffing reduction, conducting a program reduction, or any other decision resulting in the elimination of a position

Teacher Placements

Definition. Teacher placement is the determination of the classroom teaching assignment for a teacher.

In order to be eligible for a teaching assignment, the teacher must be qualified for the teaching assignment, based on the criteria set by the Superintendent, and have the appropriate certification. In the absence of a qualified teacher with appropriate certification, Wayne RESA may consider the ability to obtain an appropriate permit.

Between qualified candidates, teacher placement will be based on the following criteria, in order:

- Teacher certification, including whether such teacher placement decision will result in a classroom section not having a certified teacher.

- The school schedule;
- The prior year effectiveness of teachers qualified for the assignment,
- The teacher's disciplinary record;
- The teacher's attendance record;
- Relevant special training, including completion of relevant training other than professional development or continued education that is required by Wayne RESA or by state law, including the integration of that training into instruction in a meaningful way;
- The recency or relevance of a teacher's experience in a grade level or subject area
- The teacher's length of service in a grade level or subject area. Length of service in a grade level or subject area will be made up of two components:
 - Current length of service in the assignment, and;
 - Lifetime length of service in the assignment.
- Teachers with no relevant special training, or service time with a particular teaching assignment are not qualified candidates for purposes of teacher placement and will only be considered for placement in the teaching assignment if there are no other qualified candidates.

Teacher Vacancies

Definition. A teacher vacancy does not exist unless all the following criteria are met:

- The position is subject to Section 1249 of the Revised School Code;
- The vacancy is posted in a manner which invites applicants.

A teacher vacancy may be created by the following, subject to approval by the Superintendent:

- Transfer of an internal teaching candidate to a vacant position;
- A leave of absence is extended beyond sixty school days;
- An unplanned resignation or departure occurs which will require a substitute for sixty or more school days;

- The addition of a new classroom section.

No vacancy will be created when a position is first unfilled beginning in the second half of the school year, unless approved by the Superintendent. The Superintendent may close any vacancy in their sole discretion at any time.

Internal Candidates:

- The top qualified internal candidate, plus other internal candidates in the discretion of the Superintendent, will be provided an opportunity to interview for any vacancy.

Selection Process to Fill a Vacancy:

- The Superintendent's most highly rated and qualified candidate will be selected for any vacancy.
- In the event that an internal candidate is the most highly rated qualified candidate, before filling the vacancy with the internal candidate, the Superintendent shall consider the likelihood of filling any vacancy created by the selection of the internal candidate and the impact such vacancy will have on the instructional program. If the Superintendent determines the selection of the internal candidate will negatively impact the instructional program, the Superintendent may select the next most highly rated and qualified candidate.
- In the absence of a qualified candidate, the Superintendent may select a candidate who best demonstrates the following:
 - Ability to obtain temporary or alternative credentialing to be qualified for the position
 - Commitment to the profession of teaching
 - Commitment to the school community
 - Commitment to the student body

Staffing Reductions

Definition. A staffing reduction is the decision to eliminate curricular sections or positions that will result in a reduction in the hours worked (FTE) of one or more teachers.

The Superintendent has the sole authority to determine and conduct a staffing reduction. The Superintendent will conduct any staffing reduction based on the department and location, using following criteria, in order:

- The Agency shall reduce staff starting with the teacher with the lowest Effectiveness Rating and proceeding toward the teacher with the highest Effectiveness Rating in the department, unless such reduction will result in a classroom section not having a certified teacher.
- Teacher certification. In the absence of a teacher with appropriate certification, the Agency may consider the ability to obtain an appropriate permit.
- The teacher's disciplinary record;

- The teacher's attendance record;
- Relevant special training, including completion of relevant training other than professional development or continued education that is required by Wayne RESA or by state law, including the integration of that training into instruction in a meaningful way;
- The teacher's length of service in a grade level or subject area. The Agency will only consider a teacher's continuous and current length of service in a grade level or subject area.

Teachers with no relevant special training, or service time with a particular teaching assignment are not qualified candidates for purposes of a staffing reduction and will only be considered for such placement if there are no other qualified candidates.

Program Reductions

Definition. A program reduction is the decision to eliminate curricular courses or courses of study.

The Superintendent has the sole authority to determine and conduct a program reduction. Program reductions will be carried out in the following manner:

- Upon the decision to implement a program reduction, the Superintendent will review impacted staff and evaluate whether they are qualified, as defined by the Teacher Placement Procedure. Teachers with an effectiveness rating of effective or highly effective will displace others in another program with a rating other than effective or highly effective.

Process for Conducting Layoffs. Reductions shall take place first based on department and location. Wayne RESA shall layoff starting with the teacher with the lowest Effectiveness Rating and proceeding toward the teacher with the highest Effectiveness Rating in the department.

If two teachers are being considered and share the same effectiveness rating, then the Superintendent or his/her designee must compare the potential individuals using each of the elements of the standards from [Section 1248 of the Revised School Code](#) as set out below. Only when all elements within one level are equal and the candidates cannot be differentiated should the Superintendent or his/her designee move to the next level. Those levels are as follows:

- *Individual Performance.* Individual performance consists of the following:
 1. Evidence of student growth, which shall be the predominant factor in assessing an employee's individual performance.
 2. Demonstrated pedagogical skills, including at least a special determination concerning the teacher's knowledge of his or her subject area and the ability to impart that knowledge through planning, delivering rigorous content, checking for and building higher-level understanding, differentiating, and managing a classroom, and consistent preparation to maximize instructional time.
 3. Classroom management, manner and efficacy of disciplining pupils, rapport with parents and other teachers, and ability to withstand the strain of teaching.

4. The teacher's attendance and disciplinary record, if any.
- *Significant, Relevant Accomplishments and Contributions.* This factor shall be based on whether the individual contributes to the overall performance of the school to which assigned by making clear, significant, relevant contributions above the normal expectations for an individual in his or her peer group and having demonstrated a record of exceptional performance.
 - *Relevant Special Training.* This factor shall be based on completion of relevant training other than the professional development or continuing education that is required by the employer or by state law, and integration of that training into instruction in a meaningful way.
 - If all of the above factors are equal, the Superintendent or his/her designee may consider a teacher's seniority or tenure status.

In the event of a layoff, a teacher to be laid off will be given as much advance notice as practicable.

Recall Process

Definition. A recall is when teachers that are placed on layoff become eligible to return to work at Wayne RESA. The right to recall expires three years after the layoff becomes effective. Only teachers on layoff that are qualified for a vacancy are eligible for recall. The right to recall is different based on the teacher's most recent evaluation rating.

- *Effective or Highly Effective:* Teacher will be offered the opportunity to return to a vacancy for which they are qualified
- *Minimally Effective or Developing:* Teacher will be offered the opportunity to interview for a vacancy for which they are qualified
- *Ineffective or Needing Support:* Teacher will be notified of a vacancy for which they are qualified and the teacher may submit application materials for consideration by the Superintendent or designee

Eligibility for recall will be determined based on the following criteria, in order:

- The teacher with the highest evaluation rating will be eligible first, proceeding to the lowest evaluation rating
- If two teachers are being considered and share the same evaluation rating, then the Superintendent must compare the potential individuals using each of the elements of the standards as set out below, subject to Section 1248 of the Revised School Code. Only when all elements within one level are equal and the candidates cannot be differentiated should the Superintendent or his/her designee move to the next level.
 - The teacher's disciplinary record;
 - The teacher's attendance record;

- Relevant special training, including completion of relevant training other than professional development or continued education that is required by Wayne RESA or by state law, including the integration of that training into instruction in a meaningful way;
- The teacher's length of service in the grade level or subject area where the vacancy exists.

Evaluations

Effective July 1, 2024, if applicable, the evaluation tools for both administrators and teachers will be reclassified to have three ratings: effective, developing, and needing support. Student growth components for both administrators and teachers will be calculated based on the requirements of the Revised School Code. Any disputes regarding evaluations will be subject to the dispute process in Section 1249 of the Revised School Code.

Administrators. The Superintendent will evaluate administrators annually. Beginning in the 2024-2025 school year, for the first three years a school administrator is in a new administrative position, the Superintendent will assign a mentor to the school administrator. The Superintendent will, for each year the administrator is evaluated, conduct a midyear progress report.

Teachers. Building principals will evaluate teachers annually. All teacher evaluations require at least two observations and at least one observation will be unscheduled. Any midyear progress meetings conducted by Administrators will review relevant student achievement data. The evaluation system will rate teachers with ratings as required by Section 1249 of the Revised School Code. Administrators will provide written feedback to teachers as required by law.

Beginning in the 2024-2025 school year, classroom observations must be for a minimum of fifteen minutes, but need not be an entire class period. One observation will be unscheduled. Building principals will meet with teachers following observations and provide written observation feedback within thirty (30) days of the observation.

Employees Whose Evaluations are Not Governed by Section 1249 of the Revised School Code. The Superintendent will determine the manner in which such employees are evaluated.

HIPAA. Wayne RESA is committed to compliance with the health information privacy and security requirements of the [Health Insurance Portability and Accountability Act of 1996](#) (HIPAA). Wayne RESA currently offers its employees [Employer Sponsored Health Care Plans](#). These are considered “health plans” within the meaning of HIPAA and Wayne RESA is the “Plan Sponsor.” In order to assure compliance with HIPAA, the following Administrative Safeguards have been established.

Administrative Safeguards. The following safeguards will be implemented to ensure the confidentiality of protected health information, whether created, received, maintained, or transmitted by the Plan. This includes information in electronic form, whether it is being stored or transmitted.

Authorization. The Superintendent appoints the Manager of Human Resources to serve as Wayne RESA's HIPAA Privacy and Security Officer. Only Wayne RESA employees designated by the Privacy and Security Officer as requiring access to protected health information for Plan administration purposes will be given access to protected health information. These employees may view protected health information necessary to perform their duties without express authorization from the Plan member.

Training. Wayne RESA employees authorized to have access to protected health information will receive training on an annual basis. Each such employee will be provided with a copy of the privacy policy and required to affirm, annually, in writing, that they have received the policy.

Security Incidents. Suspected or known security incidents will be identified, responded to, and documented in writing. The harmful effects of such security incidents, known to the Plan, will be mitigated to the extent practicable.

Physical Safeguards. Plan members' protected health information will be stored in a locked file cabinet used solely for this purpose. Paper documents containing protected health information will be shredded before being discarded. Electronic files containing protected health information, if any, will be password protected. A facsimile machine used to transmit and receive protected health information will be in a secure location.

Technical Safeguards. To the extent protected health information is maintained electronically, access to electronic information systems or software programs will be provided to only those persons who have been granted access rights to protected health information. Procedures for controlling and tracking the handling of hardware and software, data backup, storage, and disposal will be implemented. This includes the receipt, handling, and disposal of protected health information. Employees will be required to close files when leaving their workstations to protect confidentiality.

The HIPAA Privacy and Security Officer will develop a contingency plan to maintain the continuity of operations in an emergency or disaster and to enable recovery of data following disaster. An annual internal audit of data security will be conducted, including the evaluation of security measures to protect data and review of personnel compliance with the Policy and procedures.

Remote Work

Voluntary Request. Employees may submit a written remote work request to their directing manager. In conjunction with the directing manager, Human Resources may grant or deny employee requests at their sole discretion.

Accommodation Request. Employees may request to work remotely in unique circumstances or when an employee with a qualifying disability believes that working remotely would allow them to perform the essential functions of their job. Human Resources will review such requests consistent with all applicable legal standards.

Remote Work Considerations.

Generally, Human Resources will consider requests to work remotely when: working remotely is appropriate considering the nature and essential functions of the employee's job; the employee has demonstrated sustained high performance and the directing manager believes the employee can maintain the expected quantity and quality of work while working remotely; the employee has a suitable off-site work location; and the remote work guidelines and terms of agreement are satisfactorily met.

Conversely, Human Resources will generally not approve requests to work remotely when: the nature of the employee's job requires their physical presence in the workplace, such as when the employee must supervise the work of other employees or be present to interact with other employees or third parties; the employee has received disciplinary action within the last twelve (12) months; the employee has a demonstrated attendance problem; the employee requires close supervision; the employee has not completed their first observation and/or employed for 30 days, or the remote work guidelines and/or terms of the remote work agreement are not being met.

Approvals that are granted can later be withdrawn at the Agency's sole discretion. If a remote work request is approved, employees must comply with all Agency policies, procedures, and safety standards to the same extent as if they were working in person.

Family and Medical Leave Act (FMLA)

Eligibility. Wayne RESA employees may be eligible for up to 12 weeks of unpaid leave under the [Family and Medical Leave Act](#) (FMLA). Employees are eligible if they: have at least 12 months of service with Wayne RESA; and, have worked for Wayne RESA for at least 1,250 hours within the preceding 12-month period. The 12-month period will be calculated separately for each employee. It will be determined based on a rolling calendar, looking backward from the commencement of the FMLA leave.

Qualifying Events. FMLA leave may be taken: for the birth of a child and to care for a newborn child; for the placement of a child with the employee for adoption or foster care; to care for a child, spouse, or parent of the employee who has a serious health condition; for the employee's own serious health condition which causes the employee to be unable to perform the essential functions of his or her job; where the employee experiences a qualifying exigency arising out of the fact that the employee's spouse, parent, or child is a covered military member on active duty or has been called to or on covered active duty status in the National Guard or Reserves; or, to care for an armed forces member or qualified veteran who is a spouse, parent, child, or next of kin of the employee and who is injured while on covered active duty, including an injury that manifests itself after completion of active duty.

Serious Health Condition. A "serious health condition" for purposes of this administrative regulation is an illness, injury, impairment, or physical or mental condition that involves: an overnight stay in a hospital, hospice, or residential medical care facility; a period of incapacity for more than three consecutive days, combined with continuing treatment or supervision by a health care provider; a period of incapacity due to pregnancy or for prenatal care; a period of incapacity due to a chronic serious health condition; a period of incapacity that is permanent or long term; or, a period of absence during which the employee will receive multiple treatments from a health care provider for restorative surgery or for a condition that would likely result in a period of incapacity of more than three full calendar days in the absence of medical treatment (e.g. chemotherapy, physical therapy or radiation).

Applying for a Leave under the FMLA. An employee who plans to take FMLA leave must provide Wayne RESA with written notice at least 30 days in advance. If the FMLA leave is not foreseeable, and 30 days' notice cannot be given, the employee must submit the request for leave as soon as possible (within two working days of learning of the need for leave, absent extenuating circumstances). Where an employee fails, or is unable to provide thirty 30 days' notice of a foreseeable leave, Wayne RESA may delay the commencement of the leave for up to 30 days after the employee provides the required notice.

Wayne RESA will provide employees requesting FMLA leave with written notice specifying the expectations and obligations of the employee while on leave and explaining the consequences of failure to meet those obligations.

Intermittent Leave. FMLA leave taken to care for a family member with a serious health condition or due to the employee's own serious health condition may be taken intermittently or on a reduced schedule, when medically necessary.

FMLA leave requested for the birth of a child, to care for a newborn child or for the placement of a child with the employee for purposes of adoption or foster care may not be taken intermittently or on a reduced leave schedule unless the employee and Wayne RESA agree.

Instructional employees who request intermittent leave or a reduced schedule FMLA leave that constitutes more than 20% of the working days in the period during which the leave would extend may be required to choose either to: take FMLA leave for all or part of the FMLA leave period; or, transfer temporarily to an alternative position with equivalent pay and benefits that better accommodates Wayne RESA's needs during the leave.

Instructional employees who request FMLA leave that will end near the conclusion of an academic term may be required to continue the leave until the end of the term.

Group health plan benefits will be maintained for the employee during the FMLA leave and Wayne RESA will contribute the same portion of the premium as it did while the employee was working. If the employee fails to make timely payment of his/her portion of the premium, Wayne RESA reserves the right to cease to maintain the employee's health benefits, provided Wayne RESA notifies the employee in writing at least 15 days before health coverage will lapse. If the employee fails to return from leave, the employee may be required to reimburse Wayne RESA for all premiums paid by Wayne RESA during the leave.

FMLA leave is generally unpaid. If the employee has paid leave time available under an applicable contract, the employee will be required to use their ESTA allotment (maximum of 72 hours) first without charge to their annual FMLA allotment. If the employee does not have enough sick leave available to cover their leave, accrued paid vacation or personal leave may be substituted for any part of the twelve (12) week FMLA leave period. Wayne RESA will require an employee's available sick leave be substituted for any part of the FMLA leave if the employee or a family member of the employee has a serious health condition for which sick leave is otherwise available. FMLA leave also runs concurrently with workers' compensation or disability insurance coverage for a serious health condition.

Wayne RESA may require that any FMLA leave request be supported by certification (and, in appropriate cases, by periodic re-certifications) from a health care provider. The certification should be provided before the leave begins, if foreseeable, and must, in any event, be provided within 15 calendar days of a request made by Wayne RESA. The failure to provide a required medical certification in timely fashion may result in denial of the leave until the certification is provided.

An employee is not entitled to the accrual of any seniority or employment benefits that would have otherwise accrued during the period of leave unless specifically provided by the applicable collective bargaining agreement or an individual contract of employment.

Wayne RESA is prohibited from terminating or in any other manner discriminating against an employee for exercising rights under the FMLA.

Return from Leave. Wayne RESA may require that an employee returning from FMLA leave due to a serious health condition obtain certification from his/her health care provider that the employee is able to resume his/her duties and responsibilities.

