



**2022  
POLICY  
MANUAL**

**George Washington Carver Academy**

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**BOARDPOLICIES**  
2022 POLICY MANUAL

George Washington Carver Academy

Fall 2022

ADOPTION RESOLUTION

RESOLVED that the policies printed and codified in the comprehensive document entitled "Board Policies of the George Washington Board of Directors" are hereby adopted and that all Board Policies previously adopted by the George Washington Carver Academy Board of Directors are hereby rescinded; further be it

RESOLVED that, in the event any policy, part of a policy, or a section of the Board Policies is judged to be inconsistent with law or inoperative by a court of competent jurisdiction or is invalidated by a policy or contract duly adopted by this Board, the remaining Board Policies and parts of policies shall remain in full effect.

Take notice that the foregoing resolution was adopted by the George Washington Carver Academy Board of Directors at a public meeting held at Highland Park, Michigan on September 9, 2019.

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**Legend:**

LR = Legally Required (if applicable)

LC = Legal Content

BP = Best Practice

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2261.02	Title I – A Parent’s Right to Know	LC
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3310	Freedom of Speech in Non-instructional Settings	BP
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3362.02	Workplace Safety	LC
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<b>3419.03</b>	<b>Patient Protection and Affordable Care Act</b>	<b>LR</b>
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9700.01	Advertising and Commercial Activities	BP
9710	Volunteers	BP

<sup>1</sup> Many of the board operating policies are also required by the Charter Contract, and are generally contained in the bylaws in the Charter Contract. The bylaws enshrined the Charter Contract always take precedence over these board operating policies. Each contract should be reviewed to consider whether these policies are required by contract, even if not required by law.

\*These food policies are only legally required if the school that serves food to students AND receives direct or indirect federal aid for the food program.

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Adoption Date: **01.10**

Classification:

Revised Dates: **6/22/10; 10/24/11; 12/12/11; 01/10/12; 8/13/12; 5/13/13; 6/10/13; 8/12/13; 1/13/14; 8/18/14; 9/15/14; 1/12/15; 6/8/15; 1/11/16; 9/12/16; 10/10/16; 01/09/17; 6/28/17; 8/14/17; 1/8/18; 7/9/18; 2/11/19; 6/24/19; 9/9/19; 2/10/20; 5/26/20; 8/10/20; 01/11/2021; 7/12/21; 12/13/21; 06/27/2022; 12.22**

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## **GLOSSARY OF EDUCATIONAL TERMS AND ACRONYMS**

The following terms and acronyms are used in the Academy policy and Administrative Guidelines and in communications with parents, students, and the public.

### **ASSESSMENT**

The comparison made between what should have been accomplished and what has been actually accomplished. Concerning student learning, assessments make comparisons between what has been learned and what should have been learned.

### **ATTITUDE**

One (1) of the five (5) major types of learning contained in courses of study, along with facts, concepts, principles, and skills. For example, students develop attitudes toward "doing quality work," "maintaining a clean environment," "participating in civic affairs," "not using drugs," etc.

### **CONCEPT**

One (1) of the five (5) major types of learning involved in a course of study, along with attitudes, facts, principles, and skills. Students form an abstract idea by understanding the characteristics that are generally true of it. For example, *triangle* is the name for the concept of any plane, closed, geometric figure that has three (3) sides that form three (3) internal angles.

### **CONTENT**

The name used to refer to all of the facts, concepts, principles, attitudes, and skills students are expected to learn in any course of study.

### **COURSE OF STUDY**

An organized sequence of learning activities designed for students to acquire a body of knowledge, attitudes, and skills associated with a particular academic or vocational field. Course of Study activities may be scheduled over a semester, a school year, or several school years. Examples are a K-6 math program, 11th grade American History, or High School Science.

### **CRITERION (CRITERIA)**

A feature or characteristic by which something or someone is measured or judged. For example, in judging a student's writing ability, some criteria that might be used are "organization," "originality of thought," "clarity of expression," "grammar," etc.

### **CURRICULUM**

All the planned activities - formal and informal, individual and group, in and outside of the classroom – necessary to accomplish the educational goals of the Academy. (See Policy 2210)

### **DIAGNOSIS**

A determination of the causes for a particular condition, usually based on an assessment or evaluation. Diagnosis deals with the question "What are the reasons for ....?" For example, a diagnosis might deal with the reasons students are or are not meeting expected learning goals.

## EDUCATIONAL SERVICE PROVIDER

A Provider that manages or operates an Academy or provides administrative, managerial or instructional staff to the Academy.

## EMPLOYEE

A direct employee of the Academy or of a third-party Educational Service Provider, as the case may be.

## EVALUATION

A value judgment made about an assessment. For example, if an assessment shows a student has satisfactorily achieved 90% of the objectives of a course, the evaluation (judgment) might be that the student's achievement is "excellent" or "better-than-average "or" superior."

## FACT

One (1) of the five (5) major types of learning involved in a course of study, along with attitudes, concepts, principles, and skills. Facts are verified, specific pieces of information about an event, procedure, place, person, or object.

## GOAL

An intention or expectation, stated or written, that requires several tasks to produce the desired result. Most goals involve the accomplishment of two or more related objectives.

## IDEA

The Federal law that defines how states and local school systems will provide education for disabled children. IDEA (Individuals with Disabilities Act) usually referred to as special education or "special ed." Enforced by the Department of Education (DOE).

## IEP

The acronym for *Individualized Education Plan*. An IEP is required for every student who is classified as eligible for special education by Federal and State criteria.

## INSTRUCTION

The information, questions, and/or directions provided to students by teachers, books, computers, etc., so students may gain a particular skill, knowledge, attitude, or understanding.

## LEADERSHIP

A five-step process of working with people, using certain knowledge, skills, and attitudes, combined with risk-taking, 1.) to envision a desired or needed outcome; 2.) to communicate to others so they participate willingly in the necessary tasks; 3.) to monitor progress toward the outcome; 4.) to reinforce and/or remediate actions; 5.) to evaluate the results.

## MANAGEMENT

The process of organizing and maintaining needed resources (people, things, time, and money) and ensuring they are utilized appropriately for their intended purpose.



## MEASUREMENT

A determination of the quantity and/or quality of something. In education, measurement is usually a determination (often by testing) of how much has been learned and/or how well it has been learned. Measurement is the necessary first step of an assessment and evaluation.

## MISSION

The stated purpose or intent of a school or school system. A mission statement provides reasons for the school's existence.

## MODEL

A program or project designed to demonstrate unique educational activities, structures, and/or organizations.

## NORMS

A set of achievement levels attained by a given number or percentage of students from representative populations or areas of a state or the nation.

## OBJECTIVE

An intended action or result in the process of achieving a goal. For students, learning objectives are usually the initial level of accomplishment toward the Academy's Educational Goals for Students. The next level is the achievement of Course of Study objectives, followed by the accomplishment of additional Courses of Study objectives, ultimately leading to the accomplishment of one (1) or more of the Academy's Educational Goals for Students.

## OUTCOME

The situation that exists when one (1) or more goals have been achieved. In instructional plans, outcomes are usually stated in terms of expected accomplishment, while goals are usually stated in terms of intended actions. Both emanate from the Mission Statement.

## PARENT

The natural or adoptive parents, or individuals with a valid power of attorney for the care and custody of the student for purposes other than educational placement. Parent also refers to any individual appointed by the State or court as a legal guardian or custodian for the student. Both parents will have equal access to records and rights regarding the student's education absent a court order restricting such rights.

## PILOT

A tryout or trial run of a new or innovative program or activity before making a major, long-term commitment.

## PLACEMENT

The assignment of a student to another group, grade, program, or course, for reasons other than educational achievement.

## PLAN

An intentional series of actions designed to accomplish an objective or goal. A plan usually lists the objective or goal first, then describes needed resources, appropriate actions and timelines, potential problems, and procedures for monitoring progress.

## PRINCIPLE

One (1) of the five (5) major learnings involved in a course of study, along with attitudes, concepts, facts, and skills. Principles define cause-effect relationships in the natural and social sciences, mathematics, and other subject areas.

## PROGRAM

A series of related, planned activities designed to accomplish one or more stated purposes.

## PROMOTION

The advancement of a student from one level of learning to a higher level of learning usually by assignment to a higher group, grade, program, or course.

## RELIABILITY

In education, the consistent measurement of the same learning among different students on test questions or a test as a whole.

## RETENTION

The decision to have a student remain at his/her current level for an additional semester or school year, because the student lacks knowledge or skills needed for further learning and/or exhibits emotional or social immaturity.

## SCHOOL LEADER

The educational leader and head administrator of one (1) or more schools or programs, as designated by the Educational Service Provider/Board of Directors. The School Leader is responsible for the supervision of the school or program consistent with Board policy and directives of the Educational Service Provider/Board of Directors and may delegate responsibility to subordinates as appropriate. In a Public School Academy, the School Leader is often, but not always, equivalent to the position Superintendent of a school district.

## SCOPE

A curriculum term that refers to both the length of a particular course of study and to the amount and types of learnings to be developed from beginning to end.

## SECTION 504

The section of the Rehabilitation Act of 1973 that includes requirements for employment and education of disabled persons. Section 504 is enforced by the Office of Civil Rights (OCR).

## SEQUENCE

A curriculum term correlated to SCOPE. Sequence describes the order in which learnings will be developed throughout a course of study.

## SKILL

One (1) of the five (5) major types of learning involved in a course of study, along with attitudes, facts, concepts, and principles. A skill involves taking certain actions and producing a particular result at a given standard of quality. A skill is acquired through repeated practice, interspersed with clear, concise feedback on what to change and what to maintain in order to improve the result.

## STANDARDIZED TEST

A test containing questions and/or problems designed by educators outside of the district rather than by the students' teachers. A standardized test has State or national norms by which to judge the level of each student's achievement.

## STANINE

A term used in reporting standardized test results. Stanine refers to one (1) of nine (9) possible levels of performance on the test.

## TEST

Questions, problems, or activity directions, designed to determine what students have learned in the way of attitudes, facts, concepts, principles, and/or skills. A test may also be used to determine how much or how well students can apply what they have learned.

## UNDERSTANDING

A level of knowledge beyond memorization or rote that enables a student to explain what s/he has learned and/or to apply knowledge in new and unfamiliar situations.

## VALIDITY

In education, how well test items or a test as a whole actually measures what is intended to be measured or needs to be measured. (See RELIABILITY).

## ACRONYMS

The following acronyms are used in the Academy policy and Administrative Guidelines and in communications with parents, students, and the public.

### A

ACA – Affordable Care Act

ACH – Automatic Clearing House

ACT – American College Testing

ADA – Americans with Disabilities Act of 1990

AED – Automatic External Defibrillator

AEP – Alternative Education Program

AFS – American Field Service, International/Intercultural Programs

AHERA - Asbestos Hazard Emergency Response Act

AIDS – Acquired Immunodeficiency Syndrome

ARO - Academy Records Officer

Art. – Article (referring to the Michigan Constitution of 1963)

ASAP - Automated Standard Application for Payment

ATP - Academy Technology Plan

### B

### C

CD – Certificate of Deposit

CDL – Commercial Driver's License

CEPI – Center for Educational Performance and Information

CFDA - Catalog of Federal Domestic Assistance

C.F.R – Code of Federal Regulations

CHRI – Criminal History Record Information

CIPA - Children's Internet Protection Act

COs – Compliance Officers

COOP - Continuity of Organizational Operations Plan

COPPA - Children's Online Privacy Protection Act

COR – Custodian of Records

CPA – Certified Public Accountant

CPR – Cardiopulmonary Resuscitation

CTE – Career and Technical Education

## **D**

DHS – Department of Human Services (formerly FIA and DSS)

DOE –Department of Education (Federal)

## **E**

ECD – Electronic Communication Device

EDP – Education Development Plan

EFTs - Electronic Funds Transfers

EEOC – Equal Employment Opportunity Commission

EIP – Emergency Intervention Plan

EL – English Learners

EMS – Emergency Medical Services

EPA – Environmental Protection Agency

ESEA – Elementary and Secondary Education Act

ESI – Emergency Safety Intervention

ESI - Electronically Stored Information

ESP – Educational Service Provider

ESSA – Every Student Succeeds Act (previously NCLB)

ETO – Electronic Transfer Officer

## **F**

FAIN - Federal Award Identification Number

FAPE – Free and Appropriate Public Education

FBA – Functional Behavioral Assessment



FERPA – Federal Educational Rights and Privacy Act

FICA – Federal Insurance Contributions Act

FLSA - Fair Labor Standards Act

FMLA – Family and Medical Leave Act

FOIA – Freedom of Information Act

FR – Federal Register

FSA – Flexible Spending Accounts (Health Care)

FTE – Full Time Equivalent (Student Attendance)

FVPSA – Family Violence Prevention and Services Act

## **G**

GAA – General Appropriations Act

GAAB – Generally Accepted Accounting Bulletin

GAAP – Generally Accepted Accounting Principles

GAN - Grant Award Notification

GASB - Governmental Accounting Standards Board

GED – General Education Diploma

GINA – Genetic Information Nondiscrimination Act of 2008

GPA – Grade Point Average

## **H**

HACCP – Hazard Analysis Critical Control Point

HAV – Hepatitis A

HBV – Hepatitis B

HCV – Hepatitis C

HHS – United States Department of Health and Human Services

HIPAA – Health Insurance Portability and Accountability Act of 1996

HITECH – Health Information Technology for Economic and Clinical Health Act

HIV – Human Immunodeficiency Virus

HMO – Health Maintenance Organization

HTML – Hyper Text Mark Up Language

HVAC – Heating Ventilating Air Conditioning

**I**

ICHAT – Internet Criminal History Access Tool

IDEA – Individuals with Disabilities Education Act

IEP – Individualized Education Plan

IEPC – Individual Educational Planning Committee

IEPT – Individualized Education Planning Team

IEQ – Indoor Environmental Quality

IHO – Impartial Hearing Officer

IIS – Indentix Identification Services

IPM – Integrated Pest Management

IRS – Internal Revenue Service

ISD – Intermediate School District

**J**

**K**

**L**

LASO - Local Agency Security Officer

LEA – Local Education Agency

LEIN – Law Enforcement Information Network

LEP – Limited English Proficient

LRE – Least Restrictive Environment

**M**

M.C.L – Michigan Compiled Laws

MDCH – Michigan Department of Community Health

MDCIS – Michigan Department of Consumer and Industry Services

MDE – Michigan Department of Education

MDHHS – Michigan Department of Health and Human Services

MEIS – Michigan Educational Information System

MHSAA – Michigan High School Athletic Association

MIOSHA – Michigan Occupational Safety and Health Administration

MMC – Michigan Merit Curriculum

MME – Michigan Merit Examination

MOSHA – Michigan Occupational Safety Health Act

MPG – Michigan Promise Grant

MPSERS – Michigan Public School Employment Retirement System

MRO – Medical Review Officer

MSDS – Material Safety Data Sheets

MSP – Michigan State Police

MSTEP – Michigan Student Test of Educational Progress

## **N**

NAEP – National Assessment of Educational Progress

NASD - National Association of Securities Dealers

NASSP – National Association of Secondary School Principals

NSF - National Science Foundation

NSLP - National School Lunch Program

NCLB – No Child Left Behind (Federal legislation of 2001)

## **O**

OCR – Office of Civil Rights (U.S. Department of Education)

OCTP – Office of Career and Technical Preparation

OHD - Occupational Health Division

OSHA – Office of Safety and Health Administration

OTC – Over the Counter

OTIS - Offender Tracking Information System

## **P**

PAN - Payee Account Number

PBIS - Positive Behavioral Interventions and Supports

PBS – Positive Behavior Support

PBSP – Positive Behavior Support Plan

PCD – Personal Communication Device

PII – Personally Identifiable Information

PMS - Payment Management System

PPE – Personal Protection Equipment

PSA – Public School Academy

PTA – Parent Teacher Association (Usually affiliated with the National Organization)

PTO – Parent Teacher Organization (Usually do not pay dues to a National Organization)

**Q**

**R**

RFP – Request for Proposal

RHO – Records Hearing Officer

**S**

SAP – Substance Abuse Professional

SAT – Scholastic Aptitude Test

SBP – School Breakfast Program

SEA – State Education Agency

SEAB – Sex Education Advisory Board

SEVP – Student Exchange Visitor Program

SOPPA Student Online Personal Protection Act

SOR - Sex Offenders Registry

SRO – School Resource Officer

STD – Sexually Transmitted Disease

**T**

TAF – Trust and Agency Fund

TDP – Deferred Payment (TDP) Plan (MPSERS)

THP – Toxic Hazard Preparedness

**U**

USAS – Uniform School Accounting System

U.S.C – United States Code

USDA – United States Department of Agriculture

USERRA – Uniformed Services Employment and Reemployment Rights Act of 1994

USIA – United States Information Agency

**V**

VAWA – Violence Against Women Act

**W**

WCAG - Web Content Accessibility Guidelines

**X**

**Y**

**Z**

## 0000 BOARD OPERATING POLICY<sup>1</sup>

0100	<b>Definitions</b>		<b>LR</b>
0110	<b>Official Description</b>		
	0111	Name	BP <sup>1</sup>
	0112	Purpose	BP
	0115	Address	BP
0120	<b>Powers and Philosophy</b>		
	0121	Authority	BP
	0122	Board Powers	LC
0130	<b>Functions</b>		
	0131	Legislative	BP
	0131.1	Charter Contract Bylaws and Board Operating Policies	BP
	0132	Executive	BP
	0132.1	Selection of School Leader/Educational Service Provider	BP
	0132.2	Administrative Procedures	BP
	0133	Judicial	BP
0140	<b>Membership</b>		BP
	0141	Number	BP
	0141.1	Student-Body Representatives	BP
	0142	Appointment	BP
	0142.1	Term	BP
	0142.2	Oath	BP
	0142.3	Vacancies	BP
	0142.31	Filing a Board Vacancy	BP
	0142.4	Orientation	BP
	0143	Authority	BP
	<b>0143.1</b>	<b>Public Expression of Board Members</b>	<b>LR</b>
	0144	Operations	BP
	0144.1	Compensation	BP
	<b>0144.11</b>	<b>Reimbursement of Expenses</b>	<b>LR</b>
	0144.2	Board Member Ethics	BP



	0144.3	Conflict of Interest	LC
	0144.4	Indemnification	BP
	0145	Discriminatory Harassment	LC
0150	<b>Organization</b>		
	0151	Annual Organizational Meeting	<b>LR</b>
	0152	Officers	BP
	0154	Annual Organizational Meeting Agenda (Motions)	BP
	0155	Committees	BP
0160	<b>Meetings</b>		
	0161	Parliamentary Authority	BP
	0162	Quorum	LC
	0163	Presiding Officer	BP
	0164	Call	BP
	0164.1	Regular Meetings	LC
	0164.2	Special Meetings	LC
	0164.3	Emergency Meetings	LC
	0165	Notice	LC
	0165.1	Posting Notice of Regular Meetings	LC
	0165.2	Change of Regular Meetings	LC
	0165.3	Posting Notice of Special Meetings	LC
	0165.4	Posting Notice of Emergency Meetings	LC
	0165.5	Recess	BP
	0165.6	Cancellation	LC
	0166	Agenda	LC
	0166.1	Consent Agenda	LC
	0167	Conduct	
	<b>0167.1</b>	<b>Voting</b>	<b>LR</b>
	<b>0167.2</b>	<b>Closed Session</b>	<b>LR</b>
	<b>0167.3</b>	<b>Public Participation at Board Meetings</b>	<b>LR</b>
	0167.4	Administrative Participation	BP
	0167.5	Use of Electronic Mail	BP
	0167.6	Use of Social Media	BP
	0168	Minutes	BP
	<b>0168.1</b>	<b>Open Meeting</b>	<b>LR</b>
	0168.2	Closed Meeting	LC
	0168.3	Committee Meetings	LC
	0169	Student Disciplinary Hearings	LC

	0169.1	Closed Session Requested	LC
	0169.2	Open Hearing	LC
0170	<b>Duties</b>		
	0171	Officers	
	0171.1	President	LC
	0171.2	Vice-President	LC
	0171.3	Secretary	LC
	0171.4	Treasurer	LC
	0172	Legal Counsel	BP
	0173	Independent Auditor	BP
	0175	Association Memberships	BP
	0175.1	Board Conferences, Conventions, and Workshops	BP

<sup>1</sup> Many of the board operating policies are also required by the Charter Contract, and are generally contained in the bylaws in the Charter Contract. The bylaws enshrined the Charter Contract always take precedence over these board operating policies. Each contract should be reviewed to consider whether these policies are required by contract, even if not required by law.