Upon returning from FMLA leave, the employee may be returned to the same position he/she previously held or to an equivalent position with equivalent pay, benefits and other terms and conditions of employment. However, an employee on FMLA leave has no greater right to reinstatement or other benefits than if he or she had been continuously employed during the leave period. An employee on FMLA leave remains subject to legitimate job changes and reductions in force that occur during the leave, and such changes may result in the employee being denied reinstatement. Wayne RESA may, after notice, deny reinstatement to the highest paid 10% of all employees ("key employees") where necessary to prevent substantial and grievous economic injury to Wayne RESA.

Earned Sick Time

Unless specifically enumerated by a collective bargaining agreement, contract, or handbook, eligible full-time employees will be provided 72 hours of sick time (EST) which may be used consistent with the Earned Sick Time Act (ESTA) per benefit year. Wayne RESA's benefit year begins on July 1. Eligible employees hired

after the beginning of the benefit year will be provided sick time on a pro-rata basis. Full-time eligible employees may not carry over EST from one benefit year to the next.

Unless specifically enumerated by a collective bargaining agreement, contract, or handbook, part-time eligible employees will accrue earned sick time (EST) at the rate of one hour for every 30 hours worked. Part-time eligible employees may not use more than 72 hours of EST during a benefit year. Wayne RESA's benefit year begins on July 1. Part-time eligible employees may carryover up to 72 hours of accrued and unused EST from one benefit year to the next, but in no case may an employee use more than 72 hours of EST in any benefit year.

Days when Wayne RESA is closed will not be considered closed due to a public health emergency unless specifically designated as such by the Agency's Superintendent. EST may not be used except in the manner permitted by Michigan's Earned Sick Time Act (ESTA). EST must be used in increments consistent with the agency's payroll system.

Eligible employees are required to follow all rules for calling in to report absences, tardiness, or leaving early. When foreseeable, employees must provide at least seven days' notice, or as soon as practicable if such notice is impossible. Eligible employees who use or wish to use EST will be required to provide documentation acceptable to the agency after more than three consecutive absences to determine EST is being used only for reasons permitted by Michigan law. Unless specifically enumerated by a collective bargaining agreement, contract, or handbook EST has no cash value and accrued but unused time shall be forfeited upon separation from employment.

In addition to unpaid trainees or interns, individuals employed in accordance with the Youth Employee Standards Act, and public officials, the Deputy Superintendent may designate certain positions as ineligible to earn EST because they are permitted to schedule their own working hours. Wayne RESA is prohibited from taking adverse personnel action against an employee in these positions for the sole purpose that the employee does not schedule a minimum number of working hours.

Aiding or Abetting All Wayne RESA employees, contractors, and agents are prohibited from recommending for employment any person the recommender knows or has probable cause to believe has engaged in sexual misconduct with a student or minor in violation of the law.

3004-AR Evaluations, Discipline and Discharge, Resignations

Evaluations

Superintendent's Evaluation. The Board will evaluate the Superintendent annually. Superintendent evaluations will be consistent with the Superintendent's employment contract and compliant with Michigan law in a format determined by the Board of Education.

Employees Whose Evaluations are Not Governed by [Section 1249](#) of the Revised School Code. The Superintendent will determine the manner in which such employees are evaluated.

Discipline and Discharge

Voluntary Discipline and Discharge. Voluntary discipline and discharge should be documented in an agreement approved by Wayne RESA's Deputy Superintendent.

Involuntary Discipline and Discharge.

Due Process. Involuntary Discipline and Discharge should be preceded by such due process as is required by the law and the employee's individual employment contract or collective bargaining agreement.

Authority. Wayne RESA's Superintendent and Deputy Superintendent of Administrative Services have authority to approve involuntary discipline or discharge. Involuntary discipline and discharge (as well as other actions) that trigger the requirements of the [Teachers' Tenure Act](#) may only be taken in conformity with the Act's requirements.

Retirement and Resignation Wayne RESA employees may retire or resign at any time in conformity with any applicable individual employment contract or collective bargaining agreement. Retirements and resignations must be submitted to Wayne RESA's Superintendent or Deputy Superintendent of Administrative Services. The Superintendent and her designees, the Deputy Superintendent of Administrative Services and the Manager of Human Resources, has the authority to accept resignations on behalf of the Board of Education.

3005-AR Other Matters of Employment

Whistleblowers' Protection Act A person who reasonably believes a violation of the law, Board policy, or these administrative procedures has or is about to occur should submit their concern, in writing, to Wayne RESA's Superintendent or, if Wayne RESA's Superintendent is involved in the violation, the President of the Board of Education. Such concerns will be investigated and resolved using the process set forth in Administrative Regulation 7007.1.

Employment Contracts and Collective Bargaining Agreements Wayne RESA administrators and others are usually employed by Wayne RESA pursuant to individual employment contracts. The Deputy Superintendent of Administrative Services is authorized to work with Wayne RESA's attorney to create legally compliant individual employment contracts for administrators and others that provide Wayne RESA with the flexibility to assign and re-assign staff as necessary to promote Wayne RESA's teaching and learning objectives. Individual employment agreements are not binding on Wayne RESA unless and until they are approved by the Board of Education in open session.

The Deputy Superintendent of Administrative Services is directed to review and understand the staffing and financial implications of all collective bargaining agreements into which Wayne RESA may have entered and, prior to each round of collective bargaining, to propose to the Superintendent necessary and desirable changes to improving teaching and learning in Wayne RESA given Wayne RESA's financial resources and other limitations. The Deputy Superintendent of Administrative Services should also police the implementation of Wayne RESA's collective bargaining agreements in a legally compliant manner and in the interest of improving teaching and learning in Wayne RESA consistent with Wayne RESA's financial resources and other limitations.

Negotiations. The Superintendent will, in consultation with the Board of Education, appoint a negotiating team for each round of collective bargaining with each labor organization. The Superintendent will, confidentially in closed session: consult with and inform the Board of Education, of Wayne RESA's objective in collective bargaining; how Wayne RESA objectives affect teaching and learning in Wayne RESA given Wayne RESA's financial resources and other limitations; the position of the bargaining unit in collective bargaining; periodically, the progress of negotiations; and, any tentative agreement(s). Tentative agreements and collective bargaining agreements are not binding on the Board unless and until they are approved by the Board of Education in open session.

Interpretation. Individual employment contracts and collective bargaining agreements may not be, or be interpreted, in a manner that is inconsistent with the laws and regulations of the United States or the State of Michigan. Individual employment contracts and collective bargaining agreements may not, and may not be interpreted to, implicitly restrict the legal authority and prerogatives of the Board of Education and Wayne RESA, except by clear and unambiguous language approved by the Board of Education in open session.

Consultants Before employing a consultant, the Board requires the submission of a written proposal that can be incorporated into a written contract. The proposals should include:

- The consultant is being hired on an at-will basis only;
- The specific objectives to be accomplished by the consultant;
- The specific tasks to be performed;
- The procedures used to carry out the tasks;
- The target dates for completion of the tasks;
- The method used to report results to the Board and/or delivery of the product to the Board; and
- The consultant's compensation, if any.

3006-AR

Appeals

Any Wayne RESA employee may appeal a decision arising under or relating to the 3000 series Board policies and administrative procedures. Such an appeal must be submitted to Wayne RESA's Deputy Superintendent of Administrative Services, in writing, no later than 10 calendar days after the employees becomes aware of the grounds for appeal. Such appeals will be investigated and resolved using the process set forth in Administrative Regulation 6004-AR.

4000-AR

BUSINESS

The 4000 series of Board Policies requires or permits the Superintendent, or his/her designee, to promulgate and implement administrative regulations. The Superintendent, pursuant to this authority, promulgated and implemented these administrative regulations on April 1, 2023 and posted them on Wayne RESA's website. All Wayne RESA personnel are required to follow these administrative regulations.

The Superintendent designates Wayne RESA's Deputy Superintendent of Administrative Services to review the 4000 series of Board Policies and these regulations at least annually. The Deputy Superintendent of Administrative Services is also expected to recommend to the Superintendent legally compliant revisions and additions to the 4000 series of Board Policies and these administrative regulations.

4002-AR

Budget Planning and Adoption

The Superintendent designates Wayne RESA's Assistant Superintendent of Financial Services as the administrator with primary responsibility for developing and proposing Wayne RESA's annual budget and any necessary or prudent budget revisions. Wayne RESA's Assistant Superintendent of Financial Services will also be Wayne RESA administrator with primary responsibility for preparing and delivering such reports and data as may be required by the State of Michigan, the Board, or the Superintendent.

The Assistant Superintendent of Financial Services will develop and present the Superintendent with a proposed annual budget on or before April 1 of each fiscal year. The proposed annual budget will meet all applicable legal requirements and, in addition, will be consistent with Board policy and administrative procedures and best practices, including the most recent, applicable GASB Statement. The Assistant Superintendent of Financial Services will develop and present to the Superintendent, in a timely fashion, such proposed amendments to Wayne RESA's annual budget as may be warranted by Wayne RESA's financial circumstances.

The Board will submit its proposed budget for the next fiscal year to its constituent districts on or before May 1. The constituent districts will review the proposed budget and, no later than June 1, will adopt a resolution approving or disapproving of the budget and provide the Board with specific objections and proposed changes. The Board will consider all objections and proposed changes. In addition, the Board will also prepare an annual special education budget for delivery to the county clerks.

In a timely fashion, the Assistant Superintendent of Financial Services will prepare the reports and data that Wayne RESA is required to file with the State of Michigan and/or post on its website. These reports will be submitted to the Superintendent for review and approval before they are filed or posted. The Assistant Superintendent of Financial Services will also prepare and deliver such other reports and data as may be requested by the Board or the Superintendent.

4003-AR

Purchasing

Wayne RESA must procure supplies, equipment, and services to carry out its educational mission. The Assistant Superintendent of Financial Services is the Wayne RESA administrator with primary responsibility for ensuring Wayne RESA procurement is: consistent with Wayne RESA's educational mission; as efficient and effective as possible, given the circumstances; and, consistent with all legal requirements and Board policies. The Assistant Superintendent of Financial Services may recommend to the Superintendent revisions to these administrative regulations necessary to accomplish these goals.

Procurement Using Federal Grants and Awards The following procedures must be followed with respect to federal grants and awards.

Cash Management. Cash management procedures are governed by [2 CFR 200.305](#). The regulation permits Wayne RESA to make payments to vendors by electronic funds transfer, check, warrant, or other means that minimize the time that elapses between the transfer of federal funds to the Constituent LEA/PSA.

Disbursements to Wayne RESA Vendors. Advance payments of federal grants and awards to Wayne RESA must be deposited and maintained in insured accounts, whenever possible. Advance payments of federal grants and awards to Wayne RESA must be deposited in interest bearing accounts, unless: Wayne RESA receives less than \$120,000 in federal awards and grants per year; the best reasonably available interest-bearing account would not be expected to earn interest in excess of \$500 per year on federal cash balances; the depository requires an average or minimum balance so high it would not be feasible given federal and non-federal case resources; or, a foreign government or banking system prohibits or precludes interest-bearing account. Interest earned amounts up to \$500 per year may be retained by Wayne RESA for administrative expense. Interest earned over \$500 must be returned according to the procedures described in the regulation.

Allowability. The allowability of costs posted against federal grants and awards is governed by the program legislation, pertinent federal agency regulations, including those referenced in [2 CFR 200.302\(b\)\(7\)](#), and the terms and conditions of the grant or award. Wayne RESA personnel are also expected to comply with the December 2013 OMB Super circular, entitled “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards,” applicable Michigan law, and applicable Wayne RESA policies and administrative regulations.

Wayne RESA’s Assistant Superintendent of Financial Services must approve all costs posted against federal grants and awards and, then, only after Wayne RESA’s grant or award manager has approved a received bill or invoice. Payroll costs will be documented according to the December 2013 OMB Super circular. When permitted by the grant or award, indirect costs will be charged using the rate approved by Michigan Department of Education.

Conflicts of Interest. Conflicts of interest are governed by [2 CFR 200.318](#). Wayne RESA Board members, employees, and agents engaged in the selection, award, or administration of contracts paid for, in whole or in part, by federal grants and awards may not have a prohibited conflict of interest. A prohibited conflict of interest exists when a Wayne RESA Board member, employee, or agent (or any members of his or her immediate family) has a financial interest in or has or would receive a tangible personal benefit from a firm considered for such a contract. A Wayne RESA Board member who violates this administrative regulation is subject to discipline by the Board of Education or the Governor. A Wayne RESA employee or agent who violates this administrative regulation is subject to discipline, up to and including discharge. This administrative regulation does not, and should not be interpreted to, supersede, or diminish other laws, Board policies, or administrative procedures concerning prohibited conflicts of interest.

Procurement Procedures. Wayne RESA procurement procedures are governed by [2 CFR 200.319](#). Wayne RESA procurement solicitations must: include a clear and accurate description of the technical requirements for the material, product, or service to be procured that does not, in competitive procurements, contain features that unduly restrict competition by prospective vendors; and, identify all requirements prospective vendors must fulfill and all other factors Wayne RESA will use in evaluating bids or proposals.

Evaluations of Proposals. Most, but not all, solicitations for supplies, materials and services paid for, in whole or in part, by federal grants and awards involve competitive bidding. [2 CFR 200.320](#), [2 CFR 200.321](#), and/or [2 CFR 200.323\(a\)](#) are applicable to such situations. Among other things, the regulation requires Wayne RESA to create a written description of the manner in which Wayne RESA will conduct its technical

evaluation of proposals by prospective vendors.

Travel. See 2 CFR 200.474. The travel costs (i.e., transportation, lodging, subsistence, and related costs) for Wayne RESA Board members, employees, and agents may not be paid from federal grants and awards unless: they would be reimbursed pursuant to applicable Wayne RESA policies and procedures; and, the individual's participation is necessary to the federal grant or award.

An Approval of Request Form signed by the Superintendent shall constitute certification for authorized travel. Certain employees shall be authorized by the Superintendent to travel locally in the performance of their duties and submit expense vouchers for reimbursement.

Reimbursable Expenses

1. Lodging (actual room cost),
2. Meals – Reimbursement for meals shall not exceed \$60 per day and shall be reasonably prorated between expenses for breakfast, lunch, and dinner.
3. Conference registration fees,
4. Parking and tolls,
5. Common carrier transportation,
6. Use of private vehicle,
7. Postage, telephone, and fax charge for business purposes, and
8. Charge for baggage service, tips (not to exceed 15 percent).
9. Advances

Request for an advance to pay expenses at a conference shall be made at the time application is made and shall be approved by the Superintendent. Immediately upon return, a financial accounting, including documentation, shall be made to the business office and any unused funds returned. Expenditures not documented shall not be reimbursed by the Agency. Petty cash funds may not be used for cash advances.

Daily Travel. Local travel as authorized under these regulations is to be recorded on a daily basis and submitted to the business office at least quarterly. Voucher must include, date, destination, purpose of travel, and number of miles for each trip.

All requests for reimbursement for travel during a fiscal year shall be submitted to the business office by June 30 of that year.

Construction. As reflected in the Board of Education Policies, Wayne RESA will construct new buildings and add to or renovate existing buildings through competitive bidding as required by law. Wayne RESA will also purchase materials, equipment, and supplies for Wayne RESA operations on a competitive basis as required by law.

Procedures.

- Any construction of new buildings or additions or renovations of existing buildings will, to the extent required by law, be based on competitive bidding, typically through an RFP approved by Wayne RESA's Assistant Superintendent of Financial Services, Wayne RESA's Superintendent, and the Board of Education.
- All purchases of materials, equipment and supplies will be made through the issuance of a purchase order signed by Wayne RESA's Assistant Superintendent of Financial Services.

- Prior to issuing a purchase order, competitive pricing is to be pursued, as follows:
 1. *Competitive Bids.* The competitive bidding process will be followed, where required by law.
 2. *Purchases Not Subject to Competitive Bidding.* In all other instances, Wayne RESA shall use measures, considered reasonable under the particular circumstances, intended to secure the highest quality product at the lowest possible price.
- Generally, orders or contracts will be awarded to the lowest, responsible, qualified vendor, considering the following factors: price, quality, conformance to specifications, identified needs, service and maintenance, and vendor reliability.

Procurement of Professional Services Professional services, such as architectural, legal, engineering, consulting, and auditing services, frequently requires familiarity with Wayne RESA personnel, practices, and facilities. Wayne RESA recognizes there are advantages in maintaining continuity in the provision of these services and does not require bidding or annual re-bidding, except in cases where the Superintendent or Board of Education considers it in Wayne RESA's best interest. Periodically, Wayne RESA may competitively bid such services to ensure that service and pricing are aligned with Wayne RESA's best interests and industry norms. The criteria for awarding contracts for professional services will be determined by the Board of Education, following recommendations from the Superintendent, on an *ad hoc* basis.

Bid Protest A vendor who has actually submitted a bid may file a bid protest if that bid is not selected and otherwise conforms with the requirements for a complete bid under the solicitation documents. The bid protest must: contain a complete statement of the basis for the protest and all supporting documentation, including identifying information for the project (e.g., title, bid/RFP date, requisition number); refer to the specific portion(s) of the solicitation or other documents upon which the bid protest is based; and, include the name, address, and telephone number of the person representing the protesting vendor.

A bid protest must be filed in writing with the Superintendent within three (3) business days after the opening of the bid protested. Failure to strictly comply with any requirements for a bid protest will constitute waiver of protest proceedings.

Within five (5) business days after receipt of a bid protest, the Superintendent will review the bid protest. The Superintendent will within a reasonable time thereafter issue a written decision on the bid protest, and the decision will be final. The Superintendent may notify the Board of Education of the bid protest and the Superintendent's decision.

4004-AR Surplus Property

The Superintendent, or designee, will develop a process for the periodic review of all real and personal property owned by Wayne RESA to determine whether any property is no longer needed for Wayne RESA purposes. This may be due, in part, to the fact that the property is outdated or broken and beyond repair.

Disposal of Real Property Real property consists of Wayne RESA land and buildings and fixtures. The Superintendent, or designee, will periodically review the real property owned by Wayne RESA to determine whether any such property is believed to be no longer needed for Wayne RESA purposes. The Superintendent, or his/her designee, will, based on this review, recommend to the Board that it consider disposing of any real property that has been identified as no longer needed for Wayne RESA purposes. The recommendation may include the estimated value of the property and possible means of disposition. In cases when the Board authorizes the sale or other disposition of real property, the Superintendent may, with concurrence of the Board, establish the asking price and other minimum terms. This information may be

disseminated to real estate brokers, agents, and other persons who have indicated an interest in acquiring the property and the property may be listed or advertised for sale.

If the Board resolves to dispose of surplus real property by seeking bids or offers, the Superintendent, or designee, will solicit bids by publishing a notice including the following information and conditions:

- That sealed offers (or bids) are being solicited;
- The date for submission of offers (or bids) with a statement that late offers (bids) will not be considered;
- The type of offers desired – cash, lease, or exchange;
- The amount of an earnest money deposit which must accompany an offer;
- That the property is offered “as is,” unless otherwise authorized by the Board;
- That the person seeking to acquire the property will be given an opportunity, at the prospective purchaser’s sole expense, to inspect and perform testing customarily required in connection with the purchase of similar property during a period of not more than ninety (90) days (unless otherwise authorized by the Board) and that restoration of the premises and indemnity will be required to be provided by the person or entity seeking to acquire the property;
- That title insurance will be provided by Wayne RESA;
- That the offer must be irrevocable for ninety (90) days;
- That a contract to dispose of real property owned by Wayne RESA shall not be binding upon Wayne RESA unless and until approved by the Board of Education through resolution at a public meeting and executed by the person or persons specifically authorized to do so by the Board; and,
- That Wayne RESA reserves the right to accept or reject any and all offers, in whole or in part, and reserves the right to negotiate the terms and conditions of any offer deemed to be in the best interest of Wayne RESA. Bids or offers solicited in this fashion will be forwarded to the Board with the recommendation of the Superintendent.

Disposal of Personal Property The Superintendent, or designee, will periodically prepare a list of the personal property of Wayne RESA that is found to be no longer needed for Wayne RESA purposes. The property shall be classified within broad groupings.

The list shall be submitted to the Board of Education with a recommendation for disposal of the same. If the Board approves the disposal of some or all of the property, the Superintendent or his/her designee may proceed with the sale or other disposition of the property. The method of sale or disposition shall depend on the nature of the property and other circumstances. All determinations shall be made based upon what is considered to be in the best interest of Wayne RESA.

4005-AR

Investments

Operating Procedures The Superintendent designates to Wayne RESA’s Assistant Superintendent of Financial Services primary responsibility for the investment of Wayne RESA funds. The Assistant Superintendent of Financial Services will publish operating procedures that will be delivered to the

Superintendent and Board of Education for approval. These procedures will include: the specific delegation of authority to persons responsible for investment transactions; and, a system of controls to regulate investment activities, to be reviewed annually by Wayne RESA's independent auditor. The controls will include:

- Control against improper collusion;
- The separation of transaction authority from accounting and record keeping;
- Custodial safekeeping;
- The written confirmation of transactions for investments and wire transfers; and,
- The development of a form wire transfer agreement.

Reporting Requirements The Superintendent will make a quarterly report to the Board concerning Wayne RESA's investments. The Assistant Superintendent of Financial Services will prepare a quarterly report for the Superintendent concerning Wayne RESA's investments and deliver it to the Superintendent at least two weeks before the end of each quarter. Each of the Assistant Superintendent of Financial Services' quarterly reports to the Superintendent will include detailed information concerning: portfolio diversification; maturity structure; potential risk; and, a comparison of the performance of Wayne RESA's portfolio with generally followed market measures.

Separately, the Superintendent will make an annual report to the Board concerning Wayne RESA's investments. The Assistant Superintendent of Financial Services will prepare an annual report for the Superintendent concerning Wayne RESA's investments and deliver it to the Superintendent on April 1 of each fiscal year. The Assistant Superintendent of Financial Services' annual report will include a list of all of the institutions Wayne RESA used to make investments during the fiscal year and the types of investments made by each institution. The Assistant Superintendent of Financial Services may not use institutions or make investments prohibited by law and may not authorize investments in derivatives, leveraged investments, or other instruments with significant risk of price volatility. The Assistant Superintendent of Financial Services, when considering a particular investment, should consider the following criteria, in the following priority: preservation of principal; Wayne RESA cash flow needs; yield; and, coordination with other available financial services and Wayne RESA needs.

4006-AR

Risk Management

Wayne RESA promotes safety and accident prevention for its students and employees in consultation with its insurer(s). The following on-going measures are designed to further this undertaking: the Assistant Superintendent of Financial Services will regularly report to the Superintendent or his/her designee all accidents, injuries, and property loss or damage within Wayne RESA and perceived risks of future harm, with recommendations to minimize such risks; and, the Assistant Superintendent of Financial Services, or his/her designee will arrange for education of students and in-service for employees on matters of school safety and review all Wayne RESA insurance policies and recommend to the Superintendent and the Board of Education areas in which modifications in coverage are warranted.

If selected for an audit, *Revised School Code* section 622a(1) requires the audit to include at least three of eight aspects of the ISD's operations to be addressed. These are listed as (a) through (h) below. (The exact statutory language can be reviewed in the attachment.) Following each item is a description of what the ISDs should be prepared to make available to the auditor in the event that the item is chosen to be included in the audit.

(a) Adherence to ISD Ethics Policy

If the ISD has a policy specifically referred to as "an ethics policy," the ISD should be prepared to provide a copy of the policy and written procedures describing how adherence to the policy is assessed. If an ethics policy has been adopted but written procedures are not in place, the ISD should be prepared to describe procedures to determine if employees are behaving in accordance with the policy during an interview with the auditor. If the ethics policy has specifics that could be tested, the auditor will most likely test a sample related to those specific details.

If the ISD does NOT have a specific "ethics policy" in place, the ISD may be required to provide copies of other policies that have been adopted by the board (sexual harassment, internet usage, conflict of interest, purchasing, etc.) that would reflect the expectation of ethical behavior on the part of the board members, administrators, and employees.

(b) Adherence to Conflict of Interest Policy

The ISD should be prepared to provide a copy of its conflict of interest policy, a description of how the policy is being monitored (either written [preferred] or verbal), and a description of the procedures that are used to disclose conflicts of interest that may exist. The ISD should also be prepared to provide a copy of its purchasing or procurement policy. The auditor will also ask for a list of contracts over the competitive bid limit from which a sample will be drawn; the bid packets will need to be made available, as well as board minutes to check for any disclosure of conflicts, if such a conflict existed. The auditor may ask for a list of the board members and their spouses' names. Finally, the auditor may request a description of the procedures used to communicate to administrators and board members the prohibition on accepting money, goods, or services in excess of \$44 in a one-month period without providing goods or services of equal value in exchange. For other related information, see the text of *Revised School Code* Section 634 on Conflict of Interest.

NOTE: "Contract" is defined in Black's Law Dictionary as "an agreement between two or more parties creating obligations that are enforceable or otherwise recognizable by law." "Contract" does not include purchase orders.

(c) Competitive Bidding of Contract Modifications

The ISD should be prepared to provide a listing of all contracts (see definition of "contract" above) for construction or goods in which the amount of a change order (or the combined total of the original contract and the change order) were above the state bid threshold. A sample will be drawn from the listing. The bid/contract packets including the change order will need to be made available from the sample drawn, as well as related board minutes. The auditor may request a copy of the ISD's purchasing or procurement policy. If the modification or change order was not competitively bid, the ISD should be prepared to provide an explanation (e.g., the change did not significantly alter the scope of the project; unanticipated additional expenses were already built into the contract; etc.). It would be to the ISD's advantage to have the explanations documented in the contract packet and/or in board minutes.

(d) Freedom of Information Act (FOIA) Requests

The ISD should be prepared to provide a copy of the ISD's FOIA policy and procedures; the name of the ISD's FOIA coordinator; and access to FOIA requests from which a sample will be drawn.

(e) Adherence to Travel Guidelines and Practices

The ISD should be prepared to provide a copy of the travel guidelines and policy and access to travel files. The ISD may be asked to produce a vendor report with ISD employees identified. A sample of ISD employees may be drawn from the vendor report. For other related information, see the text of *Revised School Code* Section 621a on Travel Policies.

(f) Accounting and Reporting of ISD Administrator Compensation

ISDs should be prepared to provide the names of its administrators. "Public school administrator" is defined in Michigan Law as "...a superintendent, assistant superintendent, chief business official, principal, or assistant principal employed by a school district, intermediate school district, or public school academy." [MCL 423.201(1)(g)] It is recommended that ISDs consider persons in the category of "deputy superintendent" or "associate superintendent" to fall under the category of "assistant superintendent." Further, an individual ISD may choose to expand this list as they feel necessary. Those positions listed in the legal definition of public school administrator should be considered the minimum.

Based upon direction from Treasury, the auditor may select a sample of administrators or may choose a 100% sample. For each administrator in the sample, the auditor will want access to records of all payments made to the individual in the payroll file, access to the employment contract, access to the vendor file and general ledger for other payments made to the individual, and a copy of the W-2 form.

(g) Use of Public Funds in Violation of Law; Use of Public Funds for Items not Used for Instructional Purposes

The ISD should be prepared to provide its definition of "instructional purposes," a listing of vendors that are used to purchase food or gifts from which a sample could be drawn, and identification of district-issued credit cards from which a sample of purchases could also be drawn. Vendor packets and materials related to the sampled purchases should be made available. NOTE: It should not be assumed that the purchase of food, gifts, or other items that are not used for instruction are illegal purchases; however, they may be flagged and questioned. Further, some employees may be interviewed to discuss certain vendors or certain purchases, similar to the interviewing process used to identify potential fraud.

(h) Expenditure of Millage Funds for Area Vocational-Technical Education Operating Purposes or Special Education Operating Purposes

The ISD should be prepared to provide copies of the ballot language for all millages that were in effect during the audit period and access to accounting records, including payroll, for a sample of related disbursements to be reviewed. NOTE: Work continues in the areas of defining vocational technical education operating purposes and special education operating purposes. Additional detail will be provided in this guidance when that work is completed.

borrowings and other borrowings of Wayne RESA, including but not limited to tax-exempt bonds, refunding bonds, tax credit bonds, installment and lease purchase agreements, lines of credit, and state aid notes (SAN) and tax anticipation notes (TAN), and are collectively referred to as “obligations.”

Wayne RESA intends to ensure that all tax-exempt obligations issued by Wayne RESA satisfy all requirements of the [Internal Revenue Code of 1986](#), as amended (the “Code”) and regulations there under (the “Regulations”). The Internal Revenue Service (IRS) has recommended that issuers of tax-exempt and tax-advantaged obligations have written procedures in place to enable the issuer to effectively monitor the post-issuance compliance requirements outlined in the IRS Code. Accordingly, Wayne RESA will maintain a procedure for post-issuance compliance that encompasses the following key elements: due diligence review at regular intervals; identifying Wayne RESA official or employee responsible for review; training of the responsible Wayne RESA official or employee; retention of adequate records to substantiate compliance (e.g., records relating to expenditure of proceeds); procedures reasonably expected to timely identify noncompliance; and, procedures that the issuer will take steps to timely correct noncompliance

Wayne RESA reserves the right to use its discretion as necessary and appropriate to make exceptions or request additional provisions as circumstances warrant. Wayne RESA also reserves the right to amend this policy and all related procedures from time to time as deemed necessary in Wayne RESA’s sole discretion. In addition, this policy is subordinate to the Code and any regulations thereto and is subject to amendment or deletion depending on the content of any new regulations or Code amendments promulgated by the United States Treasury.

The 5000 series of Board Policies requires or permits the Superintendent to promulgate and implement administrative regulations. The Superintendent, pursuant to this authority, promulgated and implemented these administrative regulations on April 1, 2023 and posted them on Wayne RESA's website. All Wayne RESA personnel and Students are required to follow these administrative regulations.

The Superintendent designates Wayne RESA's Deputy Superintendent of Administrative Services to review the 5000 series of Board Policies and these regulations at least annually. The Deputy Superintendent of Administrative Services is also expected to recommend to the Superintendent legally compliant revisions and additions to the 5000 series of Board Policies and these administrative regulations.

5002-AR**Safety and Security**

Facilities Inspection and Maintenance Program A comprehensive facilities inspection and maintenance program will assure that Wayne RESA facilities and grounds are kept safe, clean, and attractive. The Senior Executive Director of Operations and IT Infrastructure will coordinate an inspection program that includes, at a minimum: mechanical systems (heating, ventilation, and air conditioning); electrical (interior and exterior); roofs; windows and doors (interior and exterior); gates and fences; interior surfaces (floors, ceiling, walls); fire equipment; restrooms (accessibility, functionality, and cleanliness); sewers; playground and other campus grounds; and, overall cleanliness. As necessary, the Senior Executive Director of Operations and IT Infrastructure will prepare and submit to the Superintendent a report of desirable or necessary repairs and improvements.

School Safety Commission Liaison Pursuant to [Section 1241](#) of the Revised School Code, the Board appoints the Senior Executive Director of Operations and IT Infrastructure as Wayne RESA's school safety commission liaison. The liaison will work with the statewide School Safety Commission and the Office of School Safety to identify model practices for determining school safety measures.

Threat Assessment and Suicide Intervention Policy 5002 provides for the development of a threat assessment and suicide intervention protocol intended to assist Agency staff in responding to situations that arise in the operation of the agency which pose a threat to the health, safety, and welfare of the Wayne RESA community. This administrative regulation is intended to outline that protocol and the expectations of staff.

1. The Superintendent shall establish, for each campus, a threat assessment and suicide intervention team, for the assessment of and intervention with individuals whose behavior may pose a threat to themselves or the safety of the staff or where applicable, students.
2. The Superintendent shall develop or acquire a threat assessment and suicide intervention tool or form to guide threat assessment and suicide intervention which is consistent with the U.S. Secret Service and Department of Homeland Security's "Enhancing School Safety Using a Threat Assessment Model."
3. A threat assessment team may serve one or more campuses as determined by the Superintendent.
4. Each team shall include persons with expertise in administration, counseling, and law enforcement. The team may include persons with other areas of expertise. Members of the threat assessment and suicide intervention team will be provided training in the use of any threat assessment tool.
5. Each team shall:

- a. Provide guidance and training to Wayne RESA staff regarding recognition of threatening or aberrant behavior that may represent a threat to the community, school, or self;
 - b. Identify members of the Agency to whom threatening behavior should be reported; and
 - c. Recommend Agency board policies for the assessment of and intervention with individuals whose behavior poses a threat to the safety of agency staff.
6. The Superintendent may establish a committee charged with oversight of the threat assessment and suicide intervention team(s). An existing committee may be designated to assume the oversight responsibility. Any such committee established for oversight of the threat assessment team(s) shall include individuals with expertise in human resources, education, school administration, mental health, and law enforcement.
7. All Agency division employees, visitors and contractors are required to report any expressed threat(s) or behavior(s) that may represent a threat to the community, Agency, or self.
8. In cases where determined to be appropriate, teams shall follow established procedures for referrals to community services or health care providers for evaluation or treatment.
9. Regardless of threat assessment activities, disciplinary action and referral to law enforcement are to occur as required by board policy and Michigan law.
10. Nothing in this regulation shall preclude Agency staff from acting immediately to address an imminent threat.
11. Nothing in this policy regulation preclude the threat assessment and suicide intervention team from notifying the Superintendent of any individual who poses a threat of violence or physical harm to self or others.
12. Upon a preliminary determination by the threat assessment and suicide intervention team that an individual poses a threat of violence to self or others, exhibits significantly disruptive behavior, or has a need for assistance, members of the threat assessment team may request and obtain criminal history record information (of adults and juveniles) and health records.
13. Unless required by law, no member of a threat assessment and suicide intervention team shall re-disclose any criminal history record information or health information obtained pursuant to this action or otherwise use any record of an individual beyond the purpose for which such disclosure was made to the threat assessment and suicide intervention team.
14. The threat assessment and suicide intervention team may not maintain the criminal history record printed from the system access terminal, nor may they make copies of it.

5004-AR Campus Crisis, Response, and Closure

The Superintendent will appoint a Wayne RESA Crisis Response Team. The Team will meet during the month of August, each year, to review and consider revisions to Wayne RESA's Crisis Response Plan. The Superintendent authorizes and directs the Deputy Superintendent of Administrative Services to appoint a Campus Crisis Team to respond to coordinate the response to crises that may arise at the Wayne RESA

campus. The Deputy Superintendent of Administrative Services will notify the Superintendent of the members of the campus's crisis team no later than September 15 of each fiscal year. In addition, the Board will develop and adopt an Emergency Operations Plan pursuant to [MCL 380.1308b](#).