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## **DEFINITIONS**

Whenever the following items are used in these bylaws, policies and administrative guidelines, they shall have the meaning set forth below:

### **Academy**

The Public School Academy

### **Administrative Guideline**

A policy-based statement, usually written, outlining and/or describing the means by which a policy should be implemented and providing for the management cycle of plan, act, and assess or evaluate.

### **Apps and Services**

Apps and services are software (i.e., computer programs) that support the interaction of personal communication devices (as defined in Bylaw 0100) over a network, or client-server applications in which the user interface runs in a web browser. Apps and services are used to communicate/transfer information/data that allow students to perform actions/tasks that assist them in attaining educational achievement goals/objectives, enable staff to monitor and assess their students' progress, and allow staff to perform other tasks related to their employment. Apps and services also are used to facilitate communication to, from and among and between, staff, students, and parents, Board members and/or other stakeholders and members of the community.

### **Authorizer or Authorizing Body**

The governing boards of four different types of public educational entities (school boards, intermediate school boards, community college boards, governing boards of state public universities), empowered to issue contracts for the creation of public school academies, subject to certain limitations. The Revised School Code designates the authorizer or authorizing body.

### **Board**

The Board of Directors. (See Charter Contract Bylaws)

### **Board Operating Policy**

Rule of the Board for its own governance. (See Charter Contract Bylaws)

### **Charter Contract**

The executive act taken by an authorizing body, authorizing a public school academy. Subject to the constitutional powers of the state board and applicable law, the charter contract is the written instrument executed by an authorizing body, conferring certain rights, franchises, privileges, and obligations on a public school academy.

### **Due Process**

An established, rule-based procedure for hearing evidence, based on prior knowledge (a posted discipline code), notice of offense (accusation), and the opportunity to respond. Due process may require consideration of statutorily mandated factors, the right to counsel and/or confrontation or cross examination of witnesses, depending upon the situation.

**Educational Service Provider  
(Educational Management Organization or Charter Management Organization)**

An entity that enters in to a management agreement with a Public School Academy.

**Educational Service Provider Employee**

All employees of the Educational Management Organization, both certificated and non- certificated, working in the school who provide service to the Academy's program or administration.

**Family Member**

"Family member" means a person's spouse or spouse's sibling or child; a person's sibling or sibling's spouse or child; a person's child or child's spouse; or a person's parent or parent's spouse, and includes these relationships as created by adoption or marriage. (See Bylaw 0144.3)

**Full Board**

Authorized number of voting members entitled to govern the School, as established by the authorizer.

**Information Resources**

The Board defines Information Resources to include any data/information in electronic, audio-visual or physical form, or any hardware or software that makes possible the storage and use of data/information. This definition includes but is not limited to electronic mail, voice mail, social media, text messages, databases, CD-ROMs/DVDs, web sites, motion picture film, recorded magnetic media, photographs, digitized information, or microfilm. This also includes any equipment, computer facilities, or online services used in accessing, storing, transmitting or retrieving electronic communications.

**May**

The word used when an action by the Board, or its designee, is permitted, but not required.

**Meeting**

Any gathering attended by, or open to, all of the members of the School's Board of Directors. A meeting is held with the intent on the part of the members of the body present to discuss or act as a unit upon the specific public business of that body.

**Parent**

The natural, adoptive, or surrogate parent(s) or the party designated by the courts as the legal guardian or custodian of a student. Both parents will be considered to have equal rights, unless a court of law decrees otherwise and a copy of such order is on file with the School.

**Personal Communication Devices**

Personal communication devices ("PCDs") include computers, laptops, tablets, e-readers, cellular/mobile phones, smartphones, and/or other web-enabled devices of any type.

**Policy**

A general statement written by the governing Board that defines its expectations or position on a particular matter. A policy also authorizes appropriate action that must or may be taken to establish and/or maintain the Board's expectations.

**President**

The official leader of the Board. In addition to the responsibilities listed in "Duties of President," contained in the Charter Contract Bylaws and Articles of Incorporation, the President has the authority to sign, execute, and acknowledge, on behalf of the Board, all deeds, mortgages, bonds, contracts, leases, reports, and all other Board-approved documents.

**Relative**

The mother, father, sister, brother, spouse, parent of spouse, child, grandparents, grandchild, or dependent in the immediate household, as defined in the policy covering this subject.

**School**

The School or individual building of the School.

**Secretary**

The chief clerk of the Board of Directors. (See Charter Contract Bylaws.)

**Shall**

This word is used when an action by the Board or its designee is required. (The words *will* and *must* also signifies a required action.)

**Social Media**

Social media are online platforms where users engage one another and/or share information and ideas through text, video, or pictures. Social media consists of any form of online publication or presence that allows interactive communication, including, but not limited to, text messaging, instant messaging, websites, web logs ("blogs"), wikis, online forums (e.g., chat rooms), virtual worlds, and social networks. Examples of social media include, but are not limited to, Facebook, Facebook Messenger, Google Hangouts, Twitter, LinkedIn, YouTube, Flickr, Instagram, Pinterest, Skype, and Facetime. Social media does not include sending or receiving e mail through the use of Academy-issued e-mail accounts. Apps and web services shall not be considered social media unless they are listed on the Academy's website as Academy-approved social media platforms/sites.

**Student**

A person who is officially enrolled in the School.

**Superintendent**

The administrator employed by the Board who is responsible for the daily operations of the School and the implementation of the policies of the Board. The Superintendent can delegate appropriate duties assigned by the Board. The Superintendent must hold an appropriate school administrator certificate or permit.

**Support Employee**

An employee who provides support to the School's program, professional staff, and Administration, whose position does not require professional certification.

**Technology Resources**

The Board defines Technology Resources to include computers, laptops, tablets, e-readers, cellular/mobile telephones, smartphones, web-enabled devices, video and/or audio recording equipment, projectors, software and operating systems that work on any device, copy machines, printers and scanners, information storage devices (including mobile/portable storage devices such as external hard drives, CDs/DVDs, USB thumb drives and memory chips), the computer network, Internet connection, and online educational services and apps.

**Treasurer**

The chief financial officer of the School. (See Charter Contract Bylaws)

**Vice-President**

The Vice-President of the Board of Directors. (See Charter Contract Bylaws)

### **Voting**

The act of taking a vote at a meeting of the Board of Directors. Except to accommodate the absence of any member of the Board due to military duty, Board members must be physically present to have their vote officially recorded in the Board minutes.

Citations to Michigan Compiled Laws (MCL) are shown as MCL followed by the Section Number (e.g., MCL 380.1438). Citations to the Michigan Administrative Code are prefaced AC Rule (e.g., AC Rule R380.221). Citations to the Federal Register are noted as FR, to the Code of Federal Regulations as CFR, and to the United States Code as USC.

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## **OFFICIAL DESCRIPTION**

### **0111 Name**

The Board of Directors of this school shall be known officially as the George Washington Carver Academy Board of Directors.

### **0112 Purpose**

The reason the School exists is to provide a system of free, public education for children, as authorized in the Charter Contract. The Board exists to supervise the School, as set forth in the Charter Contract.

### **0115 Address**

The physical location of the School, the official address of the School, shall be 14510 2<sup>nd</sup> Avenue, Highland Park, MI 48203, and the official name of the School shall be George Washington Carver Academy.

Adopted 1/11/10

Revised 9/9/19

## POWERS AND PHILOSOPHY

### 0121 Authority

The supervision of this School shall be conducted by the Board of Directors, hereinafter referred to as *the Board*, constituted and governed by the laws of the State of Michigan and the Charter Contract.

MCL 380.1201 et seq.

### 0122 Board Powers

This School shall operate as a public school academy, pursuant to the provisions of the Charter Contract and applicable laws. The Board of Directors has all of the rights, powers, and duties expressly stated in the law and the Charter Contract. The Board may exercise power incidental to, or appropriate to, the operation of the School, including, but not limited to, all of the following:

- A. Educate Students. In addition to educating students in the grades and subjects authorized in the Charter Contract. The Board may operate preschool, adult education, and GED testing preparation programs, if specified in the Charter Contract.
- B. Provide for the safety and welfare of students while at the School, at a School-sponsored activity, or while enroute to or from the School or a School-sponsored activity.
- C. Acquire, construct, maintain, repair, renovate, dispose of, or convey School property, facilities, equipment, technology, or furnishings.
- D. In accordance with its Charter Contract and with an Educational Service Provider: to hire, contract for, schedule, supervise, or terminate employees, independent contractors, and others to carry out School operations. The Board may contract with the Educational Service Provider to provide educational, administrative and other services and to exercise certain of said powers. The rights, responsibilities and obligations of the school and the Educational Service Provider are set forth in the agreement between the Board and the Educational Service Provider. The School's policies and procedures are not intended to modify any of the terms of such a contract.
- E. Receive, account for, invest, or expend School money; borrow money and pledge School funds for repayment; and qualify for State-School Aid and other public or private money from local, regional, State, or Federal sources.

The School may enter into agreements or cooperative arrangements with other entities, public or private and may join organizations that assist in performing the functions of the School.

This School is a corporate body governed by a Board of Directors. An act of this Board is not valid unless approved by a majority vote of the Directors of the School present at a noticed meeting at which a quorum is present.



The Board has authority, based on statute, to make decisions regarding the following subjects:

- A. The policyholder of an employee group insurance benefit (if the Board employs staff.)
- B. The starting day for the school year and the amount of student contact time to receive full State school aid.
- C. The composition of the School's school-improvement committee(s) established under M.C.L. 380.1277.
- D. Contracting with outside parties for non-instructional support services provided by an employee group (if the Board employs staff) including the procedures for obtaining a contract, the identity of the outside party, and the impact on individual staff members if the employee group is given an opportunity to bid on providing the noninstructional support services.
- E. Use of volunteers.
- F. Decisions regarding the use of experimental or pilot programs including staffing, use of technology, provision of the technology, and the impact on individual staff members.
- G. Compensation or reimbursement of a staff member for monetary penalties imposed on the staff member under the Public Employment Relations Act. (if the Board employs staff).
- H. Any decision regarding the placement of teachers, or the impact of that decision on an individual employee.
- I. Decisions about the development, content, standards, procedures, adoption and implementation of a performance evaluation system under M.C.L. 380.1249 for teachers and administrators. (If the Board employs staff.)
- J. Decisions concerning the content of a teacher's or administrator's performance evaluation or the impact of such decision. (If the Board employs staff.)
- K. Decisions concerning the classroom observation of an individual teacher, and the impact of such decision on an individual teacher. (if the Board employs staff.)
- L. Decisions about the development, content, standards, procedures, adoption and implementation of the method of performance based compensation for teachers and administrators in accordance with M.C.L. 380.1250. (If the Board employs staff.)
- M. Decisions about how performance evaluation is used to determine the performance based compensation for teachers and administrators. (If the Board employs staff.)

- N. Any requirement that would violate section 10(3), M.C.L. 423.210(3), (Right to Work Law).
- O. Decisions about the development, format, content, and procedures of the notification to parents and legal guardians required under M.C.L 380.1249a (the requirement to make the notifications is effective with the 2018-2019 school year).

M.C.L. 380.503, 380.504a, 380.1225, 423.215

Adopted 1/11/10  
Revised 8/12/13; 2/11/19; 9/9/19

## FUNCTIONS

### 0131 Legislative

#### 0131.1 Charter Contract Bylaws and Board Operating Policies

The Board of Directors shall adopt bylaws and policies for the organization and operation of this Board and the School and shall be bound to follow such bylaws and policies.

Policies that are not dictated by the statute or rules of the State Department of Education, ordered by the State Board of Education, or directed by the Superintendent of Public Instruction or a court of competent authority may be adopted, amended, repealed, or suspended at any meeting of the Board.

The adoption, modification, repeal, or suspension of a School policy shall be recorded in the minutes of the Board meeting. All policies shall be printed in the Board Policy manual. Any policy or part of a policy that is superseded by a term in the Charter Contract shall no longer be in force or effect as a policy.

Board policies that are neither dictated by the statutes or rules of the State of Michigan nor ordered by either the Charter Contract of the authorizing institution or a court of competent authority may be adopted, amended, and repealed at any meeting of the Board provided the proposed adoption, amendment, or repeal was proposed at a previous Board of Directors meeting and, once proposed, remained on the agenda of each succeeding Board of Directors meeting until approved or rejected.

Bylaws and policies shall be adopted, amended, repealed or suspended by a majority vote of the Board.

Periodically, it may be deemed necessary to make technical corrections to policies that have already been adopted through normal procedures. These technical corrections may include statutory references, scrivener's errors, renumbering that does not change the order of the sections or subsections, grammatical corrections or additions including punctuation or typographical errors, as well as alterations and omissions not affecting the construction or meaning of any sections, subsections, chapters, titles, or policies as a whole. Technical corrections may also include the updating of the named individuals in these policies where the originally named individual no longer works for the School or no longer works in the applicable position. Should the Board choose to make such technical corrections, it may be accomplished by resolution without going through the normal policy adoption procedures.

The Board may adopt, amend, or repeal rules of order for its own operation by simple resolution of the Board passed by a majority of those present and voting.

MCL 450.2223, 450.2231

0132 **Executive**

0132.1 **Selection of Superintendent**

The Board of Directors shall exercise its executive power, in part, by contracting with a Superintendent, who shall enforce the statutes of the State of Michigan, the rules of the State Department of Education, the terms of the Charter Contract, and the policies of this Board, in accordance with the agreement between the Board and the Superintendent.

0132.2 **Administrative Guidelines**

The Board shall delegate to the Superintendent the responsibility to specify required actions and design the detailed arrangements under which the School will operate. These detailed arrangements shall constitute the Administrative Guidelines governing the School and shall be consistent with statutes or regulations of the State Department of Education, the policies of this Board, the provisions of the Charter Contract, and the contractual agreement with the Superintendent.

The Board shall delegate authority to the Superintendent to take necessary action in circumstances not provided for in Board policy or Administrative Guidelines, provided such action, if material, shall be reported to the Board within 24 hours.

0133 **Judicial**

The Board of Directors may delegate jurisdiction to the Superintendent over any dispute or controversy arising within the School and concerning any matter in which authority has been vested in the Board, by statute, rule, contract, or policy of this Board, except where such delegation is prohibited by law. However, the Board reserves its right to legal redress in any and all matters concerning this School.

Adopted 1/11/10  
Revised 8/18/14; 2/11/19; 9/9/19

## MEMBERSHIP

### 0141 **Number**

The members of the Board of Directors shall consist of the number established within the provisions of the Charter Contract.

### 0142 **Appointment**

#### 0142.1 **Term**

Each Board member shall be appointed for a term, the length of which is set by the Charter Contract. A member may serve additional terms.

#### 0142.2 **Oath**

Each Board member must swear or affirm and file the oath of public officers established at Art. XI § 1 of the Michigan Constitution of 1963 within the timelines established in the Charter Contract and applicable law.

#### 0142.3 **Vacancies**

(See Provision of Charter Contract Bylaws.)

#### 0142.31 **Filling a Board Vacancy**

(See Provision of the Charter Contract Bylaws.)

#### 0142.4 **Orientation**

The preparation of each Board member for the performance of Board duties is essential to the effective functioning of the Board. The Board shall encourage each new Board member to understand the functions of the Board, acquire knowledge of matters related to the operation of the School, and learn Board procedures. Accordingly, in conjunction with the Authorizer, the Board shall give copies of the following items to new Board members no later than their first regular meeting as Board members for their use and possession during their term on the Board:

- A. the Charter Contract;
- B. the Employee Leasing Company Contract;
- C. the Superintendent Contract;
- D. the Board Policies Manual online;
- E. the current budget statement, audit report, and related fiscal materials;
- F. the student handbook;
- G. the staff handbook;

- H. the Open Meetings Act;
- I. materials concerning the conduct of meetings (standard agenda, recording minutes, handling of a motion); and
- J. other materials, as deemed appropriate by the Board.

Each new Board member shall be invited to meet with the Board President, Superintendent, Board Liaison, and Board Accountant to discuss Board functions, policies, procedures, and provisions of the Charter Contract.

The Board shall encourage the attendance of each new Board member at orientation and training meetings.

0143 **Authority**  
MCL 15.261 et seq.

Individual members of the Board do not possess the powers that reside in the Board of Directors. The Board speaks through approval of actions reflected in its minutes, not through its individual members. An act of the Board shall not be valid unless approved by majority vote of the Directors present at a meeting at which a quorum is present. (See Charter Contract Bylaws.)

No member of the Board shall be denied documents or information to which he/she is legally entitled and that are required in the performance of his/her duties as a Board member.

0143.1 **Public Expression of Board Members**

The Board President functions as the official spokesperson for the Board. Occasionally, however, individual Board members will make public statements on Academy matters.

If such statements imply, or if the readers (listeners) could infer that the opinions expressed or statements made are the official positions of the Board, the Board members shall, when writing or speaking on Academy matters make it clear that their views do not necessarily reflect the views of the Board or those of their colleagues on the Board.

This policy shall apply to all statements and/or writings by individual Board members that are not explicitly sanctioned by a majority of its members, except as follows:

- A. correspondence, such as legislative proposals, when the Board member has received official guidance from the Board on the matters discussed in the letter;
- B. routine "thank you" letters of the Board;
- C. statements by Board members on non-School matters (providing the statements do not identify the author as a member of the Board); or

- D. personal statements not intended for publication.
- E. A Board member's personal or private use of social media may have unintended, negative consequences to the Board member and/or the School, including possible violations of the Open Meetings Act and issues relating to creation of a public record. Postings to social media should be done in a manner sensitive to the Board member's responsibilities, applicable School policies, and legal obligations.

## 0144 Operations

### 0144.1 Compensation

Board members shall not receive annual compensation for service as a Board Member.

### 0144.11 Reimbursement of Expenses

Reference: MCL 380.1254; MCL 388.1764b

The Board shall pay the actual and necessary expenses of its members in the discharge of official duties or in the performance of functions authorized by the Board. The expenditure shall be a public record and shall be made available to a person upon request.

The Board shall approve payment of an expense incurred by a Board member only if either (1) the Board, by a majority vote of its members at an open meeting, approved reimbursement of the specific expense before the expense was incurred, or (2) the expense is consistent with the following policy, and the Board approves the reimbursement before it is actually paid:

The following categories of expenses shall be reimbursable:

- Mileage for Board-related activities and meetings, not to exceed the then-current rate established by the Internal Revenue Service;
- Expenses of attending a Board-approved conference, including fees, parking, mileage, meals and housing
- Expenses related to purchase of printed or other materials relating to Board membership; and
- Expenses of attending a community or School-related event, if the individual attends as the designated representative of the Board.

The following categories of expenses shall not be reimbursable:

- Expenses of attending a community or School-related event, if the individual attends as a private citizen;
- Entertainment expenses; and
- The purchase of alcoholic beverages.

A voucher detailing the amount and nature of each expense must be submitted to the School Board for approval at a Board meeting, prior to reimbursement.

0144.2 **Board Member Ethics**

Reference: Board of Directors, National School Boards Association

Members of the Board of Directors will strive to improve public education. To that end, Board members will do the following:

- A. attend all regularly scheduled and special Board meetings, insofar as possible, and stay informed concerning the issues to be considered at those meetings;
- B. endeavor to make policy decisions only after full discussion at publicly held Board meetings;
- C. render all decisions based on the available facts and independent judgment, refusing to surrender that judgment to individuals or special interest groups;
- D. encourage the free expression of opinion by all Board members and seek systematic communications among the Board and students, staff, and all elements of the community;
- E. work with the other Board members to establish effective Board policies and delegate authority for the administration of the School;
- F. communicate to other Board members and Superintendent expressions of public reaction to Board policies and School programs;
- G. inform themselves concerning current educational issues through individual study and participation in programs, which provide relevant information;
- H. support the employment of persons best qualified to serve as staff, and insist on regular and impartial evaluations of all staff;
- I. avoid conflict of interest and refrain from using their Board positions for personal or partisan gain;
- J. take no private action that may compromise the Board or administration and respect the confidentiality of information that is privileged under applicable law;
- K. remember that their first and greatest concern must be for the educational welfare of the students attending the School;
- L. observe all applicable statutory limitations and duties regarding conflicts of interest.

0144.3 **Conflict of Interest**

MCL 15.323; 380.1203, 450.2545a

Board members shall perform their official duties free from any conflict of interest. To this end, no Board member shall use his/her position as a Board



member to benefit either himself/herself or any other individual or agency, apart from the total interest of the School.

When a member of the Board suspects the possibility of a personal interest conflict, he/she should disclose his/her interest (such disclosure shall become a matter of record in the minutes of the Board) and thereafter abstain from any participation in both the discussion of the matter and the vote thereon.