5005-AR Hazardous Chemicals and Substances

Hazardous chemicals and other substances are present in school buildings and other Wayne RESA facilities. In order to maintain a safe environment for students, staff and other members of Wayne RESA community, the following measures will be taken:

Hazard Communication Program The Senior Executive Director of Operations and IT Infrastructure will have primary responsibility for conducting an annual review and making recommendations to the Superintendent for revisions to Wayne RESA's Hazard Communication Program. The Program will include, at a minimum: container labeling; safety data sheets; employee information and training; and, the identification of hazardous substances known to be present within Wayne RESA.

Procedures for Storage and Disposal of Chemicals The Senior Executive Director of Operations and IT Infrastructure will develop procedures for the storage and disposal of chemicals used within Wayne RESA.

5007-AR Integrated Pest Management

Wayne RESA will provide students, staff, and members of the Wayne RESA community with an environment that is free of pests while reducing the use of harmful pesticides. The Senior Executive Director of Operations and IT Infrastructure is designated the Integrated Pest Management manager for Wayne RESA. He/she will: review and recommend to the Superintendent revisions to Wayne RESA's Integrated Pest Management Plan; develop and implement specific procedures to identify pest problems, review control options and application strategies and select, in each particular instance, the least toxic control method to manage problems; and, educate and train staff on pest identification and safe application strategies.

5010-AR Surveillance of and in Wayne RESA Buildings and Facilities

The Senior Executive Director of Operations and IT Infrastructure , with the Superintendent's approval, may promote workplace safety by employing surveillance of and in Wayne RESA Buildings and Facilities. In the event of routine and on-going recorded electronic surveillance of the general public or students, the Senior Executive Director of Operations and IT Infrastructure will post conspicuous notice that surveillance may be taking place. Recorded electronic surveillance will not take place inside bathrooms, locker rooms, or other places where recorded electronic surveillance would compromise reasonable standards of modesty.

Recorded electronic surveillance may be or become subject to a [FOIA](#) request, a subpoena or may be or become an education record within the meaning of [FERPA](#). In such cases, person receiving the FOIA request or subpoena will notify the Superintendent and the Deputy Superintendent of Administrative Services that it is or may be necessary to save the recorded electronic surveillance consistent with law and Board policy and administrative regulations.

5011-AR

Stormwater Discharge

The Superintendent appoints Wayne RESA's Senior Executive Director of Operations and IT Infrastructure to determine whether Wayne RESA is required to obtain an NPDES Municipal Separate Storm Sewer System (MS4) discharge permit and, if so, to obtain a permit and create a Stormwater Management Program Plan (SWMP) or any other mechanism that implements and carries out those inspections, procedures, and best practices necessary to comply with permit requirements.

5012-AR

Transportation

As determined by Wayne RESA, school buses may be acquired, operated, secured, and maintained by Wayne RESA or its contracted provider for the transportation of eligible children between their home and school of attendance and for school-related trips.

Wayne RESA Discretion Transportation services for disabled students will be provided directly by constituent school districts. Disabled students should always be transported in the manner required by law. Should Wayne RESA ever elect to provide transportation services independently, Wayne RESA will determine, on a case-by-case basis and in the Superintendent's discretion, the extent to which students and others (such as chaperones) are eligible for transportation to or from field trips and extra-curricular activities. Non-public student transportation will be provided in accordance with the laws.

Use of School Buses for Non-School Functions School buses will not be loaned or rented to commercial, private, or non-profit organizations, or any other organization, with the following exceptions: the local Parks and Recreation department, if approved by the Superintendent; field trips within Wayne RESA boundaries during normal school hours for Wayne RESA private and parochial schools, as long as the field trip does not conflict with the transportation needs of the K-12 program; and, participation in local disaster plans.

Transportation Fees A fee may be collected for transporting students enrolled in Wayne RESA's K-12 program providing students are being transported to or from a non-mandatory and non-credit event(s) sponsored by Wayne RESA and/or other activities permissible under state law. Fees charged shall cover trip expenses.

Travel Reimbursement Wayne RESA employees will be reimbursed for reasonable expenses incurred for pre-approved Wayne RESA-related travel, but will not be reimbursed for alcoholic beverages. Wayne RESA employees will be reimbursed at the then prevailing IRS rate for out-of-RESA mileage incurred on pre-approved RESA-related travel.

The 6000 series of Board Policies requires or permits the Superintendent to promulgate and implement administrative regulations. The Superintendent, pursuant to this authority, promulgated and implemented these administrative regulations on April 1, 2023 and posted them on Wayne RESA's website. All Wayne RESA personnel and students are required to follow these administrative regulations.

The Superintendent designates Wayne RESA's Deputy Superintendent of Administrative Services to review the 6000 series of Board Policies and these regulations at least annually. The Deputy Superintendent of Administrative Services is also expected to recommend to the Superintendent legally compliant revisions and additions to the 6000 series of Board Policies and these administrative regulations.

6001-AR**Michigan Freedom of Information Act**

This Regulation is published by Wayne RESA to inform the public of its rights under the [Michigan Freedom of Information Act](#) ("FOIA" or "the Act"). The regulation and guidelines, below, are not intended to, and should not be read to limit the rights actually created by FOIA. Accordingly, to the extent this regulation or the guidelines are found to be inconsistent with FOIA, or inconsistent with a future amendment to FOIA, the Act governs. Wayne RESA retains the right to revise this regulation and the guidelines.

Requesting Public Records Under FOIA, the Deputy Superintendent of Administrative Services is Wayne RESA's "FOIA Coordinator." Public records may be requested by providing Wayne RESA's FOIA Coordinator with a written request that identifies the public records with enough specificity to permit Wayne RESA to locate them. For requesters other than indigent persons, the request must also include the requester's complete name, address, and contact information or, if the requester is other than an individual person, such as a company or organization, the request must also include the complete name, address, and contact information of the requester's agent who is an individual person. The written request may be on paper or it may be electronic or digital.

A person may subscribe to public records that are created, issued or disseminated on a regular basis. A subscription is valid for up to six months and may be renewed.

Wayne RESA will not accept or respond to a verbal request for public records. However, where a Wayne RESA employee receives a verbal request and is aware the public records are available on Wayne RESA website, Wayne RESA employee may notify the requestor of the website address.

Response to Request for Public Records Wayne RESA is required to respond, in writing, to a written request for public records. Wayne RESA may grant the request, deny the request, or grant the request in part and deny the request in part.

Timeline Wayne RESA has five (5) business days to respond to a written request for public records. Requests sent by email or other electronic transmission are not considered "received" until the first business day after the email or electronic transmission was sent. If the email or electronic transmission was delivered to Wayne RESA's spam or junk mail folder, the request is not considered received until Wayne RESA actually becomes aware of the request. Wayne RESA may extend the time for responding by ten (10) business days if the nature of the request justifies an extension by so notifying the person who made the request, in writing, and within the original five business day response window.

Types of Wayne RESA Responses

Granting a Request. Wayne RESA's FOIA Coordinator will grant a request for public records by so notifying the requestor in a timely manner and in writing. Wayne RESA will also provide notice if some or all of the public records are available on its website and will include a specific website address, if practicable.

Denying a Request. Wayne RESA's FOIA Coordinator may deny a request if the request is not specific enough to allow Wayne RESA to locate the public records in question by so certifying that fact to the requestor in writing. Wayne RESA's FOIA Coordinator may also deny a request if the requested public records are exempt from disclosure under the Act. If only part of a public record is exempt, the FOIA Coordinator will redact the exempt part and, otherwise, grant the request.

Allowable Fees FOIA allows Wayne RESA to charge the following fees incurred for processing and responding to FOIA requests, as stated below.

Labor Costs.

Searching for, Locating, and Examining Public Records. Wayne RESA may charge labor costs directly associated with searching for, locating, and examining requested public records in conjunction with receiving and fulfilling a granted request. Except as provided by the Act, Wayne RESA will not charge labor costs for searching for, locating, and examining public records that are on Wayne RESA's website at the time the request is made.

Separating or Deleting Exempt Information. Wayne RESA may charge labor costs directly associated with separating or deleting information that is exempt from disclosure under the Act, unless Wayne RESA has previously redacted the public record(s) and the redacted version is still in Wayne RESA's possession. Wayne RESA will not charge for separating documents that are available on its website.

Reproducing Information. Wayne RESA may charge labor costs directly associated with duplicating or publishing public records. This includes the time spent making paper copies, making digital copies, and transferring public records to non-paper physical media or through the internet, if so requested.

Limitations on Labor Costs. Subject to the Itemization of Allowable Fees section of this Guideline, Wayne RESA may charge no more than the hourly rate and actual fringe benefits of the lowest paid employee capable of performing the particular task for which Wayne RESA may charge labor costs, even if Wayne RESA assigns a more highly paid employee to perform the task. The charge for fringe benefits may not exceed 50% of the employee's hourly rate. Wayne RESA may not charge overtime except at the request or stipulation of the requestor. If Wayne RESA's FOIA administrator determines that no RESA employee is capable of separating or deleting exempt information with respect to a particular request, Wayne RESA may hire contracted labor to perform the task. In such cases, Wayne RESA will calculate the time spent by the contracted labor in the same manner it calculates the time of its own employees and the charge for the contracted labor will not exceed six times Michigan's minimum wage. In all cases, labor costs will be charged and estimated in increments of fifteen (15) minutes, with all partial time increments rounded down.

Reproduction Costs.

Non-Paper Physical Media. Wayne RESA may charge the actual and most reasonably economical cost of reproducing public records on non-paper physical media (e.g., computer discs, computer tapes, or other digital or similar media). Wayne RESA is not required to reproduce public records on non-paper physical media if it does not have the technology necessary to do so.

Paper Copies. Wayne RESA may charge the actual incremental cost of reproducing paper copies of public records using the most economical means available (e.g., double sided copies, if double sided copies are available and more economical than single sided copies). In no case will Wayne RESA charge more than 10 cents per sheet. Wayne RESA will not charge copying costs for copying documents on its website or the on-site inspection of public records unless the requestor requests paper copies.

Mailing. Wayne RESA may charge the actual cost of mailing requested public records and the least expensive method of confirming delivery. Wayne RESA may not charge for expedited shipping or insurance unless specifically requested by the requestor.

Waiver, Reduction, or Discount of Allowable Fees. Wayne RESA may waive or reduce allowable fees if Wayne RESA determines a waiver or reduction is in the public interest.

Indigence. Wayne RESA will discount allowable fees by \$20.00 to a requestor who submits an affidavit stating that he or she is indigent and on public assistance or, if not receiving public assistance, stating facts showing inability to pay full allowable fees due to indigence. If Wayne RESA determines a requestor who submits such an affidavit is not eligible for the discount, Wayne RESA's written response will inform the requestor of the reason(s) for its determination. Wayne RESA will not provide an indigence discount to an otherwise eligible requestor if: the requestor has already received discounted copies from Wayne RESA twice during the calendar year; or, the requestor has been offered or received payment or other remuneration by or from another person.

Protection and Advocacy. Wayne RESA will discount allowable fees and costs by \$20.00 if the requestor is a non-profit agency designated by the Governor under [Section 931 of the Michigan Mental Health Code, MCL 330.1931](#), and the following additional conditions are met: the request is made on behalf of the agency or its clients; the request is made for reasons wholly consistent with the agency's mission, as described in Section 931; and, the request is accompanied by documentation of its designation, if so requested by Wayne RESA.

Itemization of Allowable Fees. Wayne RESA will itemize allowable fees on a Detailed Itemization of Allowable FOIA Fees form.

Good-Faith Deposit. Wayne RESA may require a good-faith deposit from a requestor before providing public records if the total allowable fees exceed \$50.00 and Wayne RESA provides the requestor with an estimate of total allowable fees using the Itemization of Allowable Fees and Costs form. The good-faith deposit may not exceed 50% of the total allowable fees and costs. Wayne RESA's request for a good-faith deposit will include a reasonable and best efforts estimate of the time frame within which Wayne RESA will provide public records after receiving the good-faith deposit, along with notice that the good-faith deposit is due within 48 days of when the request was sent or else the request will be considered abandoned. Wayne RESA is not required to fulfill abandoned requests. Requests are not considered abandoned if the requester has filed an appeal of the good-faith deposit request within the 48-day timeframe. Wayne RESA may charge an increased good-faith deposit of up to 100% of the estimated fee before it begins a full public record search for a person who has previously failed to pay allowable fees in full if: the final allowable fees were not more than 105% of the total estimated fees; the public records provided contained the information sought in the prior request and are still in Wayne RESA's possession; the public records were provided within Wayne RESA's reasonable best efforts estimate for the prior request; ninety (90) days have passed since Wayne RESA notified the requestor the public records were available for pickup or mailing; the requestor is not able to show proof of prior payment; and, Wayne RESA provides a completed Detailed Itemization of Allowable FOIA Fees form that is the basis of the increased good-faith deposit. However, Wayne RESA may not insist on an increased good-faith deposit if: the requestor shows proof of prior payment; Wayne RESA is paid in full for the prior request; or, three hundred and sixty-five (365) days have passed since the requestor made the request for which full payment was not remitted.

Reduction of Labor Charges for Untimely Response. Wayne RESA will reduce otherwise permitted labor charges by 5% per day (to a maximum of 50%) for each day Wayne RESA's response is untimely if: the late response was willful and intentional; or, the written request conveyed a request for information within the first 250 words or the request included the words, characters or abbreviations for "freedom of information," "information," "FOIA," or a recognizable misspelling of such, or appropriate legal code reference on the front of the envelope or the subject line of the request.

Appeals The requestor may appeal the denial of all or part of a request in two ways: submit an appeal to Wayne RESA's Superintendent or file a civil action in the circuit court where Wayne RESA is located. The requestor may also appeal an allowable fee calculation that violates the [Act](#) or this administrative regulation.

Appeal to Superintendent. An appeal to the Superintendent must include the word "appeal" and identify the reason(s) the Superintendent should reverse the denial or reduce the allowable fee calculation. The Superintendent will respond to the appeal, in writing, within ten (10) business days by reversing the denial or calculation, upholding the denial or calculation, or reversing the denial or calculation, in part, and upholding the denial or calculation, in part. In unusual circumstances, the Superintendent may issue not more than one notice extending his/her time for responding by not more than ten (10) additional business days. If the appeal is based on Wayne RESA's calculation of fees and the Superintendent upholds the calculation, in whole or in part, the Superintendent must certify and explain Wayne RESA's calculation.

Civil Action. The requestor may, in addition to appealing to the Superintendent, file a civil action in the circuit court where Wayne RESA is located. The civil action may be based on Wayne RESA's failure to timely provide public records or Wayne RESA's calculation of allowable fees. If the requestor prevails in a case concerning the timely provision of public records, he or she is entitled to reasonable attorneys' fees, costs, and disbursements. If the requestor or Wayne RESA prevails in part the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements. Additionally, if the court determines Wayne RESA has arbitrarily and capriciously violated the [Act](#) by refusing or delaying the request, the court will order Wayne RESA to pay a fine of \$1,000.00, which will be deposited in the Department of Treasury's general fund, and, in addition to any actual or compensatory damages, punitive damages to the requestor in the amount of \$1,000.00.

If the requestor prevails in a case concerning Wayne RESA's calculation of allowable fees by receiving a reduction of 50% or more of the total fee, the court may, in its discretion, award the requestor all or an appropriate portion of his or her attorneys' fees, costs, and disbursements. If the court determines Wayne RESA has arbitrarily and capriciously violated the [Act](#) by charging an excessive fee, the court will order Wayne RESA to pay a fine of \$500.00, which will be deposited in the Department of Treasury's general fund, and, in addition to any actual or compensatory damages, punitive damages to the requestor in the amount of \$500.00. Separately, if the court determines Wayne RESA willfully and intentionally failed to comply with the [Act](#) or has otherwise acted in bad faith, the court will order Wayne RESA to pay a civil fine of not less than \$2,500.00 and not more than \$7,500.00 per occurrence, which will be deposited in the Department of Treasury's general fund.

A civil action based on a denial of public records must be filed within one hundred and eighty (180) days after Wayne RESA's final determination. A civil action based on Wayne RESA's calculation of allowable fees must be filed within forty-five (45) days of receiving the completed Detailed Itemization of Allowable FOIA Fees form or within forty-five (45) days of the Superintendent's decision concerning an appeal. If the requestor files a civil action based on Wayne RESA's calculation of allowable fees, Wayne RESA is not required to continue processing the request until the court resolves the fee dispute.

6002-AR

Gifts, Bequests, and Donations

Wayne RESA appreciates the generosity of donors who wish to recognize Wayne RESA with monetary donations or gifts of property. In order to assure that Wayne RESA does not incur a cost as a result of the gift that approaches or exceeds its value, all gifts, bequests, and donations will be submitted to the Superintendent for approval. As reflected in Board of Education Policy 6002, the Superintendent, or his/her designee, will review an offered gift to assure that the gift: is free of any restriction that is contrary to law or inconsistent with Board policy; is, in the opinion of the Superintendent, fitting and appropriate for RESA use; does not require excessive installation, alteration or maintenance costs, or otherwise require a large commitment of RESA resources; and, contains no commercial advertising.

6003-AR

Distribution of Information / Materials

Wayne RESA periodically receives requests from various organizations to distribute informational or promotional materials on RESA property. In order to minimize intrusions on the time of students and employees that result from such distribution, the following will apply:

Review Process Organizations must submit the following information for review and approval prior to distribution: a final pdf version of the flyer; and, a cover sheet with the following information: name and phone number of contact person; the method by which the organization wishes to be contacted following review; the target audience to receive the materials (i.e., students, parents, staff, or some combination thereof); and, the name of Wayne RESA buildings where it is contemplated that the materials will be distributed. The Superintendent will review and approve materials for which a request for distribution has been received before distribution occurs.

Content In order to be accepted for distribution, materials may not: be obscene, indecent, or vulgar; advocate illegal activities, violence, or hate; contain libelous or defamatory information; discriminate or contain bias toward any individual's race, gender, sexual orientation, or religious or ethnic identity; be likely to cause substantial disruption of or material interference with discipline or the education of students in the school in which the material is posted or distributed; promote, favor, or oppose a candidate for elected office or a ballot measure; or, advocate religion or a particular faith or religious viewpoint.

Disclaimer All materials that will be distributed on Wayne RESA property must include the following statement:

This event/activity/offer is not sponsored by Wayne RESA. Wayne RESA assumes no responsibility for the conduct or safety of persons attending or participating in the event/activity/offer.

6004-AR

Public Complaints

Citizens who have concerns with Wayne RESA staff, programs, or practices are encouraged to bring their concerns to the person in charge at the closest point of origin. In most cases this will be Deputy Superintendent of Administrative Services. Where the matter is unresolved at that level, the following formal complaint procedure may be utilized:

Complaint Procedure A complaint will: be in writing; be signed by the complaining parties; set forth the specific acts, conditions, or circumstances of concern; identify the relief being requested that is within the authority of Wayne RESA to grant; and, be submitted to the person in charge at the closest point of origin

The Deputy Superintendent of Administrative Services will offer to meet with the complainant to discuss the complaint. Following the meeting, if there has not been a satisfactory resolution, the Deputy Superintendent of Administrative Services will, within five (5) school days after receipt of the complaint, send the written complaint to the Superintendent, together with the outcome at the building level.

The Superintendent will designate a central office administrator to conduct or coordinate an investigation of the complaint and reach a decision within fifteen (15) school days after receipt of the complaint. The decision of the Superintendent's designee shall be communicated in writing to the parties involved. Should a complaint be submitted with less than fifteen (15) school days remaining within the school year, a reasonable extension of this timeline may be taken, as deemed necessary by the person conducting the investigation.

If the complaint has been investigated by the Superintendent's designee, and has not been resolved to the citizen's satisfaction, the citizen may request, within five (5) school days, that the complaint be referred to the Superintendent.

The parties involved in the complaint may request to meet with the Superintendent within five (5) school days of referring the complaint to the Superintendent. Any such meeting must occur fifteen (15) school days after the Superintendent receives the designee's decision.

The Superintendent will make a decision and notify the citizen, in writing, within: fifteen (15) school days after: receiving the complaint and the designee's decision, if the parties involved in the complaint have not requested a meeting with the Superintendent; or, within ten (10) school days of meeting with the parties involved in the complaint. The response of the Superintendent will: deny the allegations contained in the complaint and/or identify corrective measures deemed necessary to resolve the complaint.

6005-AR Advertising

Approval In accordance with relevant laws, the Superintendent reserves the right to approve or deny any and all requests for advertising on a case-by-case basis, including whether the advertisement is consistent with the educational objectives of the Agency or a constituent school district. The Superintendent may request that samples of the proposed advertisement be made available for inspection.

Content Advertisements may not: be obscene, indecent, or vulgar; advocate illegal activities or violence; contain libelous or defamatory information; illegally discriminate on the basis of race, color, national origin, religion, sex, language, disability, or any other basis prohibited by law; be likely to cause substantial disruption of or material interference with discipline or the education of students in the school or facility in which the advertisement is posted or distributed; promote, favor, or oppose a candidate for elected office or a ballot measure; or advocate religion or a particular faith or religious viewpoint.

Manner of Advertising Advertising on Agency premises or by students or personnel is prohibited unless, in the sole judgment of the Superintendent, the advertisement: benefits the Agency, a constituent school, student population, or specific student activity; is consistent with the Agency's Wellness policy; and/or is consistent with an exclusive agreement entered into between the Agency and the advertiser.

6006-AR Media Utilization

Wayne RESA will: post information on Wayne RESA website; consider Wayne RESA-wide mailings on issues of importance; schedule public forums for the dissemination of information and to receive feedback from the community; and, work with local and other media outlets to share Wayne RESA information with the community.

Generally Wayne RESA's buildings, facilities, and property were acquired to support its educational programs and activities. To the extent individual groups or organizations want to use those buildings, facilities, or property for a purpose that is consistent with Wayne RESA's mission, educational programs, and activities, Wayne RESA, in its discretion, may approve that use. The Superintendent may develop and implement additional administrative procedures permitting the use of RESA buildings, facilities, and property.

Agreements The individual, group, or organization requesting use of a Wayne RESA building, facility, or property must complete and execute an Agreement for the Use of Wayne RESA Buildings and Facilities, or its equivalent. That Agreement will address, at a minimum: the fee Wayne RESA will receive, which will be at least sufficient to cover all marginal costs associated with the use; the liability or other insurance the user will carry and the fact Wayne RESA board members, agents, employees, and volunteers) for any injuries or damages that occur during the use; and, an agreement to indemnify and hold harmless Wayne RESA against such injuries, damages, and actual attorneys' fees and costs arising or relating to the use or any related litigation. The Superintendent may waive the requirement for such an agreement for RESA-related users.

Fees Wayne RESA facilities currently in use for its instructional programs are made available to responsible groups and organizations at the Superintendent's discretion. Groups and organizations requesting the use of RESA facilities are assessed fees according to the following fee table:

Facility	Room	Per hour: M-F 7am-4:30pm	Per Hour: After Hours M-F 4:30pm-9pm	Per Hour: Saturday 7am-2pm
Education Center	223	\$150	\$250.00	\$350.00
Education Center	250A	\$150	\$250.00	\$350.00
Education Center	250B	\$150	\$250.00	\$350.00
Education Center	250C	\$150	\$250.00	\$350.00
Education Center	Arthurs Auditorium	\$250	\$350.00	\$450.00
Burger Baylor	91/92	\$150	\$250.00 *Requires pre approval	\$350.00 *Requires pre approval
Annex	1	\$150	\$250.00	\$350.00

			*Requires pre approval	*Requires pre approval
Annex	2	\$150	\$250.00 *Requires pre approval	\$350.00 *Requires pre approval
Annex	3	\$150	\$250.00 *Requires pre approval	\$350.00 *Requires pre approval
Annex	Auditorium	\$250	\$350.00 *Requires pre approval	\$450.00 *Requires pre approval

Building or Facilities Permit Procedures A group or organization that wishes to use a Wayne RESA building or facility must obtain a permit from Senior Executive Director of Operations and IT Infrastructure. To obtain a permit, the group or organization must:

1. Complete and submit a Facility Use Permit form, or its equivalent, to the Operations Department at least one (1) week prior to the activity. **Payment is due when the building request is made. A \$10.00 late fee will be charged for requests not submitted within the one (1) week time limit. Refunds will be given if cancellation is made five (5) days or more before the event.**
2. Fees will be charged for additional service from Agency personnel on weekdays, weekends, or holidays and/or after 10:00 p.m. Monday through Thursday and for any event held on Friday.
3. Space will be tentatively reserved pending approval of the Building Supervisor and the Operations Department.
4. Upon approval, the space will be reserved, and confirmation will be communicated to the applicant. The applicant must have the permit with them at the time of building use.
5. All permits are subject to cancellation for Agency activities.

Regulations Pertaining to Rental of RESA Facilities

- Those in attendance must confine themselves to the area rented by the organization.
- The use or sale of intoxicating beverages and tobacco is not permitted on the premises. Violators will be subject to removal and possible prosecution.
- Wayne RESA facilities are not available for private parties.
- The sale of food or any commodity requires prior approval from Wayne RESA. A request must be included on the reservation request form at the time the reservation form is submitted.
- All current fire and safety regulations must be strictly observed.

- An employee of Wayne RESA may be on site during events.
- Users of Wayne RESA facilities will be fully responsible for damage to Agency property caused by the group's use of Wayne RESA property. The renting organization will be required to replace damaged property at its sole cost and expense.

Insurance The Board of Education requires all users of Wayne RESA facilities to carry comprehensive general liability insurance with limits of not less than \$1,000,000 per occurrence and \$2,000,000 annual aggregate. Furthermore, the Board of Education, its individual board members, officers, and agents, and Wayne RESA, as well as its employees and volunteers, shall be named as additional insurers.

7000-AR GENERAL ADMINISTRATIVE REGULATIONS

The 7000 series of Board Policies requires or permits the Superintendent to promulgate and implement administrative regulations. The Superintendent, pursuant to this authority, promulgated and implemented these administrative regulations on April 1, 2023 and posted them on Wayne RESA's website. All Wayne RESA personnel and students are required to follow these administrative regulations.

The Superintendent designates Wayne RESA's Deputy Superintendent of Administrative Services to review the 7000 series of Board Policies and these regulations at least annually. The Deputy Superintendent of Administrative Services is also expected to recommend to the Superintendent legally compliant revisions and additions to the 7000 series of Board Policies and these administrative regulations.

7001-AR Acceptable Use

Generally Wayne RESA encourages and promotes the use of technology in our Agency and for Agency operations. To ensure students, staff and parents take full advantage of the technologies available, but in compliance with applicable law, all uses of technology in Wayne RESA must have proper authorization and adhere to Wayne RESA policies. The use of technology is a privilege, not a right, and must be in support of and consistent with the purposes and stated goals of Wayne RESA. There are no inherent warranties for technological resources that Wayne RESA is providing. Wayne RESA will monitor all network activity by, for example, ensuring the presence of a teacher or other appropriate Wayne RESA staff personnel when students are accessing the internet on a Wayne RESA Campus, installing filtering or blocking software on Wayne RESA computers to restrict unauthorized websites, and monitoring access logs to keep track of websites visited by students, staff and visitors in order to restrict access to newly-created or previously unknown websites harmful to minors.

Guidelines Only software legally owned and/or authorized by Wayne RESA may be put on Wayne RESA computers. All network activities will be legal and appropriate use. Prior approval of the Wayne RESA Leadership Team and Wayne RESA web manager is needed to place anything on the building or Wayne RESA web pages.

Technology Users Will:

- Comply with Wayne RESA policies, rules, and regulations.
- Use networks and technology in support of Wayne RESA's educational goals.
- Obey all Wayne RESA, state, and national copyright laws.
- Report to the managing director any misuse of networks and/or technology.
- Use Wayne RESA equipment responsibly.
- Respect individual work, files, programs, and security.
- Take all reasonable measures to secure confidential information in-transit and at-rest.
- Hold harmless Wayne RESA from any and all claims or damages of any nature arising from access, use, or inability to access or use the technology or network system.

Technology Users Will Not:

- Intentionally tamper with computer or network components in a way that makes them temporarily or permanently inoperable.
- Access, vandalize, or modify anyone else's account, data, files, and/or passwords without authorization of the network administrator or Deputy Superintendent of Administrative Services.

- Use Wayne RESA technology for commercial or “for profit” purposes.
- Use Wayne RESA technology to impersonate another, or to obtain illegal copies of software or audio, text, or video materials for which Wayne RESA does not have ownership.
- Use Wayne RESA technology to send or intentionally receive messages that are inflammatory, harassing in nature, sexist, racist, or otherwise inappropriate.
- Disclose confidential information, passwords, or access codes.
- Post personal information (such as address or phone number), credit card numbers, bank account numbers, or any other financial information.
- Use Wayne RESA technology to distribute and/or access materials that:
 1. Violate [FERPA](#), or any other law which affords students certain rights with respect to their education records;
 2. Jeopardize the health and safety of students;
 3. Are obscene, pornographic, or libelous;
 4. Cause disruption of school activities;
 5. Plagiarize the work of others;
 6. Are commercial advertisements; or
 7. Have not been approved by the managing director, network administrator, or web master.

Any attempt at performing one of the aforementioned prohibited acts is also prohibited.

Internet Safety Wayne RESA will implement software and/or other safeguards on Wayne RESA-owned technology which protects adults and students from accessing images or other online depictions that are obscene, contain child pornography, and, with respect to students, are harmful to minors.

Wayne RESA will educate students about appropriate online behavior, including: interacting with other individuals on social networking websites and chat rooms, and cyberbullying awareness and response, in accordance with Board policy 2006 and any implementing regulations.

Artificial Intelligence The Agency’s Deputy Superintendent of Educational Services will be responsible for overseeing the ongoing review of Artificial Intelligence tools. The Agency will comply with industry-standard data protection when engaging with any contractor which will use Agency data. The use of all tools is subject to the terms of the Agency’s Acceptable Use of Technology Agreement.

The Agency will provide appropriate training to staff in the use of large language models and generative artificial intelligence. Training will provide guidance on the risks of using AI tools and acceptable uses. The use of large language models or generative artificial intelligence by staff is prohibited until the staff receives appropriate training.

7002-AR Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act (Section 504)

The [ADA](#) and [Section 504](#) prohibit illegal discrimination on the basis of disability. ADA and Section 504 also require Wayne RESA to provide a free appropriate public education (FAPE) to eligible students. The manner in which Wayne RESA provides FAPE to eligible students and related issues are described in Wayne RESA’s compliance manual which can be found at the following link <https://www.resa.net/teaching-learning/special-education/administration-compliance>. This regulation sets forth a procedure for addressing complaints of illegal discrimination arising under the ADA and Section 504.

Procedure

Step 1. A person who believes that he/she has been discriminated against by Wayne RESA may discuss the matter informally with the immediate supervisor in the case of an employee, or the Deputy Superintendent of Administrative Services, in the case of a student, or, instead, proceed directly to Step 2. (NOTE: If the immediate supervisor is the subject of the complaint, the employee or student may instead contact Wayne RESA's Section 504 Compliance Officer, identified in Policy 8002.) The person receiving the complaint shall verbally convey his/her findings to both the person who alleged the violation and the person who is the subject of the complaint within ten (10) days.

NOTE: The informal complaint procedure is provided as a less formal option for a person who believes s/he has been discriminated against or harassed. This informal procedure is **not** required before filing a formal complaint. Moreover, a student who seeks resolution through the informal process may request, at any time, that the matter be moved to the formal complaint process.

Step 2. If the informal Step 1 process does not resolve the matter, or, if the employee or student chooses not to use the informal procedure, a written complaint may be submitted to the employee's immediate supervisor (to the Deputy Superintendent of Administrative Services if by a student). A complaint may also be filed directly with the applicable Wayne RESA Section 504 Compliance Officer. The complaint shall include: (1) the employee's or student's name; (2) the facts of the incident or action complained about; (3) the date of the incident or action giving rise to the complaint; (4) the type of discrimination alleged to have occurred; and, (5) the specific relief sought. A Step 2 meeting shall be conducted within ten (10) days following the submission of the written complaint. Within the next ten (10) days, the immediate supervisor or Deputy Superintendent of Administrative Services shall issue a written disposition, with copies to be given to both the person who alleged the violation and the person who is the subject of the complaint.

Step 3. If the supervisor or Deputy Superintendent of Administrative Services' reply does not resolve the matter, a written complaint may be submitted to the applicable Wayne RESA Section 504 Compliance Officer within ten (10) days of the Step 2 disposition. A meeting shall be conducted at which both parties shall have the right to present witnesses and offer other evidence. Following the meeting, the Section 504 Compliance Officer shall reply in writing to the complainant and the person who is the subject of the complaint within ten (10) days.

Step 4. If the complainant wishes to appeal the decision of the Section 504 Compliance Officer, he/she may submit a written appeal to the Superintendent within ten (10) days after receipt of the Section 504 reply. The Superintendent, or his/her designee, shall meet with all parties involved and respond to the complaint, in writing, within ten (10) days of the date of the appeal. Copies shall be provided to both the complainant and the person who is the subject of the complaint.

Service Animals A service animal, as defined by the ADA, means a dog (or in some instances, a miniature horse) that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including physical, sensory, psychiatric, intellectual, or mental disability, or a veteran diagnosed with post-traumatic stress disorder, traumatic brain injury, or other service-related disabilities. A service animal in training means an animal accompanied by an animal raiser or trainer with the intent that animal is being raised, socialized, and trained to become a service animal, and for the purposes of this administrative regulation is considered a service animal. A service animal is generally allowed in any Agency-controlled space in which an individual with a disability is allowed. Service animals are not required to have any specific identifying license, paperwork, or harness.

If not obvious, the Agency may ask whether a service animal is required because of a disability. The Agency may also ask what work or task the animal has been trained to perform. The Agency may not ask what

disability requires the use of the service animal. Issues or questions related to service animals may be directed to the Deputy Superintendent for Administrative Services.

A service animal shall be under the care and control of its handler and shall have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether; or the use of such restraint would interfere with the service animal's safe, effective, performance of work or tasks. In such cases, the handler shall control the service animal through other means (e.g., voice control, signals, or other effective methods).