If a Board member's financial interest pertains to a proposed contract with the School, the following requirements must be met:

- A. The Board member shall disclose the financial interest in the contract to the Board with such disclosure made a part of the official Board minutes. If his/her direct financial interest amounts to \$250 or more, or five percent (5%) or more of the contract cost to the School, the Board member shall make the disclosure in one of two (2) ways:
  1. In writing, to the Board President (or, if the member is the Board President, to the Board Secretary) at least seven (7) days prior to the meeting at which the vote on the contract will be taken. The disclosure shall be made public in the same manner as the Board's notices of its public meetings. (See Board Operating Policy 0165.)
  2. By verbal announcement at a meeting at least seven (7) days prior to the meeting at which a vote on the contract is to be taken. The Board member must use this method of disclosure if his/her financial interest amounts to \$5,000 or more.
- B. Any contract in which there is a conflict of interest, as defined by this Policy and the related statute (MCL 15.321 et seq.), must be approved by a vote of not less than two-thirds (2/3) of the full Board (excluding the vote of any Board member with a financial interest).

However, if a majority of the members of the Board are required to abstain from voting on a contract or other financial transaction due to a financial interest, then for the purposes of that contract or other financial transaction, the members who are not required to abstain constitute a quorum of the board and only a majority of those members eligible to vote is required for approval of the contract or financial transaction.

- C. A member of the Board is presumed to have a conflict of interest if the member or his/her family member has a financial interest, or a competing financial interest, in the contract or other financial transaction or is an employee of or at the School.

Having a child in the School does not alone constitute a conflict of interest or financial interest in a contract or other financial transaction of the School.

“Family member” means a person’s spouse or spouse’s sibling or child; a person’s sibling or sibling’s spouse or child; a person’s child or child’s spouse; or a person’s parent or parent’s spouse, and includes these relationships as created by adoption or marriage.

A Board member is not considered to have a financial interest in any of the following instances:

1. A contract or other financial transaction between the School and any of the following:
  - a. A corporation in which the individual is a stockholder owning 1% or less of the total stock outstanding in any class if the stock is not listed on a stock exchange or owning stock that has a present market value of \$25,000.00 or less if the stock is listed on a stock exchange.
  - b. A corporation in which a trust, if the individual is a beneficiary under the trust, owns 1% or less of the total stock outstanding in any class if the stock is not listed on a stock exchange or owns stock that has a present market value of \$25,000.00 or less if the stock is listed on a stock exchange.
  - c. A professional limited liability company organized pursuant to the Michigan limited liability company act, if the individual is an employee but not a member of the company.
2. A contract or other financial transaction between the School and any of the following:
  - a. A corporation in which the individual is not a director, officer, or employee.
  - b. A firm, partnership, or other unincorporated association, in which the individual is not a partner, member, or employee.
  - c. A corporation or firm that has an indebtedness owed to the individual.
3. A contract awarded to the lowest qualified bidder, upon receipt of sealed bids pursuant to a published notice for bids if the notice does not bar, except as authorized by law, any qualified person, firm, corporation, or trust from bidding. This does not apply to any amendments or renegotiations of a contract or to additional payments under the contract that were not authorized by the contract at the time of award.

- D. The official minutes of the Board must disclose the name of each party involved in the contract, the nature of the financial interest, and the terms of the contract, including the duration; financial consideration between the parties; facilities or services of the School included in the contract; and the nature and degree of assignment of School staff needed to fulfill the contract.
- E. A Board member with a conflict of interest in a contract may not participate in the discussion of nor vote on the contract.

Board members shall not solicit or accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts involved with grant funds, except that a Board member may accept an unsolicited gift of nominal value.

- F. Board members shall not solicit or accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts involved with Federal grant funds, except that a Board member may accept an unsolicited gift of nominal value.
- G. A Board member may serve as a volunteer coach or supervisor of a student extra-curricular activity if ALL of the following conditions are present:
  - 1. The Board member receives no compensation as a volunteer coach or supervisor;
  - 2. The Board member abstains from voting on issues before the Board concerning the program in which **s/he** is involved during the period of time s/he serves as a volunteer coach or supervisor; and
  - 3. The appointing authority has received the results of a criminal history check and criminal records check from the Michigan State Police and the Federal Bureau of Investigation for the Board member.

0144.4 **Indemnification**  
MCL 691.1408, 450.2561 – 2569

The Board may hold Directors and Officers harmless and may indemnify, pay, settle, or compromise a judgment against a Board member to the extent allowed under the law. The Board may also purchase Errors and Omissions insurance coverage for the Board of Directors.

0145 **Discriminatory Harassment**  
MCL 37.1101 et seq., 37.2101 et seq.

The intent of the Board of Directors is to provide an environment that fosters the respect and dignity of each person. To this end, the Board is committed to the maintenance of an environment free of harassment and intimidation.

Harassment of students, persons providing services to the School, and employees on the basis of their race, color, national origin, sex, disability, age, religion, or any other legally protected characteristic in its educational programs or activities is prohibited and will not be tolerated. See Policy 5517.

Adopted 1/11/10

Revised 8/12/13; 1/13/14; 1/11/16; 9/12/16; 7/9/18; 2/11/19; 9/9/19

## **ORGANIZATION**

### **0151 Annual Organizational Meeting**

Each year the Board of Directors shall conduct an organizational meeting to elect officers. The meeting shall be called to order by the ranking officer of the Board, who shall serve until the election of a President. (See Charter Contract Bylaws.)

### **0152 Officers**

Pursuant to the Charter Contract Bylaws, the Board shall elect a President, a Vice-President, a Secretary, and a Treasurer. Election of officers shall be by a majority vote of the Directors at a meeting at which a quorum is present.

Except for those appointed to fill a vacancy, officers shall serve for one (1) year and until their respective successors are elected and qualified. An officer may be removed by the Board, if the Board decides the best interests of the School would be served thereby. The Board shall fill a vacancy in any office within 30 days of the occurrence of the vacancy.

### **0154 Annual Organizational Meeting Agenda (Motions)**

At the annual organizational meeting, the Board shall use the following agenda:

- A. Call to order and roll call
- B. Business items: Election of Officers (President, Vice-President, Secretary, and Treasurer)
- C. Adoption of calendar of regularly scheduled Board meeting dates and times
- D. Adoption of resolution designating public places to post calendar and individual meeting notices of regularly scheduled and special meeting dates for the Board
- E. Adoption of a resolution designating the depository for Board funds
- F. Adoption of a resolution designating principal print media sources
- G. Adoption of a resolution designating Board members and personnel eligible to sign checks
- H. Adoption of resolution authorizing the School Leader and/or other personnel authorized to negotiate and implement contracts with service providers (vendors)
- I. Adoption of the school year calendar
- J. Appointment of Title IX, Freedom of Information, and Civil Rights Coordinators

- K. Appointment (or reappointment) of Legal Counsel
- L. Appointment (or reappointment) of External Auditor
- M. Appointment of Electronic Transfer Officer (ETO), in accordance with Policy 6144

0155 **Committees**

(See Charter Contract Bylaws.)

Adopted 1/11/10  
Revised 9/9/19

## **MEETINGS**

### **0161 Parliamentary Authority**

The Board shall adopt rules of order for its operation. The rules shall apply in all cases, consistent with statute, administrative code, and the Charter Contract Bylaws. The Board may not adopt any rules of order that prevent or preclude the vote of any member.

### **0162 Quorum**

A majority of the full Board members present (in person) at a meeting shall constitute a quorum, and no business shall be conducted in the absence of a quorum.

### **0163 Presiding Officer**

The President shall preside at all meetings of the Board. In the absence, disability, or disqualification of the President, the Vice-President shall act instead; if neither person is available, any member shall be designated by a plurality of those present to preside. The act of any person so designated shall be legal and binding.

### **0164 Call**

#### **0164.1 Regular Meetings**

The Board shall hold a meeting at least once each month, on a date and at a time and place as designated at the Annual Organizational Meeting.

#### **0164.2 Special Meetings**

(See Charter Contract Bylaws.)

#### **0164.3 Emergency Meetings**

In the event of a severe and imminent threat to the health, safety, or welfare of the School, its employees, or students, any member of the Board may call an emergency session, provided two-thirds (2/3) of the members of the Board concur that a delay would be detrimental to efforts to lessen or respond to the threat. Actual notice of any emergency meeting shall be attempted, but is not required, to other Board members.

### **0165 Notice**

#### **0165.1 Posting Notice of Regular Meetings**

Within ten (10) days after the Board Meeting held in July, the first month of the fiscal year, the Board shall post, at the Board office and in other locations considered appropriate by the Board, a notice listing the date, time, and place of each regularly scheduled meeting of the Board. The notice shall contain the name, address, and telephone number of the School. The notice shall also contain the following statement:

"Upon request, the School shall make reasonable accommodation for a person with disabilities to participate in this meeting."

Upon the written request of an individual, organization, firm, or corporation, and upon the receipt of payment of a yearly fee, the School shall send to the requesting party, by first class

mail, a copy of any notice required to be posted by these bylaws. The yearly fee will not be more than the estimated reasonable cost for printing and mailing each notice, as determined annually by the Board. At their request, the news media shall be entitled to receive free copies of such notices.

#### **0165.2 Change of Regular Meetings**

Within three (3) days after the Board adopts a resolution changing the date, time, or place of a regularly scheduled meeting, the meeting notice shall state the date, time, and place of the rescheduled meeting, as well as the name, address, and telephone number of the School. The notice shall be posted on the front door of the School and at other appropriate place(s), as the Board may determine. This notice shall be posted at least eighteen (18) hours before the rescheduled meeting.

MCL 15.264, 15.266

#### **0165.3 Posting Notice of Special Meetings**

Notice of special meetings shall state the date, time, and place of the meeting and the business to be transacted, as well as the name, address, and telephone number of the School. A notice of any special meeting shall be posted at least eighteen (18) hours before the meeting. A copy of the notice shall be given or emailed to each member of the Board at least twenty-four (24) hours prior to the meeting.

#### **0165.4 Posting Notice of Emergency Meetings**

No notice of any emergency meeting shall be required.

#### **0165.5 Recess**

Any meeting of the Board may be recessed to another time and place. A meeting that is recessed for more than thirty-six (36) hours shall be reconvened only after a notice has been posted on the front door of the School, and such other place(s) as the Board may determine, for at least eighteen (18) hours prior to the time the meeting is to reconvene. The notice shall state the date, time, and place of the meeting to be reconvened, as well as the name, address, and telephone number of the School.

MCL 15.265

#### **0165.6 Cancellation**

Any meeting of the Board may be cancelled for appropriate purposes, which shall include, but not be limited to, inclement weather, lack of a quorum, or conflict with a special event relating to the Academy. If the cancelled meeting is a regular meeting it must be re-scheduled following all notice requirements set forth above.

M.C.L. 15.265, 380.1201(3)(4)

### **0166 Agenda**

The Board Liaison shall submit to each Board member a written agenda prior to each regular meeting and each special meeting, unless otherwise directed by the Board. The agenda shall list the various matters to come before the Board and serve as a guide for the order of procedure for the meeting. Individual Board members may include items on the agenda, with the concurrence of the Board President.

The agenda of the regular monthly meeting or special meetings shall be accompanied by a report from the Superintendent about the School, with such recommendations as he/she shall make. Each agenda shall contain the following statement:

"This meeting is a meeting of the Board of Directors, held in public, for the purpose of conducting the School's



business and is not to be considered a public community meeting. A time for public participation during the meeting is indicated in the agenda."

The agenda for each regular meeting shall be mailed, emailed, faxed or delivered to each Board member prior to a regular meeting to provide sufficient time for the member to study the agenda. Generally, the agenda should be received by each member no later than seven (7) days prior to the meeting. The agenda for a special meeting shall be delivered at least twenty-four (24) hours before the meeting, consistent with provisions calling for special meetings.

The Board shall transact business according to the agenda, prepared and submitted to all Board members in advance of the meeting. The order of business may be altered and items added at any meeting, by a majority vote of the members present.

#### **0166.1 Consent Agenda**

The Board of Directors may use a consent agenda to keep routine matters within a reasonable time frame.

The following routine business items may be included in a single resolution for consideration by the Board:

- A. minutes of prior meetings;
- B. bills for payment;
- C. resolutions that require annual adoption, such as bank signatories, etc.

A member of the Board may request any item to be removed from the consent resolution and defer it for a specific action or more discussion. No vote of the Board will be required to remove an item from the consent agenda. A single member's request shall cause it to be relocated as an action item eligible for discussion. Further, any item on the consent agenda may be removed and discussed as a non-action item or deferred for further study and/or discussion at a subsequent Board meeting, if the Superintendent or any Board member thinks the item requires further discussion.

#### **0167 Conduct**

##### **0167.1 Voting**

All regular and special meetings of the Board at which the Board is authorized to perform business shall be conducted in public, except as permitted by the Open Meetings Act. No act shall be valid unless approved by a majority vote at a meeting of the members elected or appointed to and serving on the Board who are authorized to vote (see Voting as defined in Bylaw 0100) and a proper record is made of the vote. Meetings of the Board shall be public and no person shall be excluded.

Unless specifically authorized by Michigan conflict of interest laws, any Board member's decision to abstain shall be recorded and deemed to acquiesce in the action taken by the majority. Failure to vote, absent a statutory exception or other reasonable ethical basis, constitutes a breach of the Board member's duty as a public official. In situations in which a specified number of affirmative votes are required and abstentions have been noted, the motion shall fail if the specified number of affirmative votes have not been cast. In situations in which there is a tie vote and the abstention represents the deciding vote, the motion shall fail for lack of a majority. (184 Michigan App 681, 684 (1990))

All actions requiring a vote may be conducted by voice, show of hands, or roll call, provided the vote of each member is recorded. Proxy voting shall not be permitted. If a vote is not conducted by roll call, any member may request a roll call vote.

MCL 380.506(a), MCL 15.261 et. seq.

## 0167.2 **Closed Session**

Per the Open Meeting Act, the Board, by means of a roll call vote, may meet in a closed session (closed to the public) for the following purposes:

A. to consider the dismissal, suspension, or discipline of a public officer, staff member, or individual agent. In a closed session, the Board may hear complaints, charges brought, or periodic evaluation of personnel. The named person may request a closed hearing (majority vote required).

B. to consider the dismissal, suspension, or discipline of a student, only if the student or student's parents request a closed hearing (majority vote required). (Also see Operating Policy 0169, Student Disciplinary Hearings.)

C. to conduct strategy and negotiation sessions connected with the negotiation of a collectively bargained agreement, if either negotiating party requests a closed hearing (majority vote required).

D. to consider the purchase or lease of real property, up to the time an option to purchase or lease that real property is obtained (two-thirds (2/3) vote required).

E. to consult with the Board's attorney regarding trial or settlement strategy in connection with specific pending litigation, only if an open meeting would have a detrimental financial effect on the litigating or settlement position of the public body (two-thirds (2/3) vote required).

F. to consider materials, exempt from discussion or disclosure under State or Federal statute, including by way of example only, written opinions of legal counsel, and school safety plans (two-thirds (2/3) vote required).

G. to consider security planning to address existing threats or prevent potential threats to the safety of the students or staff. (a majority vote is required)

All interviews for employment or appointment of the Superintendent shall be held in an open meeting of the Board.

In keeping with the confidential nature of closed sessions, no member of the Board shall disclose the content of discussions during such sessions. The only exceptions will be discussions with the School's legal counsel or as directed by order of a court with proper jurisdiction.

Board members shall not record or communicate by any means, electronic or otherwise, with party or parties outside such meetings, regarding the substance of such meetings, either during or after the course of such meetings.

MCL 15.267, 15.268

## 0167.3 **Public Participation at Board Meetings**

In keeping with the confidential nature of closed sessions, no member of the Board shall disclose the content of discussions that take place during such sessions. The only exceptions will be discussions with the School's legal counsel or as directed by an order of a court with proper jurisdiction.

It is expected that Board members shall not record nor communicate by any means, electronic or otherwise, with party or parties outside such meetings regarding the substance of such meetings either during or after the course of such meetings.

MCL 15.267, 15.268

The Board of Directors recognizes and values the public's right to comment on educational issues and express themselves on School matters.

To permit fair and orderly public expression, the Board shall provide a period for public participation public meetings of the Board and shall publish rules to govern such participation in Board meetings and in Board committee meetings. The rules shall be administered and enforced by the presiding officer of the meeting.

The presiding officer shall be guided by the following rules:

- A. Public participation shall be permitted as indicated on the order of business.
- B. With approval of the Board President, anyone with concerns related to the operation of the schools or to matters within the authority of the Board may express themselves during the public participation.
- C. Upon their arrival at the meeting, participants with approval must register to participate in the public portion of the meeting.
- D. Participants must be recognized by the presiding officer and will be requested to preface their comments by an announcement of their name; address; and group affiliation, if and when appropriate.
- E. Each statement made by a participant shall be limited to one (1) minute duration, as established by Board policy.
- F. No participant may speak more than once.
- G. Participants shall direct all comments to the Board, not to staff or other participants.

The presiding officer may take the following actions:

- A. prohibit public comments which are frivolous, repetitive, or harassing;
- B. interrupt, warn, or terminate a participant's statement, when the statement is too lengthy, personally directed, abusive, obscene, or irrelevant;
- C. request any individual to leave the meeting when that person behaves in a manner that is disruptive of the orderly conduct of the meeting;
- D. call for a recess or an adjournment to another time, when the lack of public decorum so interferes with the orderly conduct of the meeting, as to warrant such action;
- E. request the assistance of law enforcement officers to remove a disorderly person, when that person's conduct interferes with the orderly progress of the meeting.
- F. The portion of the meeting, during which the participation of the public is invited, shall be limited to one (1) minute, but the timeframe will be extended, if necessary, so that no one's right to address the Board will be denied.

MCL 15.263(4)(5)(6)

#### 0167.4 **Administrative Participation**

The Superintendent and selected staff members shall attend all meetings, when feasible. Staff participation shall be by professional counsel, guidance, and recommendation -- as distinct from deliberation, debate, and voting of Board members.

#### 0167.5 **Use of Electronic Mail**

Since electronic mail (email) is a form of communication that could conflict with the Open Meetings Act, it will not be used to conduct business of the Board, but will be used for the purposes of communicating the following:

- A. messages between Board members or between a Board member and staff that do not involve deliberating or rendering a decision on matters pending before the Board;
- B. possible agenda items between the Superintendent and the Board President;
- C. times, dates, and places of regular or special Board meetings;
- D. a Board meeting agenda or public record information concerning items on the agenda;
- E. requests for public record information from a member of the administration, staff, or community, pertaining to School operations;
- F. responses to questions posed by members of the public, administrators, or School staff.

Under no circumstances shall Board members use email to discuss among themselves Board business that is to be discussed only in an open meeting of the Board, is part of an executive session, or is/could be considered an invasion of privacy, if the message were to be monitored by another party.

There should be no expectation of privacy for any messages sent by e-mail. Deleted messages may still be accessible on the hard drive. Messages deleted or otherwise, may be subject to disclosure under the Freedom of Information Act, unless an exemption would apply.

#### **0167.6 Use of Social Media**

Social Media, as defined in Bylaw 0100, shall not be used to conduct any form of Board business.

### **0168 Minutes**

#### **0168.1 Open Meeting**

The Secretary, or a temporary secretary appointed by the presiding officer, shall designate a person to keep minutes of each meeting showing the date, time, place, members present, members absent, any decisions made at a meeting open to the public, and the purpose(s) for which a closed session is called. The minutes shall also include all roll-call votes taken at the meeting. These proposed minutes must be approved by the Board and endorsed by the Secretary at the next meeting. Proposed minutes shall be available for public inspection no later than eight (8) business days after the meeting to which the minutes refer. Approved minutes shall be available for public inspection no later than five (5) business days after the meeting at which the minutes are approved. The minutes shall be available for inspection at the main office of the School and shall be available for purchase, for a fee determined by the business office to cover the cost of printing and copying. The official minutes shall be bound together by years and kept in the office of the Board of Directors.

The Board Secretary shall not include in, or with, its minutes any personally identifiable information on any student of the School that, if released, would prevent the Board from complying with the Family Educational Rights and Privacy Act of 1974.

Minutes of the preceding meetings shall be approved by the Board as its first order of business at its next meeting.

MCL 15.269, 380.1201

#### **0168.2 Closed Meeting**

The Board shall designate a person to keep separate minutes of each closed meeting of the Board. These minutes shall be retained by the Secretary of the Board, but shall not be available to the public and shall only be disclosed if required by a civil action filed under MCL 15.270 et seq. Minutes of closed meetings may be destroyed one (1) year and one (1) day after the approval of the minutes of the regular meeting at which the closed session was approved.