The Agency may ask an individual to remove a service animal from campus if: (1) the animal is out of control and the animal's handler does not take effective actions to control it or (2) the animal is not housebroken. Through the Agency may exclude a service animal for these reasons, it shall give the individual with a disability the opportunity to participate in the service, program, or activity without having the service animal on the Agency's property.

Prohibition Against Retaliation Wayne RESA hereby provides assurance that it strictly prohibits any form of retaliation against persons who utilize this Complaint Procedure.

7003-AR

Web Accessibility

Generally With regard to the Wayne RESA website and any Wayne RESA web presence which is developed by, maintained by, or offered through third party vendors and open sources, Wayne RESA is committed to compliance with [Title II of the Americans with Disabilities Act \(ADA\)](#) and [Section 504 of the Rehabilitation Act of 1973](#) so that students, parents, employees, and members of the public are able to independently acquire the same information, engage in the same interactions, and enjoy the same benefits and services within the same timeframe as those without disabilities, with substantially equivalent ease of use. Wayne RESA further seeks to ensure that those individuals with disabilities are not excluded from participation in, denied the benefits of, or otherwise subjected to discrimination in any Wayne RESA programs, services, and activities delivered online. All existing, new, or updated web content produced by Wayne RESA will conform to Web Content Accessibility Guidelines (WCAG) 2.0, Level AA conformance, or updated equivalents, as soon as practicable.

With respect to third-party content, Wayne RESA, through its Web Accessibility Coordinator, will confirm the accessibility of such content before posting/linking to Wayne RESA's web presence, to the extent possible, by testing same through a web accessibility checker or similar resource and/or manual checking. If the accessibility of third-party content cannot be verified prior to posting/linking, Wayne RESA shall avoid posting/linking of same.

If third-party content is verified and posted, but is later identified as not being accessible **after** posting/linking occurs, Wayne RESA, through its Web Accessibility Coordinator, will endeavor to determine the basis of the issue by contacting the third-party provider and/or requesting information regarding the accessibility of their products. To the extent possible, Wayne RESA will determine if an alternate way to provide the third-party content exists. If it is ultimately determined that the third-party content cannot be made accessible – either because it represents an undue burden or would require a fundamental alteration – Wayne RESA shall keep a record of the inaccessible third-party content. A determination of undue burden or fundamental alteration will be made by the Superintendent and/or his/her designee after considering all resources available for use in the funding and operation of the service, program, or activity and will be accompanied by a written statement outlining the reasons for such conclusion.

Website Audit Wayne RESA's Web Accessibility Coordinator will be responsible for reviewing all areas of Wayne RESA's website and evaluating its accessibility on a semester basis or as close thereto as possible.

The contemplated review will be completed, subject to RESA discretion, utilizing free online resources available to Wayne RESA, a platform audit resource (if applicable), and/or a third-party vendor resource. Wayne RESA's Web Accessibility Coordinator will also conduct a manual check of the website as part of the contemplated semester review. The results of all reviews/audits will be documented and evaluated. Identified issues will be remediated within a reasonable period of time under the direction of the Web Accessibility Coordinator.

Training Wayne RESA will provide annual training for any staff (e.g., administrators, faculty, support staff, student employees) responsible for creating or distributing information with online content. The training will be facilitated, in whole or in part, by an individual with sufficient knowledge, skill, and experience to understand and employ the technical standard(s) adopted by Wayne RESA. The training will include training on the Web Accessibility Policy, the Administrative Regulation, and staff roles and responsibilities to ensure that web design, documents, and multimedia content are accessible. Wayne RESA will provide periodic updates to staff, as appropriate, should technology standards change in a readily discernable way. Wayne RESA will also ensure that new staff are timely provided training consistent with the above expectations. With regard to staff who have already been fully trained at least once on the Web Accessibility Policy, the annual-training requirement may be satisfied by disseminating notice that includes the Web Accessibility Policy (e.g., via e-mail with a link to the policy), highlights any Policy updates, and provides the name and contact information of the Web Accessibility Coordinator to serve as a resource for staff with questions about the accessibility of online content.

Report of Accessibility Concerns/Issues In contacting Wayne RESA's Web Accessibility Coordinator to report any issues or concerns associated with the accessibility of online content, reporting individuals are encouraged to provide the following information:

- Name;
- Contact information (phone or email);
- Type of information that was inaccessible (PDF, video, etc.);
- Specific web page the user was on (URL or page title);
- Date the user was unable to access the information; and
- Any other information the user believes might be helpful to Wayne RESA in resolving the issue.

Upon report of a concern regarding the accessibility of online content, the Web Accessibility Coordinator will, consistent with Wayne RESA policy, provide the requested information in an alternate format and, as soon as reasonably practical, make the necessary improvements to make the information accessible online.

Formal Discrimination Complaint A student, parent, or member of the public who wishes to submit a formal complaint regarding a violation of [Title II of the Americans with Disabilities Act \(ADA\)](#) and [Section 504 of the Rehabilitation Act of 1973](#) related to the accessibility of any Wayne RESA web presence that is developed by, maintained by, or offered through Wayne RESA, third party vendors, and/or open sources, may utilize Wayne RESA's established complaint procedures are contained in administrative regulation 7007.

Irrespective of the submission of a formal complaint, once Wayne RESA has been notified of inaccessible content, the reporting party should be provided with access to the desired information in a prompt manner. In this regard, the Complainant should not have to wait for the investigation of the complaint to be concluded

before receiving the information that he/she was unsuccessful in accessing through Wayne RESA's web presence.

7005-AR Communicable Diseases

Where a Wayne RESA staff member has been diagnosed with a communicable disease, Wayne RESA administration will consult the most recent County Health Division Reference Chart (CHD COMMUNICABLE DISEASE REFERENCE CHART) to determine and implement exclusion and re-admittance of individuals. Wayne County Health Division staff will be contacted as needed for consultation and clarification.

Communicable Diseases Known Not to Be Spread by Casual Contact Communicable diseases that are known not to be spread by casual contact, within the meaning of this regulation include Hepatitis B, HIV infections, ARC (AIDS Related Complex), AIDS, and other diseases that are transmittable by blood, other body fluids, and other body products, which present potentially serious health problems for those who contract the disease. The following procedure is intended to assure that both the rights of the individual and the Wayne RESA community at large are protected, and that each case will be determined on an individual basis.

HIV, ARC, or AIDS When a Wayne RESA employee reasonably suspects that a staff member is infected with HIV, ARC, or AIDS, he/she must notify the Wayne County Health Division, if such action is reasonably thought necessary to: protect the health of the student or staff member; prevent further transmission of the disease; or, diagnose and care for the student or staff member. Wayne RESA employee shall not provide the Wayne County Health Division with the name of the student or staff member unless such information is determined by the employee making the disclosure to be reasonably necessary to accomplish the above-mentioned purposes.

Request the permission of the affected student's parent or guardian, or the staff member, to inform the Superintendent and other necessary persons of the suspected illness. If such consent cannot be obtained, the employee shall inform the Superintendent of the matter in such a way that the identity of the affected person is not discernible. The Superintendent may then seek a court order permitting the Superintendent to obtain the information and disclose it to Board of Education members and other necessary persons.

Communicable Disease Review Committee. Upon receipt of the consent of the affected student's parent or guardian, or the staff member, or a court order permitting the review process to proceed, the Superintendent shall select a Communicable Disease Review Committee and direct the Committee to meet within five (5) business days. The Committee may be comprised of the following individuals:

- An official representative of Wayne RESA, designated by the Superintendent, will chair the Committee.
- The program leader of the affected student or staff member.
- A physician who is treating the affected individual.
- A physician appointed by the Superintendent to represent Wayne RESA.
- A representative of the Wayne County Health Division.
- A parent if the affected individual is a student, the affected individual, and/or his/her representative if the affected individual is a staff person.
- A special education teacher when the affected student is a special education student.
- Other persons designated by the Superintendent, the Committee, or the court.

Committee Recommendations. The Committee shall make a written recommendation to the Superintendent, based on the affected student or staff member's neurological and physical condition and the expected type of interaction with others in the affected student or staff member's school or employment

setting, as to whether the person should be excluded from the school or employment setting and all school sponsored activities, restricted in his/her activities in the school or employment setting, or remain in an unrestricted school or employment setting.

If the Committee recommends that the student or staff member remain in his/her present school or employment setting, but that he/she are restricted from participating in certain activities, or that consideration be given to an alternate setting within Wayne RESA, the Committee shall further set forth, in writing, the precautionary/sanitary measures, if any, that should be taken to protect the health and welfare of the student or staff member and the school community.

If the Committee recommends that the student or staff member remain in an unrestricted school setting, the Committee must so state in writing, and further state what precautionary or sanitary measures, if any, should be taken to protect the health and welfare of the student or staff member and the school community.

If the Committee recommends that the affected student or staff member be totally excluded from his/her former school or employment setting based upon his/her neurological and physical condition and expected type of interaction with others in that setting, the Committee must so state in writing. The Committee shall also state the conditions under which it would consider the student or employee's return to a restricted or unrestricted school or employment setting.

The Committee shall provide the Superintendent with its written recommendation within ten (10) school days of its meeting, unless the Committee determines that additional time is necessary in order to obtain pertinent medical information regarding the student or staff member's condition and/or that additional diagnostic testing is necessary for a thorough review of the matter.

In the event that the Committee's decision is not unanimous, the dissenting member(s) shall be given the opportunity to attach a written dissenting report to the Committee's recommendation within twenty-four (24) hours of the presentation of the Committee's report to the Superintendent.

Upon the Superintendent's receipt of the Committee's written report, the Superintendent shall, within five (5) business days, make a determination regarding the student or employee's status. The Superintendent's decision will be based upon whether, with reasonable accommodations, the student or staff member can remain in the school or employment setting without posing a health risk to himself/herself or others in the school community. In the event that the Superintendent determines that a student or staff member should be excluded from the school setting, he/she shall so advise the affected person, and, where a student is involved, his/her parent or guardian.

Where the Superintendent determines that a staff member who has been affected with HIV, ARC, or AIDS should be excluded from employment, the Superintendent shall attempt to obtain the affected person's permission or petition the circuit court for an order permitting Wayne RESA to proceed pursuant to the provisions of the applicable collective bargaining agreement, board policy and/or applicable laws. If the employee in question is certified, the Superintendent shall, pursuant to [Article V, Section 2 of the Michigan Teacher's Tenure Act](#), either obtain the person's consent to be placed on a medical leave, or, if consent cannot be obtained, file tenure charges with the Board of Education seeking to place the person on an involuntary medical leave of absence.

Appeals. If the affected student or staff member disagrees with the determination of the Superintendent, he/she may file a written appeal to the Board of Education within ten (10) business days. The Board shall receive and review all necessary and pertinent materials provided by the Committee and the student or employee and provide an opportunity to both the Superintendent and student or employee to provide additional pertinent information. In its discretion, the Board may grant the student or employee a hearing.

The Board of Education may affirm, modify, or revise the decision of the Superintendent within ten (10) business days of the receipt of an appeal. The affected student or staff member shall have the right to remain in the school setting during the tendency of any such appeal, unless an appropriate medical professional confirms that there are clearly documented risks to the infected individual or others in the school setting that could pose an immediate health threat.

Where an affected student or staff member is permitted to remain in either a restricted or unrestricted school setting, the Superintendent shall designate a school representative to monitor changes in the student or staff member's medical status on a monthly basis, or more frequently if deemed appropriate. The Superintendent shall seek written permission from the affected person or parent prior to designating the responsible school representative. If the written authorization cannot be obtained, the Superintendent shall seek an order from the court permitting such. The Superintendent, with input from the Committee, shall reassess the status of the student or staff member at not less often than annual intervals.

All timelines set forth herein may be extended where required by the individual circumstances of the case.

Communicable Diseases Known Not to Be Spread by Casual Contact, Other Than HIV, ARC, or AIDS

For communicable diseases which are known not to be spread by casual contact, other than HIV, ARC, or AIDS, the identical procedures set forth above will be followed, except that there will be no necessity of court involvement to obtain the infected person's consent to disclosure of his/her identity to the Superintendent and other necessary persons.

If a Wayne RESA employee determines that disclosure of such information is reasonably necessary to: (1) protect the health of the student or staff member; (2) prevent further transmission of the disease; or, (3) diagnose and care for the student or staff member, the Wayne RESA employee may advise his/her supervisor that a student or staff member may have a serious communicable disease known not to be spread by casual contact. The identity of the student or staff member *SHALL NOT BE* disclosed unless written authorization is obtained from the affected student's parent or the staff member, or is otherwise necessary to satisfy the requirements of this section. The supervisor shall immediately inform the Superintendent or his/her designee.

Confidentiality All persons involved in these proceeds and in the education of an affected student shall respect the student's right to privacy, including maintaining student records and information in accordance with the requirements of the [Michigan Public Health Code, MCL 333.5101 et seq.](#) and the [Family Educational Rights and Privacy Act, 20 USC 1232g](#). The privacy rights of affected staff members shall be similarly affected including maintaining employment records and information in accordance with the requirements of the [Michigan Public Health Code, MCL 333.5101 et seq.](#), the [Bullard Plawecki Employee Right to Know Act, MCL 421.501 et seq.](#), any applicable contractual provisions, and Board of Education policy and regulations.

7006-AR

Copyrighted Works

The guidelines below are intended to assist staff in determining the permitted use of copyrighted materials within Wayne RESA. The guidelines apply to materials used within the classroom, as well as in staff members' instructional and research activities. Before beginning or authorizing a reproduction, a Wayne RESA employee will determine whether the copying is expressly permitted within the guidelines. If copying is not expressly permitted, or if there are any questions, the matter must be brought to the attention of the Senior Executive Director of Operations and IT Infrastructure before any copying is done. Should there be a question about whether a particular use is permitted, staff members are not to proceed without consulting their building principal.

Single Copying for Teachers' Use A single copy may be made of the following by or for a teacher for use in teaching or for research purposes:

- A chapter from a book;
- An article from a periodical or newspaper;
- A short story, short essay, or short poem, whether or not part of a collective work; and/or
- A chart, graph, diagram, cartoon, or picture from a book, periodical, or newspaper.

Multiple Copies for Classroom Use Multiple copies (not to exceed one copy per student in the class) may be made by or for the teacher for classroom use as follows:

- A complete poem if less than 250 words and if printed on not more than two pages;
- An excerpt from a longer poem, containing not more than 250 words;
- A complete article, story, or essay of less than 2500 words;
- An excerpt from any prose work of not more than 1000 words or 10% of the work, whichever is less. *(Each of the numerical limits, above, may be expanded to permit the completion of an unfinished line of a poem or of an unfinished prose paragraph.)*
- One chart, graph, diagram, drawing, cartoon, or picture per book or per periodical issue.
- Certain "special works" in poetry, prose, or in "poetic prose" which may combine language with illustrations and which are intended sometimes for children and at other times for a more general audience fall short of 2,500 words in their entirety. Such "special works" may not be reproduced in their entirety but an excerpt comprising not more than two of the published pages of such special work and containing not more than 10% of the words found in the text thereof, may be reproduced.

All copies must include a notice of copyright.

Additional Permitted Use – Spontaneity

- The copying is at the instance and inspiration of the individual teacher, and
- The inspiration and decision to use the work and the moment of its use for maximum teaching effectiveness are so close in time that it would be unreasonable to expect a timely reply to a request for permission.

Copying, as detailed above, is not intended to serve as a substitute for the purchase of books or periodicals.

7007-AR Discrimination and Harassment

The Board of Education is committed to maintaining an educational and work environment that is free from discrimination and harassment based on race, color, national origin, sex (including sexual orientation and gender identity/expression), disability, religion, genetic information, marital status, pregnancy status or any other legally protected characteristic. The Board has therefore adopted anti-discrimination and anti-harassment policies that prohibit discrimination and harassment by Board members, Wayne RESA employees, students, contractors, volunteers, and others connected with Wayne RESA. A student, employee, or any other person who believes that a student or employee has been subjected to discrimination or harassment may seek resolution of the matter through the procedures that follow. Complaints of sexual harassment within any educational program or activity of Wayne RESA will be investigated and resolved under 7007.3-AR, as required by Title IX and its implementing regulations ("Title IX sexual harassment"). All other complaints of discrimination, harassment, or retaliation, other than Title IX sexual harassment, will be investigated and resolved under 7007.1-AR or 7007.2-AR. The Agency will work to address and remedy any violations of this regulation that prevent individuals from equal access to an education and to the workplace.

Compliance Officer and Title IX Coordinator The Manager of Human Resources, whose telephone number is 734 334-1374 and whose email address is Corumr@resa.net, is Wayne RESA's Title IX Coordinator for purposes of reports made under 7007.3-AR and Wayne RESA's Compliance Officer when addressing other reports made under this Administrative Regulation.

Days As used in 7007.1-AR through 7007.3-AR, the word “days” means business days.

7007.1-AR Discrimination and Harassment (Non-Title IX) – Students

Generally Any person who believes that a student has been subjected to discrimination or harassment (or retaliated against for opposing discrimination or harassment) should report it to Wayne RESA's Compliance Officer. That report will be resolved through the informal or formal procedures described in this Administrative Regulation.

Definitions for 7007.1-AR

“Complainant” means the student who is reported to have been discriminated against or harassed based on a legally protected characteristic. Complaints of Title IX sexual harassment will be addressed under 7007.3-AR.

“Respondent” means the person who is reported to have discriminated against or harassed Complainant.

“Investigator” means the person investigating a formal complaint of discrimination or harassment.

“Discrimination” means unequal treatment based, in whole or part, on Complainant's race, color, national origin, religion, sex (including sexual orientation and gender identity/expression), marital status, pregnancy status, genetic information, disability, or other legally protected characteristic, which adversely affects Complainant's educational opportunities or participation in Wayne RESA's educational program or activities.

“Harassment” means behavior based, in whole or in part, on Complainant's race, color, national origin, religion, sex (including sexual orientation and gender identity/expression), marital status, pregnancy status, genetic information, disability or other legally protected characteristic, which is sufficiently severe and pervasive that it:

- Affects Complainant's ability to benefit from Wayne RESA's educational programs or activities;
- Creates an intimidating, threatening, or hostile educational environment;
- Has the effect of substantially or unreasonably interfering with Complainant's academic performance; or,
- Otherwise adversely affects Complainant's educational opportunities.

Informal Complaint Resolution Procedure The informal complaint resolution procedure is a less formal option for Complainants who believe they were subjected to discrimination or harassment. Resorting to the informal procedure is not required before filing a formal complaint. Moreover, at any time during the informal complaint resolution procedure, Complainant may request that the matter be moved to the formal complaint process. The informal complaint resolution procedure will not be used for complaints against Wayne RESA employees or other Wayne RESA-affiliated adults.

Step 1. A student, or any other person, may report discrimination or harassment by a Wayne RESA employee to any local education agency employee whose primary responsibility includes student supervision or discipline, including a teacher, counselor, building administrator or central-office administrator, who will then notify the Wayne RESA Compliance Officer.

If not reported directly to the Compliance Officer, all informal complaints received by Wayne RESA employees must be reported to the Compliance Officer within two (2) days. The Compliance Officer will either facilitate an informal resolution, as described below, or appoint another person to facilitate an informal resolution.

Step 2. Depending upon the facts, circumstances, and wishes of the Complainant and Respondent, informal resolution may involve, but not be limited to, one or more of the following:

- Counseling Complainant how to effectively communicate the unwelcome nature of the behavior to Respondent.
- Distributing a copy of Wayne RESA's anti-discrimination and anti-harassment policy and this Administrative Regulation as a reminder to Respondent and other individuals.
- If both parties agree, the Compliance Officer and Title IX Coordinator may arrange and facilitate a meeting between the Complainant and Respondent to work out a mutual resolution. Such a meeting may include some or all of the features of the restorative practices process described in the Revised School Code, [MCL 380.1310c](#).

Step 3. The Compliance Officer will endeavor to complete the informal complaint resolution procedure within ten (10) days of receiving the informal complaint. If Complainant is dissatisfied with the process at any time prior to agreeing on a mutual resolution, the Complainant may file a formal complaint.

All materials generated as part of the informal complaint resolution procedure will be retained in a single location under the control of the Compliance Officer in accordance with the Board of Education's records retention and/or Student Records policies.

Formal Complaint Resolution Procedure

Step 1. A student, or any other person, may file a formal complaint of discrimination or harassment with any directing manager, including the Compliance Officer. If not reported directly to the Compliance Officer, all such complaints must be forwarded to the Compliance Officer within two (2) days.

All formal complaints must include the following information, to the extent it is available:

- The name of Complainant and, if different, the name of the person reporting the allegation;
- The allegation, including a description of relevant incident(s), date(s), and time(s) (if known);
- The name(s) of all persons alleged to have committed discrimination or harassment, if known, or a description/identifying information if the name is not known; and,
- The name(s) or description/identifying information of all known witnesses.

If Complainant is unwilling or unable to provide a written statement including the information set forth above, the Compliance Officer will ask for the information in an interview. Thereafter, the Compliance Officer will

prepare a written summary of the interview and ask Complainant to verify the accuracy of the summary by signing it.

Step 2. Typically, within two (2) days of receiving the formal complaint, the Compliance Officer or designee (the Investigator) will initiate a formal investigation to determine whether Complainant has been subjected to discrimination or harassment.

NOTE: Upon receiving a formal complaint, the Compliance Officer will consider whether any action should be taken during the investigation to protect Complainant and Respondent from discrimination or harassment, including, but not limited to, a no-contact order or a change of schedule for Complainant or Respondent. In making such a determination, the Compliance Officer will consult the parties to assess their reaction to the proposed action. If Complainant or Respondent disagree with the proposed action, the Compliance Officer may nevertheless, following consultation with the Superintendent, take whatever actions deemed appropriate and in the best interests of Complainant, Respondent, and the integrity of the investigation.

The Compliance Officer will inform Respondent that a complaint has been received. Respondent will be informed of the nature of the allegations and be provided with a copy of the Board's anti-discrimination and anti-harassment policy and this Administrative Regulation. Respondent will also be provided an opportunity to submit a written response to the complaint within five (5) days. Throughout the course of the process, the Compliance Officer and/or Investigator will keep both parties informed of the status of the investigation and the decision-making process.

Although certain cases may require additional time, the Investigator will endeavor to complete the investigation within thirty (30) days of receiving the formal complaint. The investigation will include:

- Interviews with Complainant and Respondent;
- Obtaining and reviewing any written statements of Complainant, Respondent, and any other witnesses;
- Interviews with other witnesses who may have information relevant to the allegations; and,
- Consideration of any relevant documents or other information presented by Complainant, Respondent, or other witnesses.

Step 3. At the conclusion of the investigation, the Compliance Officer and/or Investigator will prepare and deliver a written report to the Superintendent, summarizing the information gathered during the investigation and, if applicable, the date of any report to the police. The report will also provide recommendations based on the evidence, including whether the complaint should be substantiated based on a preponderance of the evidence ("more likely than not") standard. The recommendations should consider the totality of the circumstances, including the ages and maturity levels of those involved. Disciplinary recommendations, if appropriate, should be reasonably calculated to prevent the recurrence of discrimination or harassment and should consider the factors set forth in Section 1310d of the Revised School Code. Disciplinary recommendations may range from counseling to permanent expulsion, in the case of a student; counseling to discharge, in the case of an employee; and recommendation for censure or a complaint to the Governor, in the case of a Board member. The report will be provided to the Superintendent within sixty (60) days after the formal complaint was made, unless there is good reason for the process to take longer.

Step 4. Absent extenuating circumstances, within ten (10) days of receiving the Compliance Officer and/or Investigator's report, the Superintendent will issue a final written decision or request further investigation. A copy of the Superintendent's final written decision will be delivered to both parties.

If the Superintendent requests additional investigation, the Superintendent will specify the additional information that is to be gathered, and absent extenuating circumstances, the additional investigation will be completed within ten (10) days. At the conclusion of the additional investigation, the Superintendent will issue a final written decision as described above.

Filing a Complaint with the Office for Civil Rights Complainant, or any other person, may, at any time, file a complaint with the United States Department of Education Office for Civil Rights at:

U.S. Department of Education
Office for Civil Rights

Cesar E. Chavez Memorial Building
1244 Speer Boulevard, Suite 310
Denver, CO 80204-3582
Telephone: 303-844-5695
FAX: 303-844-4303; TDD: 800-877-8339
Email: OCR.Denver@ed.gov

Cooperation with Law Enforcement Agencies In certain instances, an allegation of discrimination and harassment may be investigated as a criminal matter. To the extent permitted by law, Wayne RESA will comply with law enforcement requests for cooperation.

Retaliation Retaliation against a Complainant, a person who filed a complaint alleging discrimination or harassment, or a person who participates in an investigation under this Administrative Regulation, is strictly prohibited. Upon a finding that a person has engaged in retaliation, appropriate disciplinary action will be taken.

Maintenance of Records All materials generated as a part of the formal complaint process will be retained in a single location under the control of the Compliance Officer and Title IX Coordinator in accordance with the Board of Education's records retention and/or Student Records policy.

7007.2-AR Discrimination and Harassment (Non Title-IX) – Employees

Generally Any employee who believes that they have been subjected to discrimination or harassment not covered by Title IX (or retaliated against for opposing discrimination or harassment) should notify Wayne RESA's Compliance Officer and seek resolution of the matter through the informal or formal procedures described below.

Definitions for 7007.2-AR

“Complainant” means the employee who reported that they have been subjected to discrimination or harassment. Complaints of Title IX will be addressed under 7007.3-AR.

“Respondent” means the person who was reported to have discriminated against or harassed Complainant.

“Investigator” means the person investigating a formal complaint of discrimination or harassment.

“Discrimination” means taking an adverse employment action against an employee based, in whole or in part, on the employee’s race, color, national origin, religion, sex (including sexual orientation and gender identity/expression), marital status, pregnancy status, genetic information, age, height, weight, disability or other legally protected characteristic.

“Harassment” means unwelcome physical acts, attempted acts, statements, gestures, jokes, written or graphic material, or other conduct or communications that are both:

- based on race, color, national origin, religion, sex (including sexual orientation and gender identity/expression), marital status, pregnancy status, genetic information, age, height, weight, disability, or other legally protected characteristic; and
- sufficiently severe or pervasive to create a hostile working environment.

Harassment may also include sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, where submission to this conduct becomes a condition of any person’s continued employment or the basis for employment decisions. To the extent sexual harassment occurs within any educational program or activity of Wayne RESA and is covered by Title IX, the matter will be resolved through 7007.3-AR.

Informal Complaint Resolution Procedure The informal complaint resolution procedure is a less formal option for a Complainant who believes they were subjected to discrimination or harassment. Resorting to the informal procedure is not required before filing a formal complaint. Moreover, at any time during the informal complaint resolution procedure, the Complainant may request that the matter be moved to the formal complaint process. The informal complaint resolution procedure will not be used for complaints alleging sexual violence.

Step 1. The Complainant may make an informal complaint, orally or in writing, to: the directing manager of the department to which the employee is assigned; the Superintendent or other member of the Superintendent’s Cabinet; or the Compliance Officer.

If not made to the Compliance Officer, all informal complaints must be reported to the Compliance Officer within two (2) days. The Compliance Officer will facilitate an informal resolution, as described below, or appoint another individual to facilitate an informal resolution.

Step 2. Depending upon the facts, circumstances, and wishes of the Complainant, informal resolution may involve, but not be limited to, one or more of the following:

- Advising Complainant how to effectively communicate the unwelcome nature of the behavior to Respondent.
- Distributing a copy of the anti-discrimination and anti-harassment policy and this Administrative Regulation to Respondent and other individuals.
- If both parties agree, the Compliance Officer and Title IX Coordinator may arrange and facilitate a meeting between the Complainant and the Respondent to work out a mutual resolution. However, such a meeting will not be held where sexual violence has been alleged.

Step 3. The Compliance Officer will endeavor to complete the informal complaint resolution procedure within ten (10) days of receiving the informal complaint. If the Complainant is dissatisfied with the informal complaint

resolution process at any point prior to agreeing to a mutual resolution, the Complainant may file a formal complaint.

All materials generated as part of the informal complaint resolution procedure will be retained in a single location under the control of the Compliance Officer and the Title IX Coordinator in accordance with the Board of Education's records retention policy.

Formal Complaint Resolution Procedure

Step 1. Complainant may file a formal complaint with: the managing director of the department to which they are assigned; the Superintendent or other member of the Superintendent's Cabinet; or the Compliance Officer. If not filed directly to the Compliance Officer, the person with whom a complaint is filed must report it to the Compliance Officer within two (2) days.

All formal complaints must include the following information to the extent it is available:

- Complainant's name and, if different, the name of the person reporting the allegation;
- The allegation, including a description of relevant incident(s), date(s), and time(s) (if known);
- The name(s) of all persons alleged to have committed discrimination or harassment, if known, or a description/identifying information if the name is not known; and,
- The name(s) or description/identifying information of all known witnesses.

If Complainant is unwilling or unable to provide a written statement including the information set forth above, the Compliance Officer will ask for the details in an interview. Thereafter, the Compliance Officer will prepare a written summary of the interview, and Complainant will be asked to verify the summary by signing it.

Step 2. Typically, within two (2) days of receiving the formal complaint, the Compliance Officer or designee (the Investigator), will initiate a formal investigation to determine whether Complainant has been subjected to discrimination or harassment.

NOTE: Upon receiving a formal complaint, the Compliance Officer will consider whether any action should be taken during the investigation to protect Complainant and Respondent from discrimination or harassment, including, but not limited to, a change of work assignment or schedule for Complainant or Respondent. In making such a determination, the Investigator will consult the parties to assess their reaction to the proposed action. If Complainant or Respondent are unwilling to consent to the proposed change, the Compliance Officer may nevertheless, after consulting with the Superintendent, take whatever actions deemed appropriate for the protection of Complainant, Respondent, and the integrity of the investigation.

The Investigator will inform Respondent that a complaint has been received. Respondent will be informed of the nature of the allegations and be provided with a copy of the Board's anti-discrimination and anti-harassment policy and this Administrative Regulation. Respondent will also be informed of the opportunity to submit a written response to the complaint within five (5) days. Throughout the course of the process, the Compliance Officer or Investigator will keep the parties informed of the status of the investigation and the decision-making process.

Although certain cases may require additional time, the Investigator will endeavor to complete the investigation within thirty (30) days of receiving the formal complaint. The investigation will include:

- Interviews with Complainant and Respondent;
- Obtaining and reviewing any written statements of Complainant, Respondent, and any other witnesses;
- Interviews with any other witnesses;
- Relevant documents and other information presented by Complainant, Respondent, or any other witnesses.

Step 3. At the conclusion of the investigation, the Compliance Officer and/or Investigator will prepare and deliver a written report to the Superintendent that summarizes the evidence gathered during the investigation and, if applicable, the date any incident was reported to the police. The report will provide recommendations, including whether the complaint should be substantiated based on a preponderance of the evidence (“more likely than not”) standard. The recommendations should consider the totality of the circumstances. Disciplinary recommendations, if appropriate, should be reasonably calculated to prevent recurrence of illegal discrimination or harassment. Disciplinary recommendations may range from: counseling to discharge, in the case of an employee; and censure to a complaint to the Governor, in the case of a Board member. The report will be provided to the Superintendent within sixty (60) days after the formal complaint was made, unless there is good reason for the process to take longer.

Step 4. Absent extenuating circumstances, within ten (10) days of receiving the report, the Superintendent will either issue a final written decision regarding whether the complaint has been substantiated or request further investigation. A copy of the Superintendent’s final written decision will be delivered to both parties.

If the Superintendent requests additional investigation, the Superintendent must specify the additional information that is to be gathered, and absent extenuating circumstances, such additional investigation must be completed within ten (10) days. At the conclusion of the additional investigation, the Superintendent will issue a final written decision as described above.

Filing a Discrimination or Harassment Complaint with State or Federal Agencies An employee alleging discrimination or harassment, may, at any time, file a complaint with the United States Department of Education Office for Civil Rights at:

United States Department of Education
Office for Civil Rights

Cesar E. Chavez Memorial Building
1244 Speer Boulevard, Suite 310
Denver, CO 80204-3582
Telephone: 303-844-4303; TDD: 800-877-8339
Email: OCR.Denver@ed.gov

A complaint may also, or instead, be filed with:

United States Department of Labor
Equal Employment Opportunity Commission
Detroit Field Office
477 Michigan Avenue, Room 865
Detroit, Michigan 48226

or

State of Michigan
Department of Civil Rights
Cadillac Place, Suite 3-600
3054 West Grand Boulevard
Detroit, Michigan 48202

Cooperation with Law Enforcement In certain instances, an allegation of discrimination or harassment may also be investigated as a criminal matter. To the extent permitted by law, Wayne RESA will comply with law enforcement requests for cooperation.

Retaliation Retaliation against a person who files a complaint alleging discrimination or harassment, or participates in an investigation, is strictly prohibited. Upon a finding that a person has engaged in retaliation, appropriate disciplinary action will be taken.

Maintenance of Records All materials generated as a part of the formal complaint process will be retained in a single location under the control of either the Compliance Officer or the Title IX Coordinator in accordance with the Board of Education's records retention policy.

7007.3-AR Sexual Harassment Under Title IX - Employees and Students

Generally This Administrative Regulation sets forth the procedure the Agency follows to investigate and resolve complaints of sexual harassment made against Agency employees or students within any education program or activity of the Agency, as required by Title IX. Administrative Regulations 7007.1-AR and 7007.2-AR apply to discrimination and harassment on other bases.

The Agency's Title IX Coordinator is responsible for implementing 7007.3-AR. The Title IX Coordinator will ensure his/her contact information is posted on the Wayne RESA website.

Definitions for 7007.3-AR

“Complainant” means an individual who is reported to have experienced conduct that could constitute sexual harassment under Title IX.

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

“Investigator” means a person the Title IX Coordinator has appointed to investigate allegations of sexual harassment against Respondent.

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

- An employee of the Agency conditioning an aid, benefit, or service on Complainant's participation in unwelcome sexual conduct;
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies Complainant equal access to a Wayne RESA education program or activity; or,
- “Sexual assault” as defined in 20 USC 1092(f)(6)(A)(v), “dating violence” as defined in 34 USC

12291(a)(10), “domestic violence” as defined in 34 USC 12291(a)(8), or “stalking” as defined in 34 USC 12291(a)(30).