MCL 15.267, 15.269, 15.270-71, 15.273

### **0168.3 Committee Meetings**

Any Board committee, whether standing or appointed ad hoc, which exercises governmental or proprietary authority must comply with the Open Meetings provisions in 0168.1 and 0168.2, and Public Participation provisions in 0167.3. Committees that are empowered to take action, make recommendations or otherwise deliberate in place of the Board are subject to this requirement.

## **0169 Student Disciplinary Hearings**

### **0169.1 Closed Hearing Requested**

If a parent or student requests a closed hearing, a vote must be taken by the Board. The purpose of the closed session should be announced: "To consider a student disciplinary matter, pursuant to the request of the parent/guardian." [NOTE: Do not use the person's name since that could identify him/her.] A majority approval vote is required to go into a closed session.

Those invited into closed session should include the student, parent(s) and/or representative(s) and the School administrator(s) bringing charges. Others may be admitted at Board discretion, if needed for the proceeding, or at the request of student/parents.

Witnesses should be admitted when they are needed to testify. They may be required to affirm that they will tell the truth. Witnesses should be asked to leave the closed session immediately after testifying

The Administration should present a summary of the requested discipline and an overview of the incident(s) supporting the reason for discipline. The Administrator shall call and question witnesses. As a witness, the Administrator may testify regarding the results of his/her investigation of the incident and the student's past record.

The student and/or parent (or only one person authorized to represent the student) should be allowed to ask the witness(es) questions about issues related to the discipline. Additional questioning by the Administrator, the student/parent/representative, and/or the Board may be allowed, at the Board's discretion.

The student and/or parent (or representative) may then present witnesses or statements to the Board. The Administrator and/or the Board may ask questions of these individuals. The Board may allow additional questioning, at its discretion.

When the presentation of evidence is concluded, the Board will deliberate. The Board may exclude the Administrator, the student, and the parent (or representative) or may allow both sides to remain. If the Board desires clarification of any testimony during its deliberation, it shall assure that the Administrator, the student, and the parent (or representative) are present to hear the information.

The Board shall not take any action in the closed session. To act on the discipline, the Board must return to open session, in which a majority vote is required to confirm any Board action.

During the open session, the name of the student shall not be used in voting on the discipline, to protect student privacy under the Federal Family Education Rights and Privacy Act. The student may be referred to by a code number or pseudonym (e.g., Student A). Only the

reference code shall be indicated in the Board minutes, NOT the student's actual name. The reference code shall be listed in the student's discipline file.

At any time during the hearing, if the student or parent (or representative) withdraws the request for a closed hearing, the matter shall proceed under the open hearing provisions.

#### **0169.2 Open Hearing**

Even if the student or parent (or authorized representative) does not request a closed hearing, the Board must still assure that the Family Education Rights and Privacy Act is not violated.

The parents (or student if eighteen (18) or older) should sign an authorization to release student record information, to allow discussion of the student's information in the public forum (Form 8330 F4). If the parents refuse to sign the authorization or, if information relating to other students must be presented at the hearing, it should be done anonymously, by referring to students by code numbers or pseudonyms. If this is not possible, then the Board may go into closed session to receive student-identifiable information pursuant to a two-thirds (2/3) roll call vote, for the announced purpose of "Considering material exempt from discussion or disclosure by State or Federal law."

In all other respects, the hearing shall proceed as outlined, under the previous section, entitled "Closed Hearing Requested."

The Board must deliberate and act on the discipline in open session. The student, parents, administrator, and public will be allowed to be present. Students or parents who have not authorized disclosure to the public will not be mentioned by name during deliberations, but only by anonymous reference code. Any action must be by a vote of the Board in open session. If the student or parents have signed an authorization for public disclosure, then the student's name may be used in the motion and recorded in the Board minutes.

### **© National Charter Schools Institute**

Adoption Date: **01.10**

Classification:

Revised Dates: **6/22/10; 10/24/11; 8/14/17; 2/11/19; 6/24/19; 9/9/19; 12.21**

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## DUTIES

### 0171 **Officers**

#### 0171.1 **President**

See duties of President contained in the Charter Contract Bylaws. In addition, the President shall have the authority to sign, execute and acknowledge, on behalf of the Board, all deeds, mortgages, bonds, contracts, leases, reports, and all other Board-approved documents.

#### 0171.2 **Vice-President**

(See duties set forth in the Charter Contract Bylaws.)

#### 0171.3 **Secretary**

(See duties set forth in the Charter Contract Bylaws.)

#### 0171.4 **Treasurer**

(See duties set forth in the Charter Contract Bylaws.)

### 0172 **Legal Counsel**

The Board of Directors shall employ an independent attorney to represent the School and Board in actions brought for or against the School and render other legal services for the welfare of the School.

### 0173 **Independent Auditor**

The Board shall obtain annually a letter of engagement from the selected audit firm, prior to the Annual Financial Audit. The independent auditor shall perform the following:

- A. examine the balance sheet of the School, at the close of its fiscal year, and the related statements of transactions in the various funds, for the fiscal year just ended;
- B. conduct the examination, in accordance with generally accepted auditing standards, and include such tests of the accounting records and such other auditing procedures as are necessary under the circumstances;
- C. render an opinion of the financial statements prepared at the close of the fiscal year;
- D. make recommendations to the Board of Directors concerning its accounting records, procedures, and related activities, as may appear necessary or desirable;
- E. perform other related services, as requested by the Board.

0175 **Association Memberships**

The Board of Directors may maintain professional association memberships and may take part in the activities of these groups.

The School may maintain institutional memberships in educational organizations that the Superintendent and Board find to be of benefit to members and school personnel. The materials and other benefits of these memberships will be distributed and used to the best advantage of the Board and staff.

0175.1 **Board Conferences, Conventions, and Workshops**

The Board of Directors recognizes the value of membership and attendance at conferences and meetings at the local, county, state, and national levels. Attendance at local, county, state, and national workshops and conferences is encouraged.

Each Board member is expected to report back to the Board after attending a conference at School expense.

Travel and personal expenses of spouse, children, or other guest traveling with a Board member shall be the responsibility of the Board member or of the individual. Expenses for convention functions attended as a group will be borne by the School, within budgetary limits.

If approved, the following are reimbursable upon submission of receipts and documentation:

- A. Conference registration fees
- B. Transportation – plane (coach, or economy class), train (coach or economy class) or automobile, including buses, taxis and limousines.
- C. Mileage at the Board approved rate
- D. Toll charges and parking
- E. Lodging (in most instances, reimbursement will be limited to the conference rate, however, exceptions may be made in extenuating circumstances as determined by the Treasurer.)
- F. Meals
  1. The maximum per-day/per-meal allowance/stipend includes up to a twenty percent (20%) gratuity.
  2. Official conference banquets will be reimbursed at actual cost.
- G. Phone calls for Academy business and reasonable calls home.



The President of the Board will regularly receive a record of Board members' attendance at conferences.

Adopted 1/11/10  
Revised 1/11/16; 9/9/19

**Policy Type:** Governance Process

**Policy Name:** Board Member's Job Description

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**Position:** Board Member/Director (Volunteer)

**Time commitment:** Five -ten hours a month (meetings, preparation, consultation)

**Term:** Stipulated by Bylaws and Authorizer Appointment

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### **Accountability**

The Board of Directors is collectively accountable to the members, Academy, and other stakeholders. They are accountable for the Academy's performance in relation to its mission and strategic objectives, and for the effective stewardship of financial resources.

### **Authority**

Individual board members have no authority to approve actions by the Academy, to direct staff, or to speak on behalf of the Academy unless given such authority by board action.

### **Responsibility**

Board members are responsible for acting in the best long term interests of the Academy and the community and will bring to the task of informed decision-making a broad knowledge and an inclusive perspective.

### **Principle Duties**

Every member of the Board of Directors, including the Board's officers, is expected to do the following:

- Participate in the review of the Academy's mission and objectives and in the development or review of its strategic plan
- Assist in monitoring the performance of the Academy in relation to its mission, objectives, core values, academic standards and reputation
- Prepare for and participate in monthly board meetings by adequate review of meeting materials
- Listen to others' views, advocate their own, identify common interests and alternatives, and be open to compromise
- Support governance decisions once made
- Abide by the by-laws, board policies, code of conduct and other documents that apply to the board operation
- Participate in the approval the annual budget and monitor the financial performance of the Academy in relation to it

- Help establish, review and monitor operational policies
- Participate in the hiring of, annual evaluation, and if required, the dismissal of, the Management/School Leader
- Identify prospective board members and assist in recruitment efforts
- Participate in the evaluation of the board itself (annual board self-evaluation)
- Contribute to the work of board as a member of a board committee
- Attend and participate in the annual organizational and special meetings as necessary
- Be an ambassador for the Academy – ensure ones involvement is known within their own network of friends and contacts.
- Remain informed about educational/charter issues relevant to the mission and objectives of the Academy

### **Qualifications**

The following are considered key job qualifications:

- Knowledge and concern for the academic achievement of the students served
- Commitment to organization's mission and strategic directions
- A commitment of time and professional expertise
- Openness to learning

### **Evaluation**

The performance of individual directors is evaluated annually in the context of the evaluation of the whole board, individual self-assessment, and is based on the carrying out of duties and responsibilities as outlined above.

### **Removal of a Board Member**

A director may be removed from the board, by a 2/3 vote, for not performing his/her duties as listed above. Being consistently absent from consecutive board meetings (2 or more) without reasonable cause may result in removal from the board unless otherwise determined by a decision of the board.

11/19/2018  
Date Approved

## 1000 ADMINISTRATION

1000	Administration Educational Service Provider Statement	
1110	Assessment of Academy's Goals	
<b>1130</b>	<b>Conflict of Interest</b>	<b>LR</b>
1210	Board/Educational Service Provider/School Leader Relationship	BP
<b>1217</b>	<b>Weapons</b>	<b>LR</b>
1220	Employment of the Educational Service Provider/School Leader	BP
1230	Responsibilities of the Educational Service Provider/School Leader	BP
1230.01	Development of Administrative Guidelines	BP
1240	Evaluation of the Educational Service Provider	BP
1241	Termination of the Educational Service Provider/School Leader	BP
1260	Incapacity of the School Leader	
1400	Job Descriptions	
1420	Academy Administrator and School Leader Evaluation	LC
<b>1421</b>	<b>Criminal History Record Check</b>	<b>LR</b>
<b>1422</b>	<b>Nondiscrimination and Equal Employment Opportunity</b>	<b>LR</b>
<b>1422.01</b>	<b>Drug-Free Workplace</b>	<b>LR</b>
1422.02	Nondiscrimination Based on Genetic Information of the Employee	LC
1439	Administrator Discipline	LC
1461	Unrequested Leaves of Absence/Fitness for Duty	LC
1613	Student Supervision and Welfare	LC
<b>1615</b>	<b>Use of Tobacco by Administrators</b>	<b>LR</b>
<b>1619</b>	<b>Group Health Plans</b>	<b>LR</b>
<b>1619.02</b>	<b>Privacy Protections of Fully-Insured Group Health Plans</b>	<b>LR</b>

<b>1619.03</b>	<b>Patient Protection and Affordable Care Act</b>	<b>LR</b>
<b>1623</b>	<b>Section 504/ADA Prohibition against Disability Discrimination in Employment</b>	<b>LR</b>
<b>1630.01</b>	<b>Family &amp; Medical Leaves of Absences (FMLA)</b>	<b>LR</b>
<b>1662</b>	<b>Anti-Harassment</b>	<b>LR</b>

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Adoption Date: **01.10**

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Revised Dates: **10/24/11; 12/12/11; 1/10/12; 5/13/13; 1/13/14; 8/18/14; 1/12/15; 6/8/15; 1/11/16; 9/12/16; 01/09/17; 1/8/18; 7/9/18; 2/11/19; 6/24/19; 9/9/19; 02/10/2020; 7/12/21; 06.22**

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## **ADMINISTRATION EDUCATIONAL SERVICE PROVIDER STATEMENT**

All administrators of the George Washington Carver Academy are employees of MM1, the employer of record, as per the contractual agreement between the George Washington Carver Academy Board of Directors and MM1. All employees, therefore, are subject to all personnel policies and regulations established by MM1.

It shall be the responsibility of MM1 to ensure that all Federal and State employment regulations are in full compliance. Further, MM1 shall respond to any inquires or complaints promptly in full accordance with law.

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Adoption Date: **06.22**

Classification:

Revised Dates: ;

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## **ASSESSMENT OF SCHOOL'S GOALS**

A major function of the Board of Directors is to establish the goals by which the School can accomplish its mission and to provide the resources necessary for their accomplishment. Because of the importance of accomplishing goals, the Board has established this policy for effective assessment of the School's progress toward the accomplishment of those goals.

The Board and the Superintendent shall meet, at least annually, to discuss the progress of the School. These discussions may include the following:

- A. Data on the results-to-date of each School goal (see AG 1110) so assessment and evaluation can focus on how well the School is accomplishing its goals.
- B. Evaluations or progress assessments of the School's learning programs.
- C. Assessment and evaluation of the effectiveness of the Board and each Board member (Form 0134 F1).

This annual process of assessing and evaluating the Board, programs, and resources shall not be considered finished only after the following occurs:

- A. the Board and Superintendent review and reprioritize the School's goals and the strategies and actions being used to accomplish them;
- B. the Board and Superintendent make program revisions in light of what the data for that year indicates should be continued to improve the accomplishment of the School's educational goals;
- C. the Board develops and implements a plan to improve its own performance as the body charged with the responsibility for the governance of the School.

Adopted 1/11/10  
Revised 9/9/19

## CONFLICT OF INTEREST

Reference: 2 CFR 200.318

All staff members, officers, and agents of the School, whether employed by the Board or an Employee Leasing Company, shall perform their official duties in a manner free from conflict of interest. To this end, the maintenance of high standards of honesty, integrity, impartiality, and professional conduct by staff is essential to ensure the proper performance of School business and to maintain public confidence in the School.

To achieve this, the Board of Directors has adopted the following procedures to assure that conflicts of interest do not occur. These procedures apply to all School personnel, including Board members, staff, whether employed by the Board or an Employee Leasing Company, officers, and agents of the School. These procedures are not all-inclusive and are not meant to substitute for the good judgment of all personnel.

- A. No School personnel shall engage in or have a financial interest, either directly or indirectly, in any activity that conflicts or raises a reasonable question of conflict with his/her duties and responsibilities in the School. When the existence of a personal interest is suspected, he/she should disclose his/her interest.
- B. No School personnel shall use his/her position to benefit either himself/herself or any other individual or agency, apart from the total interest of the School.
- C. If the financial interest pertains to a proposed contract involving grants and awards, the following requirements must be met:
  1. School personnel may not participate in the selection, award, or administration of a contract supported by the grant/award if s/he has a real or apparent conflict of interest. Such a conflict of interest would arise when the School personnel, any member of his/her immediate family, his/her partner, or an organization which employs or is about to employ any of the parties described in this section, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.
  2. No School personnel may solicit or accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts.
- D. School personnel shall not engage in business, the private practice of their profession, rendering services, or selling goods of any type that take advantage of any current or past professional relationship with any student, client, or parents in the course of their employment or professional relationship with the School.

Included, as illustration rather than limitation, are the following:

1. providing any private lessons or services for a fee;
2. using, selling, or improperly divulging any privileged information about a student or client, which was gained in the course of the School personnel's employment or professional relationship with the School through his/her access to School records;



3. referring any student or client for lessons or services to any private business or professional practitioner, if there is any expectation of reciprocal referrals, sharing of fees, or other remuneration for such referrals;
  4. requiring students or clients to purchase any private goods or services provided by an employee or any business or professional practitioner with whom any School personnel has a financial relationship, as a condition of receiving any grades, credits, promotions, approvals, or recommendations.
- E. School personnel shall not make use of materials, equipment, or facilities of the School in private practice. Examples include using the facilities before, during, or after regular business hours for service to private practice clients or checking out items from the instructional materials center for private practice.
- F. School personnel must disclose any potential conflict of interest which may lead to a violation of this policy to the Board. Upon discovery of any potential conflict of interest, the Board will disclose, in writing, the potential conflict of interest to the appropriate Federal awarding agency or, if applicable, the pass-through entity.

The Board will also disclose, in a timely manner, all violations of Federal criminal law involving fraud, bribery or gratuity that affect a Federal award to the appropriate Federal awarding agency or, if applicable, the pass-through entity.

Should exceptions to this policy be necessary to provide services to students or clients of the School, all such exceptions will be made known to the employee's supervisor and disclosed to the Board before the employee enters into any private relationship.

Violation of this policy shall result in discipline, which may include termination from employment.

Adopted 1/11/10  
Revised 1/11/16; 9/12/16; 9/9/19

## **BOARD - SCHOOL LEADER RELATIONSHIP**

The Board of Directors believes, in general, the primary duty of the Board is to establish policies, and the duty of the Superintendent is to administer such policies. The Superintendent should be given sufficient latitude to determine the best method of implementing the policies of the Board.

The Superintendent is employed by the Board and is the primary professional advisor to the Board. The Superintendent is responsible for the development, supervision, and operation of the School program and facilities to the extent delegated by contract. The Superintendent's methods should be made known to the staff through the Administrative Guidelines of the School.

The Superintendent and other representative staff shall attend all Board meetings, when feasible. Staff participation shall provide professional counsel, guidance, and recommendations - as distinct from the deliberation, debate, and voting of Board members.

The Board is responsible for determining the success of the Superintendent in meeting the Board's educational goals through regular evaluations of the Superintendent's performance.

Adopted 1/11/10  
Revised 9/9/19

## **WEAPONS**

The Board prohibits any Board member or staff member, whether employed by the Board or Employee Leasing Company from storing, making, or using a weapon in any setting that is under the control and supervision of the School for the purpose of school activities approved and authorized by the School including, but not limited to, property leased, owned, or contracted for by the School, a school-sponsored event, including athletic events, or in a School vehicle.

The term "weapon" means any object which, in the manner in which it is used, is intended to be used, or is represented, is capable of inflicting serious bodily harm or property damage, as well as endangering the health and safety of persons. Weapons include, but are not limited to, firearms, guns of any type, including spring, air and gas-powered guns (whether loaded or unloaded) that will expel a BB, pellet, or paint balls, knives, razors, clubs, electric weapons, metallic knuckles, martial arts weapon, ammunition, and explosives or any other weapons described in 18 U.S.C. 921.

The Employee Leasing Company shall refer a staff member who violates this policy to law enforcement officials. The staff member will also be subject to disciplinary action, up to and including termination, as permitted by applicable Board policy and the terms of any employment contracts.

Staff members shall immediately report knowledge of dangerous weapons and/or threats of violence by students, staff members, or visitors to the Superintendent and/or Building Administrator. Failure to report such information may subject the staff member to disciplinary action, up to and including termination.

Adopted 1/11/16  
Revised 9/9/19

## **EMPLOYMENT OF THE SUPERINTENDENT**

Reference: MCL 380.1246  
1999 PA 212

The Board of Directors vests in the Superintendent the primary responsibility for administration of this School. Whenever the position of Superintendent is vacant, the Board shall appoint a new Superintendent.

The Board shall seek and appoint the best qualified and most capable candidate for the position of Superintendent.

Prior to conducting a search, the Board shall gather advice, counsel, and input about School needs from persons such as the following:

- A. Board members;
- B. parents, staff, and other members of the community who have an interest in the School.

The Board further expects to perform the following:

- A. utilize the written job specifications in the Charter Contract for the position of Superintendent;
- B. prepare informative material for candidates, describing this School, its educational program, goals, and needs;
- C. ensure the selected candidate supports this School's educational philosophy, program, and values;
- D. consider all applicants fairly, without discrimination on the basis of race, color, gender, gender preference, age, religion, national origin or ancestry, marital status, disability, height, weight, and/or any other legally protected characteristic.

The Board selection of a Superintendent shall be announced to the School community. Such notification shall provide the following information:

- A. the individual's name and applicable contact information;
- B. a statement from the Board that sufficient due diligence on the candidate has been performed, and that the individual selected by the Board is the best-qualified and most capable candidate to lead this School.

The Board shall ensure that the Superintendent fulfills the educational requirements for school administrators, as established by the State Department of Education.

The Superintendent so appointed shall devote himself/herself to the duties of his/her office.

Adopted 1/11/10  
Revised 9/9/19

## **RESPONSIBILITIES OF THE SUPERINTENDENT**

The Superintendent shall strive to achieve School goals by providing educational direction and supervision to the professional staff and supervision to the support staff. The Superintendent shall be a proper model for staff and students, both inside and outside the School.

The Superintendent shall be directly responsible to the Board for the performance of the following assigned duties and responsibilities:

- A. keep the Board informed of School operations by contributing to the preparation of monthly Board agendas, providing oral and written communication, scheduling management team committee meetings, and requesting special Board meetings necessary to keep the Board properly informed;
- B. ensure all aspects of School operation comply with State laws and regulations, as well as Board contracts and policies;
- C. establish and maintain any written educational plan required by law and deemed consistent with the educational goals adopted by the Board;
- D. ensure proper implementation of the School's current instructional plan;
- E. strive to increase the efficient use of resources in the daily operations of the School;
- F. assign staff to achieve the maximum benefit toward the attainment of the School's educational goals;
- G. evaluate the progress of the professional and support staff toward the attainment of the School's educational goals;
- H. analyze the results of instructional program development as it applies to the School's educational goals;
- I. recommend changes in instructional or staffing patterns based on an analysis of staff and program progress;
- J. work with staff to ensure that the decision-making process includes participation of the School's staff, parents, students and others associated with the School;
- K. work cooperatively with parents and community groups concerned with the School's programs;
- L. develop personal capabilities in personnel strategies and facility management;
- M. work cooperatively with the Board and administrative staff;
- N. strive toward the highest standards of personal conduct;

- O. perform other duties as the Board directs.

Adopted 1/11/10  
Revised 9/9/19

## **DEVELOPMENT OF ADMINISTRATIVE GUIDELINES**

The Board of Directors delegates to the Superintendent the function of designing and implementing the guidelines, required actions, and detailed arrangements under which the School will operate. These Administrative Guidelines shall be consistent with the policies adopted by the Board.

The Board will formulate and adopt Administrative Guidelines and rules only when required by law or when necessary in the judgment of the Board.

The Superintendent is responsible for the development and issuance of employee handbooks for School staff. The Superintendent shall ensure that the employee handbook is consistent with Board policies, Federal/State law, the Charter Contract, and applicable authorizer policies.

The Superintendent shall also develop student handbooks necessary for the effective administration of the School and shall distribute them to employees and students and/or their parents.

As long as the provisions of the Administrative Guidelines and student handbooks are consistent with Board policies, Federal/State law, the Charter Contract or applicable authorizer policies, they will be considered to be an extension of the policy manual.

A copy of the School's Administrative Guidelines manual and copies of all student and employee handbooks shall be made a part of the Board's reference materials maintained in the School office.

The Board and the Superintendent shall maintain and keep at the School a current organizational chart and list of employees with titles and responsibilities to which immediate reference can be made by the Board or any employee of the Board.

Adopted 1/11/10  
Revised 9/9/19

## **EVALUATION OF THE EMPLOYEE LEASING COMPANY**

The Board of Directors believes it is essential to evaluate the Employee Leasing Company's performance periodically to assist both the Board and the Employee Leasing Company to properly discharge their responsibilities and to enable the Board to provide the School with the best possible leadership. To carry out this responsibility, the Superintendent and the Board will evaluate the Employee Leasing Company according to the contract between the Board and the Employee Leasing Company and a mutually agreed-upon tool.

Adopted 1/11/10  
Revised 6/8/15; 9/9/19



## **TERMINATION OF THE SUPERINTENDENT**

The Board of Directors may terminate a Superintendent agreement during its term, in accordance with the terms of that agreement.

Adopted 1/11/10  
Revised 9/9/19

## **INCAPACITY OF THE SUPERINTENDENT**

It is the legal duty of the Board of Education to appoint a Superintendent 'pro tempore' by a majority vote of the Board upon determination that the Superintendent is incapacitated in such a manner that s/he is unable to perform the duties of his/her office.

The Board shall fix the compensation of the Superintendent 'pro tempore' who shall serve until the Superintendent's incapacity is removed or until the expiration of the Superintendent's contract or term of office, whichever is sooner. S/He shall perform all of the duties and functions of the Superintendent, and may be removed at any time for cause by a majority vote of the members of the Board.

The Board will exercise its authority under law to determine the incapacity of the Superintendent at the request of the Superintendent and with medical documentation and upon certification of a physician selected and compensated by the Board.

If the Board determines that the Superintendent is unable to perform the duties of his/her office, s/he may at the request of the Board be placed on sick leave with such pay to which s/he may be entitled or which may be authorized by Board policy;

The foregoing leave shall not extend beyond the contract or term of office of the Superintendent.

The Superintendent shall, upon request to the President of the Board, be returned to active duty status, unless the Board denies the request within ten (10) days of receipt of the request. The Board may require the Superintendent to establish to its satisfaction that s/he is capable of resuming such duties on a full-time basis.

The Board may demand that the Superintendent return to active service and upon medical documentation that the Superintendent is able to resume his/her duties, the Superintendent shall return to active service.

The Superintendent may request a hearing before the Board on any action taken under this policy.

Adopted 1/11/10  
Revised 9/9/19

## **JOB DESCRIPTIONS**

The Board of Directors instructs the Employee Leasing Company to maintain job descriptions, as included in the Charter Contract. All job descriptions shall contain the following provision:

"The employee shall remain free of any alcohol or non-prescribed, controlled substance in the workplace throughout his/her employment in the School."

The Employee Leasing Company shall not revise job descriptions of positions authorized in the Charter Contract without prior Board approval.

Employees shall properly implement Board Policy 3122, Policy 4122, and Policy 2260 on non-discrimination and shall comply with Federal and State laws and regulations, particularly Part 1 104 of Section 504 Rehabilitation Act of 1973 (34 CFR) and the Americans with Disabilities Act (ADA).

Adopted 1/11/10  
Revised 1/13/14; 9/9/19

## ACADEMY ADMINISTRATOR AND SUPERINTENDENT EVALUATION

Reference: MCL 380.1249; 380.1249b

The Board of Directors shall establish and implement a rigorous, transparent, and fair performance evaluation system for the Superintendent/Chief Academic Officer employed by the Board, and the Board of Directors shall ensure a fair performance evaluation system for all other administrators and building staff that does all of the following:

- A. Evaluates the Superintendent and all other academy administrator's job performances at least annually in a year-end evaluation, while providing timely and constructive feedback.

The Superintendent shall perform the academy administrators' evaluations. The Board of Directors shall perform the Superintendent's evaluation. A Superintendent (employed by the Board) or academy administrator rated highly effective on three (3) consecutive year-evaluations may be evaluated every other year at the Board's discretion.

- B. Establishes clear approaches to measuring student growth and assessment data and provides the Superintendent or academy administrators with relevant data on student growth.
- C. Evaluates a Superintendent or academy administrator's job performance as highly effective, effective, minimally effective or ineffective, using multiple rating categories that take into account student growth and assessment data. For the 2018-2019 school year twenty-five (25) percent of the annual year-end evaluation shall be based on student growth and assessment data. Beginning with the 2019-2020 school year, forty (40) percent of the annual year-end evaluation shall be based on student growth and assessment data.
- D. Uses the evaluations, at a minimum, to inform decisions regarding all of the following:
  - 1. The effectiveness of the Superintendent or academy administrators, so that they are given ample opportunities for improvement;
  - 2. Promotion, retention, and development of the Superintendent (employed by the Board) or academy administrators, including providing relevant coaching, instruction support, or professional development.
  - 3. Removing ineffective Superintendents or academy administrators after they have had ample opportunities to improve, and providing that these decisions are made using rigorous standards and streamlined, transparent, and fair procedures.
- E. The portion of the annual year-end evaluation that is not based on student growth and assessment data shall be based on at least the following:
  - 1. The Superintendent or academy administrator's training and proficiency in conducting teacher performance evaluations if s/he

- does so or his/her designee's proficiency and training if the administrator designates such duties.
2. The progress made by the academy in meeting the goals established in the academy improvement plan.
  3. Student enrollment and attendance.
  4. Student, parent and teacher feedback and other information considered pertinent by the Board.
- F. For the purposes of conducting annual year-end evaluations under the performance evaluation system, the Superintendent and Building Administrator shall adopt and implement one (1) or more of the evaluation tools for teachers, or administrators, if available, that are included on the list established and maintained by the Michigan Department of Education. However, if the Superintendent has one (1) or more local evaluation tools for administrators or modifications of an evaluation tool on the list, and the academy complies with G., below, the academy may conduct annual year-end evaluations for Superintendents or academy administrators using one (1) or more local evaluation tools or modifications. The evaluation tools shall be used consistently among the schools operated by the Academy so that all similarly situated academy administrators are evaluated using the same measures.
- G. The Board shall post on its public website all of the following information about the measures it uses for its performance evaluation system for school administrators:
1. The research base for the evaluation framework, instrument, and process or, if the Superintendent adapts or modifies an evaluation tool from the MDOE list, the research base for the listed evaluation tool and an assurance that the adaptations or modifications do not compromise the validity of that research base.
  2. The identity and qualifications of the author or authors or, if the Superintendent adapts or modifies an evaluation tool from the MDOE list, the identity and qualifications of a person with expertise in teacher evaluations who has reviewed the adapted or modified evaluation tool.
  3. Either evidence of reliability, validity, and efficacy or a plan for developing that evidence or, if the Superintendent adapts or modifies an evaluation tool from the MDOE list, an assurance that the adaptations or modifications do not compromise the reliability, validity, or efficacy of the evaluation tool or the evaluation process.
  4. The evaluation frameworks and rubrics with detailed descriptors for each performance level on key summative indicators.
  5. A description of the processes for conducting classroom observations, collecting evidence, conducting evaluation conferences, developing performance ratings, and developing performance improvement plans.

6. A description of the plan for providing evaluators and observers with training.
- H. The Superintendent shall also:
1. Provide training to school administrators on the measures used by the Academy in its performance evaluation system and on how each of the measures is used. This training may be provided by the Superintendent or by a consortium consisting of 2 or more public school academies.
  2. Ensure that training is provided to all evaluators and observers. The training shall be provided by an individual who has expertise in the evaluation tool or tools used by the Superintendent, which may include either a consultant on that evaluation tool or framework or an individual who has been trained to train others in the use of the evaluation tool or tools. The Superintendent may provide the training in the use of the evaluation tool or tools if the trainer has expertise in the evaluation tool or tools.

The evaluation system shall ensure that if the Superintendent or academy administrator is rated as minimally effective or ineffective, the person(s) conducting the evaluation shall develop and require the Superintendent or academy administrator to implement an improvement plan to correct the deficiencies. The improvement plan shall recommend professional development opportunities and other measures designed to improve the rating of the Superintendent or academy administrator on his/her next annual year-end evaluation. A Superintendent or academy administrator rated as "ineffective" on three (3) consecutive year-end evaluations must be dismissed from employment with the academy.

The evaluation program shall aim at the early identification of specific areas in which the individual administrator needs help so that appropriate assistance may be provided or arranged for. A supervisor offering suggestions for improvement to an administrator shall not release that professional staff member from the responsibility to improve. If a Superintendent or academy administrator, after receiving a reasonable degree of assistance, fails to perform his/her assigned responsibilities in a satisfactory manner, dismissal procedures may be invoked. In such an instance, all relevant evaluation documents may be used in the proceedings.

Adopted 10/24/11

Revised 1/12/15; 6/8/15; 01/09/17; 9/9/19; 2/10/20

## CRIMINAL HISTORY RECORD CHECK

Reference: M.C.L. 380.1230 et. seq., 380.1535, 380.1535a, 380.1809, 28.722

Before the School hires any employee (full or part-time) or allows any individual under contract to continuously and regularly work in the schools, a criminal history records check shall be conducted in accordance with State law.

"Under contract" shall apply to individuals, as well as owners and employees of entities, who contract directly with the School or with a third party vendor, management company, or similar contracting entity to provide food, custodial, transportation, counseling or administrative services on more than an intermittent or sporadic basis. It shall also apply to individuals or entities providing instructional services to students or related auxiliary services to special education students.

Prior to allowing an individual, who is subject to the criminal history record check requirement, to work in the School, the School shall submit a fingerprint-based check on the individual, using Michigan State Police (MSP) Form RI-030 (7/2012), regardless of whether the individual will work directly for the School or be contracted through a third-party vendor, management company or similar contracting entity ("Private Contractors"). Except as provided below, the report from the MSP must be received, reviewed and approved by the School prior to the individual commencing work.

Such Private Contractors cannot receive or retain criminal history record information ("CHRI").<sup>1</sup> Where the School will contract with a Private Contractor for the services of an individual, the School will notify the Private Contractor(s), after review of the MSP report, whether the individual has been approved to work within the School. The School may not give any details, including the fact that a criminal history check was run. Notice for approval to work in the School should use the Affidavit of Assignment or similar "red light/green light" procedure.

Should it be necessary to employ a person or contract for a person to maintain continuity of the program prior to receipt of the criminal history report, the Superintendent may contract on a provisional basis until the report is received. Any such provisional hire requires that:

- A. the record check has been requested;
- B. the applicant has signed a disclosure of all convictions and acknowledges that employment may be terminated if there are discrepancies; and
- C. the hiring occurs during the school year or not more than thirty (30) days before the beginning of the school year.

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<sup>1</sup> Individuals who submit and receive such criminal history record checks on behalf of the School must be direct employees of the School or, if such access is approved by the Board, ESP personnel who are provided view only access by the Local Agency Security Officer. Notwithstanding this, Information Technology contractors and vendors may be granted access to CHRI subject to successful completion of a national fingerprint-based criminal history record check as detailed in Policy 8321.

Individuals working in multiple Schools or districts may authorize the release of a prior criminal history records check with another School or district in lieu of an additional check for either direct employment or working regularly and consistently under contract in the schools.

Individuals who previously received a statutorily required criminal background check and who have been continuously employed by a school district, intermediate school district, public school academy or non-public school within the State, with no separation, may have their previous record check sent to the School in lieu of submitting to a new criminal background check. If this method is used, the Superintendent must confirm that the record belongs to that individual and whether there have been any additional convictions by processing the individual's name, sex and date of birth through the Internet Criminal History Access Tool (ICHAT).

"No separation," for purposes of the preceding paragraph, means a lay off or leave of absence of less than twelve (12) months with the same employer; or the employee transfers without a break in service to another school district, intermediate school district, public school academy or non-public school within the State.

All CHRI received from the State Police or produced by the State Police and received by the School from another proper source, will be maintained pursuant to Policy 8321.

When the School receives a report that shows an individual has been convicted of a listed offense under State statutes or any felony, the Superintendent shall take steps to verify that information using public records, in accordance with the procedures provided by the State Department of Education.

Verified convictions may result in termination of employment or rejection of an application. The School will not hire or continue to employ any individual, either directly or as a contracted employee to work regularly and continuously in the schools, who has been convicted of a "listed" offense as defined in M.C.L. 28.722. The School will not hire or continue to employ any individual, either directly or as a contracted employee to work regularly and continuously in the schools, who has been convicted of any felony unless both the Superintendent and the Board provide written approval.

The School must report as directed by and to the State Department of Education the verified information regarding conviction for any listed offense or conviction for any felony and the action taken by the School with regard to such conviction. Such report shall be filed within sixty (60) days of receipt of the original report of the conviction.

The Superintendent shall establish the necessary procedures for obtaining from the Criminal Records Division of the State Police any criminal history on the applicant maintained by the State Police. In addition, the CHRI Representative shall request the State Police to obtain a criminal history records check from the Federal Bureau of Investigation.

An applicant must provide, at the School's expense, a set of fingerprints, prepared by an entity approved by the Michigan State Police, as part of his/her employment application or as required by State law for continued employment.

### Confidentiality

All information and records obtained from such criminal background inquiries and disclosures are to be considered confidential and shall not be released or disseminated to those who have not been given access to CHRI by the Superintendent or the Board. Violation of confidentiality is considered a misdemeanor punishable by a fine up to \$10,000.



Any notification received from the Michigan Department of Education or Michigan State Police regarding School employees with criminal convictions shall be exempt from disclosure under the Freedom of Information Act (FOIA) for the first fifteen (15) days until the accuracy of the information can be verified. Thereafter, only information about felony convictions or misdemeanor convictions involving physical or sexual abuse may be disclosed in reference to a FOIA request.

CHRI may be released with the written authorization of the individual.

Records may also be released, in accordance with statute, upon the request of a school district, intermediate school district, public school academy or non-public school when the individual is an applicant for employment at such school and there has been no separation from service, as defined in this policy and by statute.

Adopted 1/8/18  
Revised 7/9/18; 9/9/19

# **NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY**

Reference:

M.C.L. 37.2101 et seq., 37.1101 et seq.  
Fourteenth Amendment, U.S. Constitution  
20 U.S.C. Section 1681, Title IX of Education Amendment Act  
20 U.S.C. Section 1701 et seq., Equal Educational Opportunities Act of 1974  
20 U.S.C. Section 7905, Boy Scouts of America Equal Access Act  
42 U.S.C. 6101 et seq., Age Discrimination Act of 1975  
42 U.S.C. 12101 et seq., The Americans with Disabilities Act of 1990, as amended  
34 C.F.R. Part 110 (7/27/93)  
42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act  
42 U.S.C. 2000e et seq., Civil Rights Act of 1964  
29 U.S.C. 701 et seq., Rehabilitation Act of 1973 as amended  
29 C.F.R. Part 1635

It is the expectation of the Board of Directors that the Employee Leasing Company will prohibit discrimination on the basis of race, color, national origin, sex (including sexual orientation or transgender identity), disability, age, religion, height, weight, marital or family status, military status, ancestry, genetic information, in its programs and activities, including employment opportunities.

**Definitions:**

Words used in this policy shall have those meanings defined herein; words not defined herein shall be construed according to their plain and ordinary meanings.

School community means students and Board employees (i.e., administrators, and professional and classified staff), as well as Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

Complainant is the individual who alleges, or is alleged, to have been subjected to unlawful discrimination/retaliation, regardless of whether the person files a formal complaint or is pursuing an informal resolution to the alleged discrimination/retaliation.

Respondent is the individual who has been alleged to have engaged in unlawful discrimination/retaliation, regardless of whether the Reporting Party files a formal complaint or is seeking an informal resolution to the alleged discrimination/retaliation.

Third Parties include, but are not limited to, guests and/or visitors on School property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with, or seeking to do business with, the Board, and other individuals who come in contact with members of the School community at School-related events/activities (whether on or off School property).

Day(s): Unless expressly stated otherwise, the term "day" or "days" as used in this policy means a business day(s) (i.e., a day(s) that the Board office is open for normal operating hours, Monday - Friday, excluding State-recognized holidays).

For purposes of this policy, "military status" refers to a person's status in the uniformed services, which includes the performance of duty, on a voluntary basis, or involuntary basis, in a uniformed service including active duty, active duty for training, initial active duty for training, inactive duty for training, full-time National Guard duty. It also includes the period of time for which a person is absent from employment for

the purpose of an examination to determine the fitness of the person to perform any such duty as listed above.

### **School Compliance Officers**

The Board designates the following individuals to serve as the School's "Compliance Officers" (also known as "Civil Rights Coordinators") (hereinafter referred to as the "COs")

Male/Female Coordinator  
14510 Second Ave.  
Highland Park, MI 48203  
(313) 865-6024

The names, titles, and contact information of these individuals will be published annually on the School's web site.

The COs are responsible for coordinating the School's efforts to comply with applicable Federal and State laws and regulations, including the School's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination/retaliation or denial of equal access. The COs shall also verify that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act (as amended), Title VI and Title VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973 (as amended), and the Age Discrimination in Employment Act of 1975 is provided to staff members and the general public. A copy of each of the Acts and regulations on which this notice is available upon request from the CO.

### **Reports and Complaints of Unlawful Discrimination and Retaliation**

Employees are required to report incidents of unlawful discrimination and/or retaliation to an administrator, supervisor, or other School official so that the Board may address the conduct. Any administrator, supervisor, or other School official or official who receives such a report shall file it with the CO within two (2) days.

Employees who believe they have been unlawfully discriminated/retaliated against are entitled to utilize the complaint process set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the Complainant's employment. While there are no time limits for initiating complaints under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

The COs will be available during regular school/work hours to discuss concerns related to unlawful discrimination/retaliation. COs shall accept reports of unlawful discrimination/retaliation directly from any member of the School community or a Third Party, or received reports that are initially filed with another Employee Leasing Company employee. Upon receipt of a report of alleged discrimination/retaliation, the CO will contact the Complainant and begin either an informal or formal complaint process (depending on the Complainant's request and the nature of the alleged discrimination/retaliation), or the CO will designate a specific individual to conduct such a process. The CO will provide a copy of this policy to the Complainant and the Respondent. In the case of a formal complaint, the CO will prepare recommendations for the Superintendent or oversee the preparation of such recommendations by a designee. All members of the School community must report incidents of discrimination/retaliation that are reported to them to the CO within two (2) business days of learning of the incident/conduct.