“Supportive Measures” means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to Complainant or Respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to a Wayne RESA education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the Agency’s educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. Any supportive measures provided to the complainant or respondent will remain confidential, to the extent that maintaining such confidentiality would not impair the ability of Wayne RESA to provide the supportive measures.

Duty to Respond to Known or Reported Sexual Harassment

Wayne Resa has a duty to respond to allegations of sexual harassment any time a Agency employee has notice of sexual harassment or receives a report of alleged sexual harassment. All Agency employees are required to promptly report all incidents and/or allegations of sexual harassment to the Title IX Coordinator.

Absent extenuating circumstances, within two (2) days, the Title IX Coordinator will contact Complainant (and/or Complainant’s parent/guardian(s), as appropriate) to discuss how to resolve their concerns, including the option and process for filing a formal complaint. The Title IX Coordinator will also discuss the availability of supportive measures, with or without the filing of a formal complaint. The Title IX Coordinator will consider Complainant’s wishes with respect to supportive measures as well as whether supportive measures are reasonably available and appropriate to restore or preserve Complainant’s access to the Agency’s programs or activities without unreasonably burdening Respondent. When the Title IX Coordinator notifies Respondent (and/or Respondent’s parent/guardian) of Complainant’s allegations, the Title IX Coordinator will also discuss the availability of supportive measures with Respondent and consider Respondent’s wishes with respect to supportive measures as well as whether supportive measures are reasonably available and appropriate to restore or preserve Respondent’s access to the Agency’s programs or activities without unreasonably burdening Complainant. The Title IX Coordinator will be responsible for offering and coordinating effective implementation of supportive measures.

Action to remove a student-Respondent from a Wayne RESA program or activity prior to a final decision is not a supportive measure. However, the Title IX Coordinator may temporarily remove a student-Respondent from the Agency on an emergency basis if, after an individualized risk assessment takes place, the Title IX Coordinator determines that the student-Respondent poses an immediate threat to the physical health or safety of Complainant or any other person. In such cases, upon removal, the Title IX Coordinator will provide the student-Respondent with notice and an opportunity to challenge the temporary removal at the earliest possible date. Any removal of a student-Respondent with a disability shall also comply with federal law, including the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act.

When the Respondent is an employee, the Title IX Coordinator may, after consulting with the Agency’s chief human resources officer, place the Respondent-employee on temporary administrative leave. A temporary removal or administrative leave will end when a final decision is reached.

If, as an initial matter, it is clear that the reported sexual harassment is not covered by Title IX because (1) the allegations, even if true, do not rise to the level of sexual harassment; (2) the alleged sexual harassment occurred outside of the Agency’s program or activities; or (3) the alleged sexual harassment occurred outside

of the United States, the Title IX Coordinator will explain how that could impact disposition of a formal complaint as well as how other Wayne RESA policies, administrative guidelines, or codes of conduct may apply.

Formal Complaint

A Complainant (or parent/guardian of a student-Complainant) may file a formal complaint. The Title IX Coordinator may file a formal complaint even if Complainant declines to do so. The formal complaint will include: the names of Complainant and Respondent, or identifying information if Respondent's name is unknown; as complete a description of the alleged sexual harassment as is available, including dates, times, and places; actual and potential witnesses; actual and potential relevant documents, data, and other items; and the signature of the person making the complaint or the Title IX Coordinator.

Response to Formal Complaint and Grievance Procedure.

Generally. The Title IX Coordinator will ensure that, at every step of the Grievance Procedure, the parties are treated equitably; all information and evidence is evaluated objectively; and, there are no conflicts of interest affecting the Title IX Coordinator or any informal resolution facilitator, Investigator, Decision-Maker, or any individual resolving an appeal.

Notice. Upon receiving or filing a formal complaint, the Title IX Coordinator will issue a notice to Complainant and Respondent. The notice will include:

- Information about the Agency's grievance procedure, including any informal resolution process;
- Notice of the allegations potentially constituting sexual harassment, including sufficient details and time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known; the conduct allegedly constituting sexual harassment; and the date and location of the alleged incident, if known.
- A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.
- Notification that the parties may have an advisor of their choice, who may (but is not required to be) an attorney and who may inspect and review evidence.
- Notification of any provision in the Agency's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If, during the investigation, the Agency decides to investigate allegations that were not included in the original notice, the Title IX Coordinator will notify Complainant and Respondent of the additional allegations.

Dismissal. The Title IX Coordinator must dismiss a formal complaint if the allegations: do not establish sexual harassment under Title IX, even if they are true; did not occur in connection with the Agency's programs and services; or, did not occur in the United States. The Title IX Coordinator may dismiss a formal complaint, in whole or in part, if: Complainant withdraws some or all of the allegations; Respondent's employment or enrollment in the Agency ends; or specific circumstances prevent the Agency from gathering sufficient relevant evidence to reach a decision on the formal complaint. The Agency's Title IX Coordinator will notify Complainant and Respondent, in writing, if a formal complaint is dismissed, including an explanation for the dismissal. The Complainant or Respondent may appeal the dismissal.

Informal Resolution

At any point between the filing of the formal complaint and the decisionmaker reaching a determination of responsibility, the parties may voluntarily agree to participate in an informal resolution process. The informal resolution process must be completely voluntary, and may not be initiated until:

- the parties have been provided notice of their rights by delivery of the applicable antiharassment policy and 8007.3-AR;
- the parties have been informed of the consequences of informal resolution, including that it may preclude the resumption of a formal complaint investigation arising from the same allegations and that records may be maintained and shared; and
- the parties have voluntarily consented to informal resolution, in writing

Any informal resolution process will be completed within fifteen (15) days of the parties' agreement to participate, absent good cause or written agreement of the parties and the Title IX Coordinator to extend the timeline.

Investigation The Title IX Coordinator or designee (the Investigator) will investigate a formal complaint. The burden of undertaking and completing the investigation rests on the Agency. The Investigator will presume Respondent is not responsible unless a final decision against Respondent is reached. The Investigator will not require, seek, or rely on privileged information without consent of the privilege-holder.

Within five (5) days after the Investigator provides Respondent with notice of the formal complaint, Respondent may file a written response. The Investigator will provide a copy of any written response to the Complainant. Regardless of whether Respondent files a written response, the Investigator will undertake an investigation that will include, but not be limited to:

- interviewing Complainant and Respondent, unless they refuse to be interviewed or fail to timely respond to the Investigator's interview request;
- interviewing relevant witnesses and other potentially relevant witnesses who Complainant or Respondent request, unless the witness refuses to be interviewed or fails to timely respond to the Investigator's interview request;
- obtaining, to the extent they are available, all relevant documents, data, and other items identified by Claimant, Respondent, and witnesses;
- preparing an investigative report that fairly summarizes the interviews and relevant evidence; and,
- providing the investigative report to the parties simultaneously.

Neither Complainant nor Respondent are required to participate in the investigation process, including interviews. The Investigator will not draw any negative inferences based solely on a Complainant's or Respondent's lack of participation, but participation is encouraged so that the Investigator has the benefit of hearing the perspective of all parties. The Agency will not interfere with the parties' ability to discuss the allegations or gather and present evidence.

Prior to finalizing the investigative report, the Title IX Coordinator or Investigator will send each party and their advisor(s) a copy of all of the evidence directly related to the allegations of sexual harassment in the formal complaint. The parties will have up to ten (10) days to review the evidence and submit a written response, which the Investigator will consider prior to completing the investigation report. Absent good cause, the investigation report will be completed with sixty (60) days. The Title IX Coordinator will, upon completing or receiving the Investigator's Report, simultaneously send a copy to Complainant, Respondent, and their advisors, if any, and allow for a written response.

The Title IX Coordinator will also send a copy of the Investigation Report to the Decision-maker, and notify the parties of their right, within ten (10) days, to: submit relevant written questions that the party wants the Decisionmaker to ask a party or witness; receive answers to any such written relevant questions; and allow for additional, limited follow-up questions from each party. Any questions or evidence about Complainant's sexual predisposition or prior sexual behavior are not relevant, unless they are offered to prove that someone other than Respondent committed the conduct alleged by Complainant; or they concern specific incidents of Complainant's prior sexual behavior with respect to Respondent and are offered to prove consent. If the Decision-maker declines to ask a party or witness a question, the Decision-maker will provide a written explanation to the party who posed the question.

The Title IX Coordinator may permit a delay or extension of the investigative timelines for good cause. If this occurs, the Title IX Coordinator will notify Complainant and Respondent of the delay or extension and reason for it. Separately, if Respondent is a Wayne RESA employee, the Title IX Coordinator will review any applicable collective bargaining agreement and grant any required adjournment of the investigative timelines.

Decision. The Title IX Coordinator will appoint a Decision-Maker, who is not the Title IX Coordinator or Investigator. The Decision-Maker will objectively review the investigation report and relevant evidence gathered through the investigation process. Credibility determinations, if any, will not be based on an individual's status as Complainant, Respondent, or witness. The Decision-Maker will not hold Respondent responsible unless a preponderance of the evidence establishes Respondent sexually harassed Complainant. Absent extenuating circumstances, the Decision-Maker will issue a decision within ten (10) days of receiving the investigation report and evidence and will provide the decision to Complainant and Respondent simultaneously. The decision will include: Complainant's allegations; procedural steps taken with respect to the allegations; findings of fact; the application of the applicable anti-harassment policy, this 8007.3-AR, and an applicable Student Code of Conduct to the facts; and a statement of all rationale for the result as to each allegation, including determinations of responsibility, disciplinary sanctions, whether Complainant will be provided remedies to restore or preserve equal access to a Wayne RESA education program and activity, and the procedure and bases for appeal. Upon a finding of responsibility, sanctions for Respondent-students may range from administrative intervention to permanent expulsion. Sanctions for Respondent-employees may range from counseling to discharge. Sanctions for Respondent-Board members may range from censure to a petition to the Governor for removal from the Board of Education. Remedies may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

Appeal. Within five (5) days of the Decision-Maker sending the decision to the parties and any advisors, Complainant or Respondent may appeal the Decision-Maker's decision by filing an appeal with the Superintendent on one or more of the following bases:

- Procedural irregularity that affected the outcome;
- New evidence being discovered that was not reasonably available at the time of the determination or dismissal; or
- A conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent by the Investigator, Title IX Coordinator or Decision-Maker that affected the outcome of the grievance process.

The Superintendent will provide notice to the opposite party if an appeal is filed, including a copy of the appeal, and an opportunity to respond. The appeal must include all of the reasons the appealing party disagrees with the decision as it relates to the permissible bases for appeal. The Superintendent will review the appeal, and after considering the appeal, the decision, and any other relevant evidence or information relevant to the appeal, may either: (1) affirm the decision, in whole or in part, or (2) reverse the decision, in whole or in part. The Superintendent may also remand the decision, in whole or in part, for additional investigation by the original or a different Investigator and/or further consideration by the original or a different Decision-Maker. Absent extenuating circumstances, the Superintendent will issue the appeal decision within ten (10) days of receiving the appeal or response, if any, and provide his/her decision to the parties simultaneously. The grievance process is complete and a final decision is reached when no timely appeal is taken or after the appeal process is completed.

Training The Title IX Coordinator will ensure that the Title IX Coordinator, all informal resolution facilitators, Investigators, and Decision-Makers (including those who resolve appeals) receive the following training: the definition of sexual harassment; the scope of the Agency's programs and activities; how to determine whether information and evidence is relevant, including the

application of Title IX's "rape-shield" provision; the grievance process, including how to conduct an investigation, how to prepare a fair summary of evidence gathered during an investigation, how to prepare a decision, and how to resolve an appeal; and, how to serve impartially, including avoiding prejudgment of facts, conflicts of interest, and bias. The Title IX Coordinator is responsible for ensuring the Agency's training and training materials are posted on the Wayne RESA website.

Confidentiality and Retaliation Except as required or permitted by law, the Agency will keep confidential the identity of any individual who makes a report or complaint of sexual harassment, any individual who is identified as a potential or actual Complainant or Respondent, and any witness. Neither the Agency nor any other person may retaliate against an individual who has made a report or formal complaint or participated or refused to participate in an investigation or other proceeding under this Administrative Regulation.

Filing with OCR or EEOC An employee or student alleging harassment may, at any time, file a complaint with the United States Department of Education Office for Civil Rights at:

United States Department of Education
Office for Civil Rights
Cleveland Office
1350 Euclid Avenue, Suite 325
Cleveland, Ohio 44115
(216) 522-4970
FAX: (216) 522-2573
TDD: (216) 522-4944
E-mail: OCR.Cleveland@ed.gov
Web: <http://www.ed.gov/ocr>

An employee alleging sexual harassment against another employee or supervisor may also, or instead, file a complaint with:

United States Department of Labor
Equal Employment Opportunity Commission
Detroit Field Office
477 Michigan Avenue, Room 865
Detroit, Michigan 48226
or
State of Michigan
Department of Civil Rights
Cadillac Place, Suite 3-600
3054 West Grand Boulevard
Detroit, Michigan 48202

Cooperation with Law Enforcement Agencies In certain instances, an allegation of sexual harassment may be investigated as a criminal matter. To the extent permitted by law, the Agency will comply with law enforcement requests for cooperation.

Record Retention The Agency will retain, for at least seven (7) years: all training materials; all reports received by the Title IX Coordinator and actions taken in response to such reports, including why any decision not to provide supportive services was not clearly unreasonable; and, all formal complaints, documents, and other items (including data) arising from formal complaints or investigations conducted pursuant to this Administrative Regulation, including investigative reports and related documents, decisions, appeals and appeal decisions, and informal resolutions.

Digital communication (including social networking) provides educational and other opportunities for staff and students. There are also potential pitfalls arising from, among other things, the speed, permanence, and perceived anonymity of digital communication. These regulations are intended to help staff and students take advantage of opportunities presented by digital communication in a manner that enhances education, student achievement, and appropriate relationships between staff, students, parents, and the larger community. These regulations are not intended, and should not be interpreted, to limit the legal rights of any person.

Digital Communication Involving Students Digital communication between staff and students should always be professional and of the same content, tone, and demeanor as in-school communications. This applies to direct communication between staff and students and to communication to which students reasonably may be exposed. Unless otherwise protected by law, examples of inappropriate digital communication include, but are not limited to:

- Communication that violates Board Policy, such as: communication that discloses personally identifiable information about students (see Policy 2003); communication that violates Board Policy against illegal harassment (see Policy 7007); etc.
- Communication that is false or misleading.
- Communication that attributes the staff member's personal views to others, including Wayne RESA, school administration, or other staff members.
- Communication that defames or personally insults staff members or students, or otherwise undermines any staff member's ability to fulfill their responsibilities to Wayne RESA or its students.
- Communication that defames or personally insults Board members, parents, or other community members.
- Communication stating or suggesting the desirability of confidentiality vis-à-vis students' parents or other staff members.
- Communication that has as its purpose or effect the development of a romantic or sexual relationship between a staff member and a student, or that reasonably may be interpreted as having that purpose.

Wayne RESA encourages staff to use Wayne RESA equipment and sites for all digital communication with students. School staff may not communicate with students through personal social media and other similar platforms, like Snapchat, that promptly delete evidence of those communications with students. Use of messaging apps, like Remind, which send general communications and alerts to parents and students are not prohibited.

Wayne RESA does not have the resources or ability to police digital communication between and among students. However, students may be subject to school-imposed disciplinary sanctions when their digital communication violates the Student Code of Conduct or interferes with the rights of others or is reasonably anticipated to result in the disruption of school or school activities. Separately, Wayne RESA reserves the right to report suspected criminal misconduct to police authorities.

Digital Communication Involving Board and Staff Members, Parents, and Others Digital communication between Board and staff members, parents, and other community members or adults should always be professional. This applies to direct communication and to communication to which they reasonably may be

exposed. Unless otherwise protected by law, examples of inappropriate communication include, but are not limited to:

- Communication that violates Board Policy, such as: communications that disclose personally identifiable information about students' communication that violates Board Policy against illegal harassment, etc.
- Communication that is false or misleading.
- Communication that attributes personal views to others, including Wayne RESA, school administration, or other staff members.
- Communication that defames or personally insults staff members or students, or otherwise undermines any staff member's ability to fulfill their responsibilities to Wayne RESA or its students.
- Communication that defames or personally insults Board members, parents, or community members and is not otherwise protected by law.

Personal Digital Social Networking Wayne RESA does not have the inclination, resources, or ability to police the off-duty behavior of staff members. At the same time, staff must be cognizant of the fact they serve as role models for our students and, to the extent their personal social networking is “public” or includes members of the school community, such staff members may be subject to greater scrutiny. Furthermore, their communications and behavior may adversely impact their ability (or the ability of Wayne RESA or their colleagues) to carry out their responsibility of educating students in a safe and supportive educational environment. For these reasons, staff are reminded that off-duty digital communication may result in investigation, disciplinary sanctions, or discharge when those communications disrupt the educational environment or adversely affects or undermine the staff member's ability to perform their jobs.

Social Media Authorizations The Superintendent designates the Agency's Senior Executive Director of Communications, Public Relations, and Marketing, to review the Board Policy governing Digital Communications and these administrative regulations at least annually. The Senior Executive Director of Communications, Public Relations, and Marketing will maintain and update a list of designated Agency Social Media accounts. Wayne RESA social media accounts must be named after Wayne RESA facilities or departments and maintained by Wayne RESA administrators or communications department staff.