Any Employee Leasing Company employee who directly observes unlawful discrimination/retaliation is obligated, in accordance with this policy, to report such observations to one of the COs within two (2) business days. Additionally, any Employee Leasing Company employee who observes an act of unlawful discrimination/retaliation is expected to intervene to stop the misconduct, unless circumstances make such an intervention dangerous, in which case the staff member should immediately notify other Employee Leasing Company employees and/or local law enforcement officials, as necessary, to stop the misconduct. Thereafter, the CO or designee must contact the Complainant within two (2) business days to advise of the Board's intent to investigate the wrongdoing.

### **Investigation and Complaint Procedure (See Form 1422 F2)**

Except for sex discrimination and/or Sexual Harassment that is covered by Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities, any employee who alleges to have been subjected

to unlawful discrimination or retaliation may seek resolution of the complaint through the procedures described below. The formal complaint procedures involve an investigation of the individual's claims of discrimination/retaliation and a process for rendering a decision regarding whether the charges are substantiated.

Due to the sensitivity surrounding complaints of unlawful discrimination or retaliation, timelines are flexible for initiating the complaint process; however, individuals are encouraged to file a complaint within thirty (30) days after the conduct occurs. Once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within fifteen (15) business days of the complaint being received).

The procedures set forth below are not intended to interfere with the rights of any individual to pursue a complaint of unlawful discrimination or retaliation with the United States Department of Education Office for Civil Rights or Equal Employment Opportunity Commission ("EEOC").

### **Informal Complaint Procedure**

The goal of the informal complaint procedure is to promptly stop inappropriate behavior and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for an employee who alleges unlawful discrimination or retaliation. This informal procedure is not required as a precursor to the filing of a formal complaint. The informal process is only available in those circumstances where the Complainant and the Respondent mutually agree to participate in it.

The Complainant may proceed immediately to the formal complaint process and individuals who participate in the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process.

All complaints involving an School employee or any other adult member of the School community and a student will be formally investigated.

As an initial course of action, if a Complainant feels comfortable and safe doing so, the individual should tell or otherwise inform the Respondent that the allegedly discriminatory/retaliatory conduct that it is inappropriate and must stop. The Complainant should address the alleged misconduct as soon after it occurs as possible. The COs are available to support and counsel the Complainant when taking this initial step or to intervene on behalf of the individual if requested to do so. A Complainant who is uncomfortable or unwilling to directly approach the Respondent about the inappropriate conduct may file an informal or a formal complaint. In addition, with regard to certain types of unlawful discrimination (e.g., sex discrimination), the CO may advise against the use of the informal complaint process.

A Complainant who alleges unlawful discrimination/retaliation may make an informal complaint, either orally or in writing: (1) to a building administrator; (2) directly to one of the COs; and/or (3) to the Superintendent or other School official.

All informal complaints must be reported to one of the COs who will either facilitate an informal resolution as described below, or appoint another individual to facilitate an informal resolution.

The School's informal complaint procedure is designed to provide the Complainant with a range of options aimed at bringing about a prompt resolution of their concerns. Depending upon the nature of the complaint and the wishes of the Complainant informal resolution may involve, but not be limited to, one or more of the following:

- A. Advising the Complainant about how to communicate concerns to the Respondent.
- B. Distributing a copy of Policy 1422—Non-Discrimination and Equal Employment Opportunity to the individuals in the school building or office where the Respondent works.
- C. If both parties agree, the CO may arrange and facilitate a meeting or mediation between the Complainant and the Respondent to work out a mutual resolution.

While there are no set time limits within which an informal complaint must be resolved, the CO or designee is directed to attempt to resolve all informal complaints within fifteen (15) business days of receiving the informal complaint. If the Complainant is dissatisfied with the informal complaint process, the Complainant

may proceed to file a formal complaint and, as stated above, either party may request that the informal process be terminated at any time to move to the formal complaint process.

### **Formal Complaint Procedure**

If a complaint is not resolved through the informal complaint process, if one of the parties requested that the informal complaint process be terminated to move to the formal complaint process, or if the Complainant, from the outset, elects to file a formal complaint, or the Compliance Officer(s) determines the allegations are not appropriate for resolution through the informal process, the formal complaint process shall be implemented.

A Complainant may file a formal complaint, either orally or in writing, with a principal, the CO, Superintendent, or other School official. Due to the sensitivity surrounding complaints of unlawful discrimination and retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a formal complaint within thirty (30) days after the conduct occurs. If a Complainant informs a principal, Superintendent, or other School official, either orally or in writing, about any complaint of discrimination/retaliation, that employee must report such information to the CO/designee within two (2) business days.

Throughout the course of the process, the CO should keep the parties reasonably informed of the status of the investigation and the decision-making process.

All formal complaints must include the following information to the extent known: the identity of the Respondent; a detailed description of the facts upon which the complaint is based (i.e., when, where, and what occurred); a list of potential witnesses; and the resolution sought by the Complainant.

If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the CO shall ask for such details in an oral interview. Thereafter, the CO will prepare a written summary of the oral interview, and the Complainant will be asked to verify the accuracy of the reported charge by signing the document.

Upon receiving a formal complaint, the CO will consider whether any action should be taken in the investigatory phase to protect the Complainant from further discrimination or retaliation, including, but not limited to, a change of work assignment or schedule for the Complainant and/or the Respondent. In making such a determination, the CO should consult the Complainant to assess whether the individual agrees with the proposed action. If the Complainant is unwilling to consent to the proposed change, the CO may still take whatever actions deemed appropriate in consultation with the Superintendent.

Within two (2) business days of receiving the complaint, the CO or designee will initiate a formal investigation to determine whether the Complainant has been subjected to unlawful discrimination/retaliation.

Simultaneously, the CO will inform the Respondent that a formal complaint has been received. The Respondent will be informed about the nature of the allegations and provided with a copy of any relevant policies and/or administrative guidelines, including Policy 1422 - Non-Discrimination and Equal Employment Opportunity. The Respondent must also be informed of the opportunity to submit a written response to the formal complaint within five (5) business days.

Although certain cases may require additional time, the CO or a designee will attempt to complete an investigation into the allegations of discrimination/retaliation within fifteen (15) business days of receiving the formal complaint. The investigation will include:

- A. Interviews with the Complainant;
- B. Interviews with the Respondent;
- C. Interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations;

- D. Consideration of any documentation or other information presented by the Complainant, Respondent, or any other witness that is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the CO/ designee shall prepare and deliver a written report to the Superintendent that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful discrimination/retaliation as provided in Board policy and State and Federal law as to whether the Respondent has engaged in unlawful harassment/retaliation of the Complainant. The CO's recommendations must be based upon the totality of the circumstances. In determining if discrimination or retaliation occurred, a preponderance of evidence standard will be used. The CO may consult with the Board's legal counsel before finalizing the report to the Superintendent.

Absent extenuating circumstances, within five (5) business days of receiving the report of the CO or the designee, the Superintendent must either issue a written decision regarding whether the charges have been substantiated or request further investigation. A copy of the Superintendent's final decision will be delivered to both the Complainant and the Respondent.

If the Superintendent requests additional investigation, the Superintendent must specify the additional information that is to be gathered, and such additional investigation must be completed within five (5) business days. At the conclusion of the additional investigation, the Superintendent must issue a final written decision as described above.

If the Superintendent determines the Respondent engaged in unlawful discrimination/retaliation toward the Complainant, the Superintendent must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, age-appropriate and effective, and tailored to the specific situation.

A Complainant or Respondent who is dissatisfied with the final decision of the Superintendent may appeal through a signed written statement to the Board within five (5) business days of the party's receipt of the Superintendent's decision.

In an attempt to resolve the complaint, the Board shall meet with the concerned parties and their representatives within twenty (20) business days of the receipt of such an appeal. A copy of the Board's disposition of the appeal shall be sent to each concerned party within ten (10) business days of this meeting. The decision of the Board will be final.

The Board reserves the right to investigate and resolve a complaint or report of unlawful discrimination/retaliation regardless of whether the employee alleging the unlawful discrimination/retaliation pursues the complaint. The Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board or its designee.

The parties may be represented, at their own cost, at any of the above-described meetings/hearings.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights, the filing of charges with local law enforcement, or the filing of a civil action in court. Use of this internal complaint process is not a prerequisite to the pursuit of other remedies.

### **Privacy/Confidentiality**

The School will employ all reasonable efforts to protect the rights of the Complainant, the Respondent(s), and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under the terms of this policy shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. Additionally, the Respondent must be provided the Complainant's identity.

During the course of a formal investigation, the CO or designee will instruct each person who is interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of an investigation is expected not to disclose to third parties any information that is learned or provided during the course of the investigation.

### **Sanctions and Monitoring**

The Board shall vigorously enforce its prohibitions against unlawful discrimination/retaliation by taking appropriate action reasonably calculated to stop and prevent further misconduct. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee. All disciplinary action will be taken in accordance with applicable State law and the terms of the relevant collective bargaining agreement(s). When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter. In those cases where unlawful discrimination/retaliation is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of the relevant collective bargaining agreement(s).

Where the Board becomes aware that a prior remedial action has been taken against an employee, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its recurrence, and remedy its effect.

### **Retaliation**

Retaliation against a person who makes a report or files a complaint alleging unlawful harassment/retaliation or participates as a witness in an investigation is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce or interfere with any individual because the person opposed any act or practice made unlawful by any Federal or State civil rights law, or because that individual made a report, formal complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding, or hearing under those laws and/or this policy, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws and/or this policy.

Retaliation against a person for making a report of discrimination, filing a formal complaint, or participating in an investigation or meeting is a serious violation of this policy that can result in imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Formal complaints alleging retaliation may be filed according to the internal complaint process set forth above.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

### **Education and Training**

In support of this policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Superintendent shall provide appropriate information to all members of the School community related to the implementation of this policy and shall provide training for School students and staff where appropriate. All training, as well as all information provided regarding the Board's policy and discrimination in general, will be age and content appropriate.

### **Retention of Investigatory Records and Materials**

The Compliance Officer(s) is responsible for overseeing retention of all records that must be maintained pursuant to this policy. All individuals charged with conducting investigations under this policy shall retain all documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315) created and/or received as part of an investigation, which may include but not be limited to:

- A. all written reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;
- B. any narratives that memorialize oral reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;
- C. any documentation that memorializes the actions taken by School personnel or individuals contracted or appointed by the Board to fulfill its responsibilities related to the investigation and/or

the School's response to the alleged violation of this policy;

- D. written witness statements;
- E. narratives, notes from, or audio, video, or digital recordings of witness interviews/statements;
- F. e-mails, texts, or social media posts that directly relate to or constitute evidence pertaining to an alleged violation of this policy (i.e., not after-the-fact commentary about or media coverage of the incident);
- G. notes or summaries prepared contemporaneously by the investigator in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.), but not including transitory notes whose content is otherwise memorialized in other documents;
- H. written disciplinary sanctions issued to students or employees and other documentation that memorializes oral disciplinary sanctions issued to students or employees for violations of this policy;
- I. dated written determinations/reports (including summaries of relevant exculpatory and inculpatory evidence) and other documentation that memorializes oral notifications to the parties concerning the outcome of the investigation, including any consequences imposed as a result of a violation of this policy;
- J. documentation of any supportive measures offered and/or provided the Complainant and/or Respondent, including no contact orders issued to both parties, the dates the no contact orders were issued, and the dates the parties acknowledged receipt of the no contact orders;
- K. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects;
- L. copies of the Board policy and/or procedures/guidelines used by the School to conduct the investigation, and any documents used by the School at the time of the alleged violation to communicate the Board's expectations to students and staff with respect to the subject of this policy (e.g., Student Codes of Conduct and/or Employee Handbooks);
- M. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment;
- N. documentation of any training provided to School personnel related to this policy, including but not limited to, notification of the prohibitions and expectations of staff set forth in this policy and the role and responsibility of all School personnel involved in enforcing this policy, including their duty to report alleged violations of this policy and/or conducting an investigation of an alleged violation of this policy; [REMINDER: Documentation of training should be maintained regardless of whether there is an investigation of an alleged violation of this policy. It is best practice to maintain a log of all staff members who participate in a training, along with the date, time and location of the training, and a copy of the materials reviewed and/or presented during the training.]
- O. documentation that any rights or opportunities that the School made available to one party during the investigation were made available to the other party on equal terms;
- P. copies of any notices sent to the alleged Respondent of the allegations constituting a potential violation of this policy;
- Q. copies of any notices sent to the Complainant and the Respondent in advance of any interview, meeting, or hearing;



- R. copies of any documentation or evidence used during informal and formal disciplinary meetings and hearings, including the investigation report, and any written responses submitted by the Complainant or the Respondent.

The documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal (e.g., FERPA, ADA) and/or State law (e.g., R.C. 3319.321) – e.g., student records and confidential medical records.

The documents, ESI, and electronic media (as defined in Policy 8315) created or received as part of an investigation shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, and Policy 8330 for not less than three (3) years, but longer if required by the School's records retention schedule.

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Adoption Date: **05.13**

Classification:

Revised Dates: **8/18/14; 2/11/19; 9/9/19; 07.21**

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## **DRUG-FREE WORKPLACE**

Reference: P.L. 101-126  
Drug-Free Workplace Act of 1988, 41 U.S.C. 701, et seq.  
20 U.S.C. 3224A

The Board of Directors believes that quality education is not possible in an environment affected by drugs. It will seek, therefore, to establish and maintain an educational setting which is not tainted by the use or evidence of use of any controlled substance.

The Board shall not permit the manufacture, possession, use, distribution, or dispensing of any controlled substance, alcohol, and any drug paraphernalia, by any member of the School's administration at any time while on School property or while involved in any School-related activity or event. Any administrator who violates this policy shall be subject to disciplinary action in accordance with School guidelines.

The School Leader shall establish guidelines that ensure compliance with this policy and that each administrator is given a copy of the standards regarding unlawful possession, use, or distribution of illicit drugs and alcohol and informed that compliance with this requirement is mandatory. Such guidelines shall provide for appropriate disciplinary actions, if and when needed.

Adopted 6/24/19

## **NONDISCRIMINATION BASED ON GENETIC INFORMATION OF THE EMPLOYEE**

Reference: 42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act  
29 C.F.R. Part 1635

The Board of Directors prohibits discrimination on the basis of genetic information in all aspects of employment, including hiring, firing, compensation, job assignments, promotions, layoffs, training, fringe benefits, or any other terms, conditions, or privileges of employment. The Board also does not limit, segregate, or classify employees in any way that would deprive or tend to deprive them of employment opportunities or otherwise adversely affect the status of an employee as an employee, based on genetic information. Harassment of a person because of his/her genetic information is also prohibited. Likewise, retaliation against an applicant or employee for engaging in protected activity is prohibited.

In accordance with the Genetic Information Act (GINA), the Board shall not request, require or purchase genetic information of employees, their family members or applicants for employment. Further, in compliance with this Act, employees are directed not to provide any genetic information, including the individual's family medical history, in response to necessary requests for medical information, with the exception that family medical history may be acquired as part of the certification process for FMLA leave, when an employee is asking for leave to care for an immediate family member with a serious health condition. Applicants for employment are directed not to provide any genetic information, including the individual's family medical history, in response to requests for medical information as part of the School's application process.

The School recognizes that genetic information may be acquired through commercially and publicly available documents like newspapers, books, magazines, periodicals, television shows or the Internet. The School prohibits, however, its employees from searching such sources with the intent of finding or obtaining genetic information, or accessing sources from which they are likely to acquire genetic information.

"Genetic information," as defined by GINA, means information about: (a) an individual's genetic tests; (b) the genetic tests of that individual's family members; (c) the manifestation of disease or disorder in family members of the individual (i.e., family medical history); (d) an individual's request for, or receipt of, genetic services, or the participation in clinical research that includes genetic services by the individual or a family member of the individual; or (e) the genetic information of a fetus carried by an individual or a pregnant woman who is a family member of the individual and the genetic information of an embryo legally held by an individual or family member using assistive reproductive technology.

If the School either legally and/or inadvertently receives genetic information about an employee or applicant for employment from the employee, applicant for employment or a medical provider it shall be treated as a confidential medical record in accordance with law.

The Superintendent shall appoint a compliance officer who shall be responsible for overseeing the School's compliance with Federal regulations and promptly dealing with any inquiries or complaints. S/He shall also verify that proper notice of nondiscrimination for Title II of the Genetic Information Nondiscrimination Act of 2008 is provided to staff members, and that all School requests for health-related information (e.g., to support an employee's request for reasonable accommodation under the ADA or a request for sick leave) is accompanied by

a written warning that directs the employee or health care provider not to collect or provide genetic information. The warning shall read as follows:

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II, including the Board of Directors, from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by law. To comply with this law, do not provide any genetic information when responding to this request for medical information (unless the request pertains to a request for FMLA leave for purposes of caring for an immediate family member with a serious health condition). "Genetic information," as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic test, the fact that an individual or an individual's family member sought or received genetic services or participated in clinical research that includes genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

Adopted 1/10/12  
Revised 9/9/19

## **ADMINISTRATOR DISCIPLINE**

Whenever it becomes necessary to discipline an Administrator, the Superintendent shall utilize the following principles and procedures. The Board, or its designee, shall utilize the following principles and procedures if the Superintendent is the subject of the disciplinary action.

The Superintendent shall conduct an investigation of any alleged act or omission by an Administrator that could result in disciplinary action. The Administrator shall be provided with oral or written notice of the issue or incident being investigated.

The investigation shall include, at a minimum, interviews of appropriate persons and a meeting with the subject Administrator to allow the Administrator an opportunity to respond to the complaint. Prior notice of this meeting shall be provided to the Administrator for any discipline that may result in a suspension or loss of pay.

After completion of the investigation, if discipline is to be imposed, the Administrator shall receive written notice of the discipline and this notice shall also be placed in the Administrator's file.

Discipline may include, but is not limited to:

- A. written warning;
- B. written reprimand;
- C. suspension (paid or unpaid);
- D. discharge;
- E. financial penalty in accordance with Michigan law.

The School does not have to apply discipline in a progressive manner, but, rather, may impose discipline consistent with seriousness of the Administrator's conduct, as determined by the School. Additionally, nothing in this policy limits the School's right to take other appropriate action, such as placing an Administrator on administrative leave during the pendency of an investigation or issuing a counseling memorandum, which is considered instructional, not disciplinary.

If it appears that disciplinary action beyond written reprimand may be necessary, the Superintendent should contact the Board to discuss the disciplinary action that is to be taken.

Discharge, demotion or non-renewal of an Administrator may only be imposed by the Board in adherence with the requirements of the Revised School Code.

Adopted 1/8/18  
Revised 9/9/19

## UNREQUESTED LEAVES OF ABSENCE/FITNESS FOR DUTY

Reference: Americans with Disabilities Act of 1990, as amended  
42 U.S.C. 12101 et seq.  
29 C.F.R. Part 1630  
29 C.F.R. Part 1635

It is the policy of the Board of Directors to protect students and employees from professional staff members who are unable to perform essential job functions with or without accommodation.

The Board may place a professional staff member on unrequested leave of absence when the staff member is unable to perform assigned duties in conformance with statute.

If the Superintendent and/or Building Administrator believes the staff member is unable to perform essential job functions, the professional staff member will be offered the opportunity for a meeting to discuss these issues.

If a professional staff member refuses to attend the meeting, the Board may order the professional staff member to submit to an appropriate examination by a physician designated and compensated by the Board.

All such requests for examination shall include the following notice to the examiner:

"The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, do not provide any genetic information when responding to this request for medical information. 'Genetic information' as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

If, as a result of such examination, the professional staff member is found to be unable to perform assigned duties with or without accommodation, the professional staff member may be placed on leave of absence for a reasonable time to heal or until the staff member is able to perform the essential job function, but only for a period not to exceed one (1) year.

Should a professional staff member refuse to submit to the examination requested by the Board and the professional staff member has exercised his/her rights under the provisions hereinabove set forth, such refusal shall subject the professional staff member to disciplinary action.

Adopted 1/10/12  
Revised 9/9/19

## STUDENT SUPERVISION AND WELFARE

Reference: MCL 722.621 et seq., 750.520b, 750.520c, 750.520d, 750.520e

Administrators shall maintain a standard of care for the supervision, control, and protection of students commensurate with their assigned duties and responsibilities and are expected to establish and maintain professional staff/student boundaries that are consistent with their legal, professional and ethical duty of care for students.

The Superintendent shall maintain and enforce the following standards:

- A. Each administrator shall report immediately to the Superintendent any accident, safety hazard, or other potentially harmful condition or situation s/he detects.
- B. Each administrator shall immediately report to the Superintendent any knowledge of threats or violence by students.
- C. An administrator shall not send students on any personal errands.
- D. An administrator shall not associate or fraternize with students at any time in a manner that may give the appearance of impropriety, including, but not limited to, the creation or participation in any situation or activity that could be considered abusive or sexually suggestive or involve harmful substances such as illegal drugs, alcohol or tobacco. Any sexual or other inappropriate conduct with a student by any administrator will subject the offender to potential criminal prosecution and disciplinary action by the Board up to and including termination of employment.
- E. If a student approaches an administrator to seek advice or to ask questions regarding a personal problem related to sexual behavior, substance abuse, mental or physical health, and/or family relationships, etc., the administrator may attempt to assist the student by facilitating contact with certified or licensed individuals in the School or community who specialize in the assessment, diagnosis, and treatment of the student's stated problem. However, under no circumstances should an administrator attempt, unless properly licensed and authorized to do so, to counsel, assess, diagnose, or treat the student's problem or behavior, nor should such administrator inappropriately disclose personally identifiable information concerning the student to third persons not specifically authorized by law.
- F. An administrator shall not transport students in a private vehicle without the approval of the Superintendent.
- G. A student shall not be required to perform work or services that may be detrimental to his/her health.
- H. Administrators shall only engage in electronic communication with students via email, texting, social media and/or online networking media, such as Facebook, Twitter, YouTube, MySpace, Skype, blogs, etc., when such communication is directly related to curricular matters or co-curricular/extracurricular events or activities with prior approval of the principal.

- I. Administrators are prohibited from electronically transmitting any personally identifiable image of a student(s), including video, photographs, streaming video, etc. via email, text message, or through the use of social media and/or online networking media, such as Facebook, Twitter, YouTube, MySpace, Skype, blogs, etc., unless such transmission has been made as part of a pre-approved curricular matter or co-curricular/extracurricular event or activity such as a school-sponsored publication or production in accordance with Policy 5722.

Since most information concerning a child in school, other than directory information described in Policy 8330, is confidential under Federal and State laws, any administrator who shares confidential information with another person not authorized to receive the information may be subject to discipline and/or civil liability. This includes, but is not limited to, information concerning assessments, grades, behavior, family background, and alleged child abuse.

Pursuant to the laws of the State and Board Policy 8462, each administrator shall report to the proper legal authorities, immediately, any sign of suspected child abuse or neglect.

Adopted 10/24/11  
Revised 9/9/19



## USE OF TOBACCO BY ADMINISTRATORS

Reference: M.C.L. 333.12601 et seq  
M.C.L. 750.473

The Board of Directors recognizes that the use of tobacco presents a health hazard which can have serious consequences both for the user and the nonuser and is, therefore, of concern to the Board.

In order to protect students and employees who choose not to use tobacco from an environment noxious to them and potentially damaging to their health, the Board prohibits the use of tobacco on School premises, in School vehicles, and in all School buildings owned and/or operated by the School.

The Board prohibits the use of a tobacco product by administrators in School buildings, on School property (owned or leased), on School buses, and at any School-related event at all times within any enclosed facility owned or leased or contracted for by the Board, and in the areas directly or indirectly under the control of the Board immediately adjacent to locations of ingress or egress to such facilities. This prohibition extends to any Board-owned and/or operated vehicles used to transport students and to all other Board-owned and/or operated vehicles. Such prohibition also applies to

- A. School grounds,
- B. athletic facilities, and
- C. any School-related event.

For purposes of this policy:

- A. "tobacco product" means a preparation of tobacco to be inhaled, chewed, or placed in a person's mouth;
- B. "use of a tobacco product" means any of the following:
  - 1. the carrying by a person of a lighted cigar, cigarette, pipe, or other lighted smoking device;
  - 2. the inhaling or chewing of a tobacco product;
  - 3. the placing of a tobacco product within a person's mouth;
  - 4. the use or smoking of electronic, "vapor," or other substitute forms of cigarettes, clove cigarettes or other lighted smoking devices for burning tobacco or any other substance.

The term "tobacco" includes any product that contains tobacco, is derived from tobacco, contains nicotine, or e-cigarettes and other electronic smoking devices (including but not limited to "JUUL's"), but does not include any cessation product approved by the United States Food and Drug Administration for use as a medical treatment to reduce or eliminate nicotine or tobacco dependence.

The Board shall require the posting of signs as required.

Advertising/Promotion

In accordance with Policy 9700.01, tobacco advertising is prohibited on School grounds, in all School-sponsored publications, and at all School-sponsored events.

Tobacco promotional items that promote the use of tobacco products, including clothing, bags, lighters, and other personal articles are not permitted on School grounds, in School vehicles, or at School-sponsored events.

Employees who violate this policy shall be subject to disciplinary action in accordance with policies of the Board.

Adopted 2/10/20

## **GROUP HEALTH PLANS**

The Board of Directors, through its Employee Leasing Company, shall have discretion to establish and maintain group health plans for the benefit of eligible employees. The definition of group health plans as used in this policy may include, but is not limited to, major medical, prescription drug, dental and/or vision plans. These group health plans may provide certain health benefit plans to employees as permitted by law.

The Board has elected to provide minimum value health coverage for some or all of its eligible employees. The terms and conditions of the health coverage are set forth in the appropriate plan documents.

Eligible employees who have coverage through the employer of a working spouse may elect to waive the Academy's medical coverage.

Adopted 01/09/17  
Revised 9/9/19

## PRIVACY PROTECTIONS OF FULLY INSURED GROUP HEALTH PLANS

Reference: 29 C.F.R. Part 1635  
42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act  
45 C.F.R. 160.102(a), 164.530(g), 164.530(h), 164.530(j), 164.530(k), 164.404  
45 C.F.R. 164.406, 164.408, 164.502, 164.520(a)

The Board of Directors, through its Employee Leasing Company, provides coverage to eligible employees under fully insured group health plans. The Board, through its Employee Leasing Company, has established the following fully insured group health plans:

- A. Medical Plan
- B. Prescription Drug Plan
- C. Dental Plan
- D. Vision Plan

The Board and the Employee Leasing Company acknowledges that these group health plans are required to comply with the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule as amended by Title I of the Genetic Information Nondiscrimination Act (GINA). Fully insured group health plans generally are exempt from many of the requirements imposed upon self-funded group health plans.

The Board and the Employee Leasing Company also acknowledge that these fully insured group health plans are required to comply with the HIPAA Security Rule. The group health plans, working together with the insurer, will ensure the confidentiality, integrity, and availability of the group health plans' electronic Protected Health Information in accordance with the HIPAA Security Rule.

The Employee Leasing Company will serve as the Security Official of the group health plans. The Board delegates authority to the Security Official to perform an information technology risk analysis and to develop risk management procedures, if necessary.

The Security Official shall review the insurer's internal policies and procedures implementing various security measures required by the HIPAA Security Rule with respect to electronic Protected Health Information. All of the group health plans' functions are carried out by the insurer and the insurer owns and controls all of the equipment and media used to create, maintain, receive, and transmit electronic Protected Health Information relating to the group health plans. Accordingly, the insurer is in the best position to implement the technical, physical, and administrative safeguards required by the HIPAA Security Rule. The Security Official may elect to utilize, as administrative guidelines, the insurer's own policies addressing security measures for the group health plans' electronic Protected Health Information, as appropriate.

The fully insured group health plans established by the Employee Leasing Company shall:

- A. Refrain from taking any retaliatory action against any individual for exercising any right under the plan, filing a complaint with Health and Human Services, participating in any proceeding under Part C of Title XI of the Social Security Act, or opposing any act or practice made unlawful by

the Privacy Rule provided that the individual has a good faith belief that the practice opposed is unlawful.

- B. Not impose a requirement that participants waive their rights under the Privacy Rule as a condition of the provision of payment, enrollment in a health plan, or eligibility of benefits.
- C. If the plan document is amended in accordance with the Privacy Rule, the plan must retain a copy of the plan document as amended for six (6) years from the date of its amendment or the date when it last was in effect, whichever is later.
- D. Provide notification to affected individuals, the Secretary of the U.S. Department of Health and Human Services, and the media (when required), if the plan or one of its business associates discovers a breach of unsecured protected health information, in accordance with the requirements of HIPAA and its implementing regulations.

Fully insured group health plans established by the Employee Leasing Company shall not create or receive protected health information, except for:

- A. Summary health information. Summary health information is de-identified information that summarizes claims history, claims expenses, or type of claims experienced by health plan participants.
- B. Information on whether an individual is participating in a group health plan, or is enrolled in or has disenrolled from a health insurance issuer or HMO offered by the plan.
- C. Information disclosed to the plan under a signed authorization that meets the requirements of the Privacy Rule.

Adopted 8/18/14  
Revised 9/9/19

## PATIENT PROTECTION AND AFFORDABLE CARE ACT

Reference: 29 U.S.C. 218B  
26 U.S.C. 4980H

The Board of Directors and the Employee Leasing Company acknowledge that the Patient Protection and Affordable Care Act (“ACA”) imposes certain obligations upon the Academy. Such obligations may include the following:

- A. The Employee Leasing Company shall notify new employees of health insurance options available through the Health Insurance Marketplace within fourteen (14) days of an employee’s employment start date. Sample form notices are available from the U.S. Department of Labor at:

<http://www.dol.gov/ebsa/healthreform/regulations/coverageoptionsnotice.html>

- B. Employees of the Employee Leasing Company have the option to enroll in the Health Insurance Marketplace. If a full-time employee (as defined by the ACA) of the Employee Leasing Company enrolls in the Health Insurance Marketplace and receives a subsidy, then the Employee Leasing Company may be liable for a penalty.

In event that the Employee Leasing Company concludes that it is fiscally-wise to incur the potential penalty in lieu of providing affordable, minimum value coverage to all full-time employees, the Employee Leasing Company shall incur the potential penalty.

Adopted 01/09/17  
Revised 9/9/19

## **SECTION 504/ADA PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT**

Reference:

29 C.F.R. Part 1630  
29 U.S.C. 794, Section 504 Rehabilitation Act of 1973, as amended,  
34 C.F.R. Part 104  
42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended

The Board of Directors prohibits discrimination against any employee or applicant based upon his/her disability. As such, the Board of Directors will not engage in employment practices or adopt policies that discriminate on the basis of disability, or otherwise discriminate against qualified individuals with disabilities in regard to job application procedures, the hiring, advancement or discharge of employees, employee compensation, job training, or other terms, conditions and privileges of employment. The Board further will not limit, segregate or classify applicants or employees in any way that adversely affects their opportunities or status because of disability. Additionally, the Board of Directors will not participate in any contractual or other relationships that have the effect of subjecting qualified individuals with disabilities who are applicants or employees to discrimination on the basis of disability.

"An individual with a disability" means a person who has, had a record of, or is regarded as having, a physical or mental impairment that substantially limits one or more major life activities. Major life activities are functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, eating, sleeping, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, sitting, reaching, interacting with others, and working.

Major life activities also include the operation of a major bodily function, including, but not limited to, functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, hemic, lymphatic, musculoskeletal and reproductive functions. The operation of a major bodily function includes the operation of an individual organ within a body system.

An impairment that is episodic in nature or in remission is considered a disability if it would substantially limit a major life activity when active.

The determination of whether an impairment substantially limits a major life activity must be made without regard to the ameliorative effects of mitigating measures such as medication, medical supplies, equipment or appliances, low-vision devices (defined as devices that magnify, enhance, or otherwise augment a visual image, but not including ordinary eyeglasses or contact lenses), prosthetics (including limbs and devices), hearing aid(s) and cochlear implant(s) or other implantable hearing devices, mobility devices, oxygen therapy equipment or supplies, use of assistive technology, reasonable accommodations or "auxiliary aides or services," learned behavioral or adaptive neurological modifications, psychotherapy, behavioral therapy, or physical therapy.

A qualified person with a disability means the individual satisfies the requisite skill, experience, education and other job-related requirements of the employment position such individual holds or desires and, with or without reasonable accommodation, can perform the essential functions of the job in question.

The Board of Directors will provide a reasonable accommodation to a qualified individual who has an actual disability or who has a record of a disability, unless the accommodation would impose an undue hardship on the operation of the School's program and/or activities. A reasonable accommodation is not necessarily required for an individual who is merely regarded as having a disability.

### **Compliance Officer(s)**

The Board designates the following individual(s) to serve as the School's 504 Compliance Officer(s)/ADA Coordinator(s) (hereinafter referred to as the "School Compliance Officer(s)").

Male/Female Coordinator  
14510 Second Ave.  
Highland Park, MI 48203  
(313) 865-6024

The names, titles, and contact information of this/these individual(s) will be published annually on the School's web site.

The School Compliance Officer(s) [is] [are] responsible for coordinating the School's efforts to comply with and fulfill its responsibilities under Section 504 and Title II of the Americans with Disabilities Act, as amended ("ADA"). A copy of Section 504 and the ADA, including copies of their implementing regulations, may be obtained from the School Compliance Officer(s).

The School Compliance Officer(s) will oversee the investigation of any complaints of discrimination based on disability, which may be filed pursuant to the Board's adopted internal complaint procedure, and will attempt to resolve such complaints. The Board will provide for the prompt and equitable resolution of complaints alleging violations of Section 504/ADA. (See below.)

### **Training**

The School Compliance Officer will also oversee the training of employees in the School so that all employees understand their rights and responsibilities under Section 504 and the ADA, and are informed of the Board's policies, Administrative Procedures and practices with respect to fully implementing and complying with the requirements of Section 504/ADA.

The Board of Directors will provide in-service training and consultation to staff responsible for the education of persons with disabilities, as necessary and appropriate.

### **Facilities**

No qualified person with a disability will, because the School's facilities are inaccessible to or unusable by persons with disabilities, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity to which Section 504/ADA applies.

For facilities constructed or altered after June 3, 1977, the School will comply with applicable accessibility standards. For those existing facilities constructed prior to June 3, 1977, the School is committed to operating its programs and activities so that they are readily accessible to persons with disabilities.

### **Notice**

Notice of the Board's policy on nondiscrimination in employment practices and the identity of the School's Compliance Officer(s) will be published on the School's website and posted throughout the School, and included in the School's recruitment statements or general information publications.

### **Complaint Procedures**

If a person believes that s/he has been discriminated against on the basis of his/her disability, the person may utilize the following complaint procedures as a means of reaching, at the lowest possible administrative level, a prompt and equitable resolution of the matter.

In accordance with Section 504 of the Rehabilitation Act of 1973 and its implementing regulations ("Section 504"), employees will be notified of their right to file an internal complaint regarding an alleged violation, misinterpretation or misapplication of Section 504. In addition, employees will be notified of their right to file a complaint with the U.S. Department of Education's Office for Civil Rights.

Internal complaints must be put in writing and must identify the specific circumstances or areas of dispute that have given rise to the complaint, and offer possible solutions to the dispute. The complaint must be filed with an School Compliance Officer within the time limits specified below. The School's Compliance Officer is available to assist individuals in filing a complaint.



Unless expressly stated otherwise, the term "day" or "days" as used in this policy means business day(s) (i.e., a day(s) that the Board office is open for normal operating hours, Monday - Friday, excluding State-recognized holidays).

### **Internal Complaint Procedure**

The following internal complaint procedure is available to employees for the prompt and equitable resolution of complaints alleging discrimination based upon disability. This complaint procedure is not available to unsuccessful applicants. Use of the internal complaint procedure is not a prerequisite to the pursuit of other remedies, including the filing of a complaint with the U.S. Department of Education's Office for Civil Rights.

- A. An employee with a complaint based on alleged discrimination on the basis of disability may first discuss the problem with the School Compliance Officer.
- B. If the informal discussion does not resolve the matter, or if the employee skips Step A, the individual may file a formal written complaint with the School Compliance Officer. The written complaint must contain the name and address of the individual or representative filing the complaint, be signed by the complainant or someone authorized to sign for the complainant, describe the alleged discriminatory action in sufficient detail to inform the School Compliance Officer of the nature and date of the alleged violation, and propose a resolution. The complaint must be filed within thirty (30) days of the circumstances or event giving rise to the complaint, unless the time for filing is extended by the School Compliance Officer for good cause.
- C. The School Compliance Officer will conduct an independent investigation of the matter (which may or may not include a hearing). This complaint procedure contemplates informal, but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to present witnesses and other evidence relevant to the complaint. The School Compliance Officer will provide the complainant with a written disposition of the complaint within ten (10) days. If no decision is rendered within ten (10) days, or the decision is unsatisfactory in the opinion of the complainant, the employee may file, in writing, an appeal with the Superintendent. The School Compliance Officer shall maintain the School's files and records relating to the complaint.
- D. The Superintendent will, within ten (10) days of receiving the written appeal, conduct a hearing with all parties involved in an attempt to resolve the complaint.  
  
The Superintendent will render his/her decision within ten (10) days of the hearing.
- E. The employee may be represented, at his/her own cost, at any of the above-described meetings/hearings.
- F. The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights or the filing of a court case. Use of this internal complaint procedure is not a prerequisite to the pursuit of other remedies.

If it is determined that the Complainant was subjected to unlawful discrimination, the CO must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, age-appropriate and effective, and tailored to the specific situation.

### **OCR Complaint**

At any time, if an employee believes that s/he has been subjected to discrimination based upon his/her disability in violation of Section 504 or the ADA, the individual may file a complaint with the U.S. Department of Education's Office for Civil Rights ("OCR"). The OCR can be reached at:

U.S. 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>

### **Retaliation**

Retaliation against a person who makes a report or files a complaint alleging unlawful harassment/retaliation or participates as a witness in an investigation is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce or interfere with any individual because the person opposed any act or practice made unlawful by any Federal or State civil rights law, or because that individual made a report, formal complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding, or hearing under those laws and/or this policy, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws and/or this policy.

Retaliation against a person for making a report of discrimination, filing a formal complaint, or participating in an investigation or meeting is a serious violation of this policy that can result in imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Formal complaints alleging retaliation may be filed according to the internal complaint process set forth above.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

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## **FAMILY & MEDICAL LEAVES OF ABSENCE ("FMLA")**

Reference: 29 U.S.C. 2601 et seq.  
29 C.F.R. Part 825  
P.L. 110-181, Sec. 585 – National Defense Authorization Act (January 28, 2008)  
P.L. 111-84, Sec. 565 – National Defense Authorization Act (October 28, 2009)

In accordance with Federal law, the Board of Directors shall provide up to twelve (12) weeks of unpaid FMLA leave in any twelve (12) month period to eligible administrators for the following reasons:

- A-1. the birth of a child and/or the care of a newborn child within one (1) year of the child's birth
- B-1. the placement of a child with the staff member by way of adoption or foster care and/or to care for the child within one (1) year of the child's arrival
- C-1. the staff member is needed to care for a spouse, parent or dependent child if such individual has a serious health condition, or
- D-1. the staff member's own serious health condition prevents him/her from performing the functions of his/her position

### Employee Entitlement to Service Member FMLA

#### Leave Entitlement

Service member FMLA provides eligible employees unpaid leave for one, or for a combination, of the following reasons:

- A-2. A "qualifying exigency" arising out of a covered family member's (spouse, son, daughter, or parent) covered active duty or call to covered active duty in the United States Armed Forces including the National Guard and Reserves. Qualifying exigencies, as defined by Federal regulations, include: 1) short-notice deployment; 2) military events and related activities; 3) childcare and school activities; 4) financial and legal arrangements; 5) counseling; 6) rest and recuperation (maximum fifteen (15) calendar days); 7) post-deployment activities; 8) caring for a military member's parent who is incapable of self-care when the care is necessitated by the member's covered active duty; and 9) additional activities not encompassed in the other categories, but agreed to by the employer and employee. (See AG 1630.01C). Covered active duty means deployment with the Armed Forces to a foreign country.
- B-2. To care for a covered family member, including next of kin as provided in the statute, who has incurred an injury or illness or aggravation of a pre-existing illness or injury while in the line of duty while on covered active duty in the United States Armed Forces, including the National Guard and Reserves, provided that such injury or illness may render the family member medically unfit to perform duties of the member's office, grade, rank, or rating. Covered active duty means deployment with the Armed Forces to a foreign country. This leave is also available to care for veterans of the United States Armed Forces, including the National Guard and Reserves,

provided the veteran was a service member at any time within the five (5) years prior to the start of the treatment, recuperation or therapy. In accordance with applicable regulations, a veteran's serious injury or illness incurred or aggravated in the line of active duty can also be manifested by: 1) a physical or mental condition with a VA Service Disability Rating of 50% or greater and is the condition precipitating the need for leave; or 2) a physical or mental condition that substantially impairs the ability to secure or substantially follow a gainful occupation, or would do so absent treatment; or 3) an injury, including psychological, for which the veteran has been enrolled in the Dept. of V.A. Program of Comprehensive Assistance for Family Care Givers.

#### Duration of Service Member FMLA

- A. When leave is due to a "Qualifying Exigency": An eligible employee may take up to twelve (12) work weeks of leave during any twelve (12) month period. Such leave shall be counted with regular FMLA leave time in calculating the twelve (12) weeks of allowable leave.
- B. When leave is to care for an injured or ill service member: An eligible employee may take up to twenty-six (26) work weeks of leave during a single twelve (12) month period to care for the service member who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness. This is a one-time benefit per service member. Leave to care for an injured or ill service member, when combined with other FMLA-qualifying leave, may not exceed twenty-six (26) weeks in a single twelve (12) month period.
- C. Service Member FMLA runs concurrent with other leave entitlements provided under Federal, State, and local law.

#### General FMLA Provisions

Administrators are "eligible" if they have worked for the Board for at least twelve (12) months, and for at least 1,250 hours over the twelve (12) months prior to the leave request. Service time may be aggregated when the break in service is less than seven (7) years for military obligation or subject to recall under a collective bargaining agreement. All full-time administrators are deemed to meet the 1,250 hour requirement. All periods of absence from work due to or necessitated by USERRA-covered service is counted in determining and employee's eligibility for FMLA leave.

The twelve (12) month period measured forward from the date the staff member's first FMLA leave begins (i.e., the "leave year" is specific to each individuals staff member).

For Service Member FMLA leave, the use of the twenty-six (26) weeks of leave will be measured forward from the first date on which the employee takes leave.

Serious health condition is defined as an illness, injury, impairment, or physical or mental condition that involves:

- A. inpatient care, including any period of incapacity or any subsequent treatment in connection with such inpatient care; or
- B. continuing treatment by a healthcare provider, including:
  - 1. a period of incapacity of more than three (3) consecutive full calendar days and any subsequent treatment or period of incapacity relating to the same condition, that also involves either in person treatment two (2) or more times by a healthcare provider within thirty (30) days of the first date of incapacity absent extenuating circumstances beyond the employee's control, or in person treatment by a healthcare provider on at least one (1) occasion which results in a regimen of continuing treatment under the supervision of a healthcare provider;  

The first visit to the healthcare provider must occur within seven (7) days of the first date of incapacity.
  - 2. any incapacity due to pregnancy or for prenatal care;
  - 3. any period of incapacity or treatment for such incapacity due to a chronic serious health condition;
  - 4. a period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective;
  - 5. any period of absence to receive multiple treatments by a healthcare provider either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three (3) consecutive days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), kidney disease (dialysis);
- C. conditions for which cosmetic treatment are administered are not "serious health conditions" unless inpatient hospital care is required or complications develop. Ordinarily, unless complications arise, the common cold, the flu, ear aches, upset stomachs, minor ulcers, headaches other than migraines, routine dental or orthodontia problems, periodontal disease, etc., are conditions that do not meet this definition and do not qualify for FMLA leave.

Whenever the leave is foreseeable, the staff member shall provide the Employee Leasing Company with thirty (30) days' notice. If there is insufficient time to provide such notice because of unforeseeable events, the staff member shall provide such notice as soon as possible and practical, generally not later than the next business day after the employee realizes the need for leave. Failure to follow the leave notice requirements may result in delay of obtaining the leave. Employees will still be required to comply with the absence reporting procedures at their buildings.

When planning medical treatment, the staff member must consult with the Employee Leasing Company and make a reasonable effort to schedule the leave so as not to unduly disrupt the regular operation of the School, subject to the approval of the healthcare provider.

The staff member may request to substitute any of his/her earned or accrued paid vacation leave, personal leave or family leave (per the applicable collective bargaining agreement) for unpaid FMLA leave provided for the birth, adoption or foster care placement of a child, or qualifying exigency for a Service Member Family Leave (see A-1, B-1, and A-2 on page one).

The staff member may request to substitute any of his/her earned or accrued paid vacation, personal leave or sick leave (per the applicable collective bargaining agreement) for unpaid FMLA leave provided for the staff member's own serious health condition or to care for a spouse, parent or dependent child with a serious health condition (see C-1 and D-1 on page one and B-2 on page two).

If the staff member has not earned or accrued adequate paid leave to encompass the entire twelve (12) or twenty-six (26) week period of FMLA leave, any additional weeks of leave to which the staff member is entitled to shall be unpaid. Whenever a staff member uses paid leave for a qualifying leave under this policy, such leave will count towards the maximum allowable leave, the paid leave, and FMLA/Service Member Family leave to which the staff member is entitled will run concurrently.

The Employee Leasing Company may allow a staff member to take FMLA leave intermittently or on a reduced-leave schedule for the birth, adoption or foster care placement of a child (see A-1 and B-1 on page one). A staff member may take FMLA leave on an intermittent or reduced-leave schedule when medically necessary for his/her own serious health condition or to care for a spouse, parent or dependent child with a serious health condition (see C-1 and D-1 on page one). The taking of such leave results in the total reduction of the twelve (12) weeks only by the amount of leave actually taken. Leave will be accounted for in increments no greater than the smallest increment used for other similar leaves, but in no event greater than one (1) hour increments. Leave entitlement will not be reduced by more than the amount of leave actually taken.

If the intermittent or reduced-leave schedule is foreseeable based on planned medical treatment, the Employee Leasing Company may require the staff member to transfer temporarily to an available alternative position which better accommodates recurring periods of leave. The alternative position shall have equivalent pay and benefits but not necessarily equivalent duties. Instructional staff members (i.e. individuals whose principal function is to teach and instruct students in a class, a small group, or an individual setting) who request intermittent leave or a reduced-leave schedule which would exceed twenty percent (20%) of the total number of working days over the period of anticipated leave must elect either to:

- A. take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or
- B. transfer temporarily to an available alternative position offered by the Employee Leasing Company for which the instructional staff member is qualified, and that has equivalent pay and benefits and that better accommodates the recurring periods of leave than the staff member's regular position.

The Employee Leasing Company will notify the staff member when the School intends to designate leave as FMLA-qualifying. Such notice may be given orally or in writing. When verbal notice is given, it will be followed by written notice within ten (10) business days. In the case of intermittent or reduced-leave schedule leave, only one (1) such notice is required unless the circumstances regarding the leave have changed. If the Employee Leasing Company does not have sufficient information about the reason for an employee's use of paid leave, the Employee Leasing Company may inquire further to ascertain whether the paid leave is FMLA-qualifying. Once the Employee Leasing Company learns that a paid leave is for an FMLA leave-qualifying reason, the Employee Leasing Company will promptly notify the staff member that the paid leave will count toward the staff member's twelve (12) week FMLA-leave entitlement.

In cases in which the Board employs both spouses, the total amount of FMLA leave is twelve (12) weeks for the couple, except when the leave is due to the serious health condition of either spouse or a child, or twenty-six (26) weeks of FMLA leave for Service Member Leave.

When FMLA leave is taken for the staff member's own serious health condition or to care for a spouse, parent or dependent child with a serious health condition (see C-1 and D-1 on page one), the staff member must provide medical certification from the healthcare provider of the eligible staff member or his/her immediate family member). When the staff member requests qualifying Service Member Leave, s/he must provide certification of a qualifying exigency or of the service member's serious illness. For service member leave, any certification permitted under 29 C.F.R. 825.310 shall be allowed.

The staff member may either:

- A. submit the completed medical certification to the Employee Leasing Company; or
- B. direct the healthcare provider to transfer the completed medical certification directly to the Employee Leasing Company, which will generally require the staff member to furnish the healthcare provider with a HIPAA-compliant authorization.

In the event the staff member fails to provide medical certification, any leave taken by the employee will not qualify for FMLA Leave/Service Member Family Leave.

When the need for FMLA leave is foreseeable and at least thirty (30) days' notice has been provided, the staff member must provide the medical certification before the leave begins. When this is not possible, the employee must provide the requested certification to the Employee Leasing Company within fifteen (15) calendar days after the staff member requests FMLA leave unless it is not practicable under the circumstances to do so despite the staff member's diligent and good faith efforts.

Any dispute over eligibility for FMLA leave shall be discussed between the employee and Employee Leasing Company. The School shall be responsible for maintaining a record of those communications.

The Board reserves the right to obtain, at its expense, the opinion of a second healthcare provider and, in the event of conflict, the opinion of a third healthcare provider whose decision shall be binding and final. The staff member may either:

- A. submit the opinion of the second healthcare provider, and the opinion of the

third healthcare provider if applicable, to the Employee Leasing Company;  
or

- B. direct the second or third healthcare provider to transfer his/her opinion directly to the Employee Leasing Company, which will generally require the staff member to furnish the healthcare provider with a HIPAA-compliant authorization.

In the event the staff member fails to provide the medical opinion of the second or third healthcare provider, if applicable, any leave taken by the employee will not qualify for FMLA leave.

A staff member who takes leave for his/her own serious health condition prior to returning to work, must provide the Employee Leasing Company with a statement from his/her healthcare provider that s/he is able to resume work.

Upon return from any FMLA leave, the Board will restore the staff member to his/her former position or to a position with equivalent employment benefits, pay and conditions of employment. During FMLA leave, the Board shall maintain the staff member's current coverage under the Board's group health insurance program on the same conditions as coverage would have been provided if the staff member had been continuously working during the leave period. If the staff member was paying all or part of the premium payments prior to going on FMLA leave, the staff member must continue to pay his/her share during the leave.

Any leave or return from leave during the last five (5) weeks of an academic term shall be reviewed individually by the Employee Leasing Company to minimize disruption to the students' program. Special rules under the FMLA may apply for instructional staff.

The staff member shall not accrue any sick leave, vacation, or other benefits during a period of unpaid FMLA leave.

The use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of the staff member's leave.

If the staff member fails to return to work at the end of the leave for reasons other than the continuation, recurrence, or onset of a serious health condition of the staff member or of the staff member's immediate family member, or for circumstances beyond the control of the staff member, the staff member shall reimburse the Board for the health insurance premiums paid by the Board during the unpaid FMLA leave period.

A staff member who fraudulently obtains FMLA leave is not protected by this policy's job restoration or maintenance of health benefits provisions.

The Employee Leasing Company shall prepare any guidelines that are appropriate for this policy and ensure that the policy is posted properly.

In any areas where discretion is allowed in the implementation of this policy or its guidelines for implementation, such discretion shall be exercised in a non-discriminatory manner. Similarly situated persons shall be treated similarly.

The Employee Leasing Company shall provide a copy of the policy to all staff members, and retain a record of how and when the policy was distributed. A notice of Rights and



Obligations shall also be provided each time an employee requests FMLA leave or the School has sufficient information to believe that the employee may qualify for FMLA leave.

The approval, denial and administration of leave under this policy will be governed by the Family Medical Leave Act of 1993, as amended, and its published regulations, as applied and interpreted by the Employee Leasing Company.

Adopted 1/13/14  
Revised 9/9/19

## **ANTI-HARASSMENT**

Reference:

Titles VI and VII of the Civil Rights Act of 1964, 42 U.S.C. 2000d et seq.  
20 U.S.C. 1400 et seq., The Individuals with Disabilities Education Improvement Act of 2004 (IDEIA)  
29 U.S.C. 621 et seq, Age Discrimination in Employment Act of 1967  
29 U.S.C. 6101, The Age Discrimination Act of 1975  
42 U.S.C. 2000e et seq.  
42 U.S.C. 1983  
42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act  
29 C.F.R. Part 1635  
Title IX of the Educational Amendments of 1972, 20 U.S.C. 1681 et seq.  
29 U.S.C. 794, Rehabilitation Act of 1973, as amended  
42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended  
The Handicappers' Civil Rights Act, M.C.L.A. 37.1101 et seq.  
The Elliott-Larsen Civil Rights Act, M.C.L.A. 37.2101, et seq.  
Policies on Bullying, Michigan State Board of Education, 7-19-01  
Model Anti-bullying Policy, Michigan State Board of Education, 09-2006  
National School Boards Association Inquiry and Analysis – May 2008

### **General Policy Statement**

It is the policy of the Board of Directors to maintain an education and work environment that is free from all forms of unlawful harassment, including sexual harassment. This commitment applies to all School operations, programs, and activities. All students, administrators, teachers, staff, and all other school personnel share responsibility for avoiding, discouraging, and reporting any form of unlawful harassment. This policy applies to unlawful conduct occurring on School property, or at another location if such conduct occurs during an activity sponsored by the Board.

The Board will vigorously enforce its prohibition against discriminatory harassment based on race, color, national origin, sex (including sexual orientation and gender identity), disability, age, religion, height, weight, marital or family status, military status, ancestry, or genetic information (collectively, "Protected Classes") that are protected by Federal civil rights laws (hereinafter referred to as "unlawful harassment"), and encourages those within the School community as well as Third Parties, who feel aggrieved to seek assistance to rectify such problems. The Board will investigate or cause to be investigated all allegations of harassment and in those cases where unlawful harassment is substantiated, the Board will take or cause to be taken immediate steps to end the harassment, prevent its reoccurrence, and remedy its effects. Individuals who are found to have engaged in unlawful harassment will be subject to appropriate disciplinary action either from the Board or by recommendation of the Board to the Educational Service Provider.

### **Other Violations of the Anti-Harassment Policy**

The Board will also take or cause to be taken immediate steps to impose disciplinary action on individuals engaging in any of the following prohibited acts:

- A. Retaliating against a person who has made a report or filed a complaint alleging unlawful harassment, or who has participated as a witness in a harassment investigation.
- B. Filing a malicious or knowingly false report or complaint of unlawful harassment.
- C. Disregarding, failing to investigate adequately, or delaying investigation of allegations of harassment, when responsibility for reporting and/or investigating unlawful harassment charges

comprises part of one's supervisory duties.

### **Definitions**

Words used in this policy shall have those meanings defined herein; words not defined herein shall be construed according to their plain and ordinary meanings.

School community means students and Board employees (i.e., administrators, and professional and classified staff), as well as Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

Complainant is the individual who alleges, or is alleged, to have been subjected to unlawful discrimination/retaliation, regardless of whether the person files a formal complaint or is pursuing an informal resolution to the alleged discrimination/retaliation.

Respondent is the individual who has been alleged to have engaged in unlawful discrimination/retaliation, regardless of whether the Reporting Party files a formal complaint or is seeking an informal resolution to the alleged discrimination/retaliation.

Third Parties include, but are not limited to, guests and/or visitors on School property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with, or seeking to do business with, the Board, and other individuals who come in contact with members of the School community at School-related events/activities (whether on or off School property).

Day(s): Unless expressly stated otherwise, the term "day" or "days" as used in this policy means a business day(s) (i.e., a day(s) that the Board office is open for normal operating hours, Monday - Friday, excluding State-recognized holidays).

### **Bullying**

Bullying rises to the level of unlawful harassment when one or more persons systematically and chronically inflict physical hurt or psychological distress on one (1) or more students or employees and that bullying is based upon one (1) or more Protected Classes, that is, characteristics that are protected by Federal civil rights laws. It is defined as any unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by an adult or student, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational or work environment; cause discomfort or humiliation; or unreasonably interfere with the individual's school or work performance or participation; and may involve:

- A. teasing;
- B. threats;
- C. intimidation;
- D. stalking;
- E. cyberstalking;
- F. cyberbullying;
- G. physical violence;
- H. theft;
- I. sexual, religious, or racial harassment;

- J. public humiliation; or
- K. destruction of property.

"Harassment" means any threatening, insulting, or dehumanizing gesture, use of technology, or written, verbal or physical conduct directed against a student or School employee that:

- A. places a student or School employee in reasonable fear of harm to his/her person or damage to his/her property;
- B. has the effect of substantially interfering with a student's educational performance, opportunities, or benefits, or an employee's work performance; or
- C. has the effect of substantially disrupting the orderly operation of the School.

### **Sexual Harassment**

For purposes of this policy and consistent with Title VII of the Civil Rights Act of 1964 "sexual harassment" is defined as:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

- A. Submission to such conduct is made either implicitly or explicitly a term or condition of an individual's employment, or status in a class, educational program, or activity.
- B. Submission or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual.
- C. Such conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity.

Sexual harassment may involve the behavior of a person of any gender against a person of the same or another gender.

Sexual Harassment covered by Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities is not included in this policy. Allegations of such conduct shall be addressed solely by Policy 2266.

Prohibited acts that constitute sexual harassment under this policy may take a variety of forms. Examples of the kinds of conduct that may constitute sexual harassment include, but are not limited to:

- A. Unwelcome sexual propositions, invitations, solicitations, and flirtations.
- B. Unwanted physical and/or sexual contact.
- C. Threats or insinuations that a person's employment, wages, academic grade, promotion, classroom work or assignments, academic status, participation in athletics or extra-curricular programs, activities, or events, or other conditions of employment or education may be adversely affected by not submitting to sexual advances.
- D. Unwelcome verbal expressions, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, profanity, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls.

- E. Sexually suggestive objects, pictures, graffiti, videos, posters, audio recordings or literature, placed in the work or educational environment, that may reasonably embarrass or offend individuals.
- F. Unwelcome and inappropriate touching, patting, or pinching; obscene gestures.
- G. Asking about, or telling about, sexual fantasies, sexual preferences, or sexual activities;
- H. Speculations about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history;
- I. Giving unwelcome personal gifts such as lingerie that suggest the desire for a romantic relationship;
- J. Leering or staring at someone in a sexual way, such as staring at a person's breasts, buttocks, or groin;
- K. A pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliation to another.
- L. In the context of employees, consensual sexual relationships where such relationship leads to favoritism of a subordinate employee with whom the superior is sexually involved and where such favoritism adversely affects other employees or otherwise creates a hostile work environment.
- M. Inappropriate boundary invasions by an School employee or other adult member of the School community into a student's personal space and personal life.
- N. Verbal, nonverbal or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature.

Not all behavior with sexual connotations constitutes unlawful sexual harassment. Sex-based or gender-based conduct must be sufficiently severe, pervasive, and persistent such that it adversely affects, limits, or denies an individual's employment or education, or such that it creates a hostile or abusive employment or educational environment.

### **Race/Color Harassment**

Prohibited racial harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's race or color and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's race or color, such as racial slurs, nicknames implying stereotypes, epithets, and/or negative references relative to racial customs.

### **Religious (Creed) Harassment**

Prohibited religious harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's religion or creed and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's religious tradition, clothing, or surnames, and/or involves religious slurs.

### **National Origin/Ancestry Harassment**

Prohibited national origin/ancestry harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's national origin or ancestry and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is

directed at the characteristics of a person's national origin or ancestry, such as negative comments regarding customs, manner of speaking, language, surnames, or ethnic slurs.

### **Disability Harassment**

Prohibited disability harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's disability and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's disability, such as negative comments about speech patterns, movement, physical impairments or defects/appearances, or the like. Such harassment may further occur where conduct is directed at or pertains to a person's genetic information.

### **Anti-Harassment Compliance Officers**

The following individual(s) shall serve as the School's Anti-Harassment Compliance Officer(s) (hereinafter, "the Compliance Officer(s)"):

Male/Female Coordinator  
14510 Second Ave.  
Highland Park, MI 48203  
(313) 865-6024

The names, titles, and contact information of these individuals will be published annually on the School's web site.

The Compliance Officer(s) are responsible for coordinating the School's efforts to comply with applicable Federal and State laws and regulations, including the School's duty to address in a prompt and equitable manner any inquiries or complaints regarding harassment.

The Compliance Officer(s) will be available during regular school/work hours to discuss concerns related to unlawful harassment, to assist students, other members of the School community, and third parties who seek support or advice when informing another individual about "unwelcome" conduct, or to intercede informally on behalf of the individual in those instances where concerns have not resulted in the filing of a formal complaint and where all parties are in agreement to participate in an informal process.

Compliance Officers shall accept reports of unlawful harassment directly from any member of the School community or a Third Party or receive reports that are initially filed with an administrator, supervisor, or other School official. Upon receipt of a report of alleged harassment, the Compliance Officer(s) will contact the Complainant and begin either an informal or formal complaint process (depending on the request of the Complainant or the nature of the alleged harassment), or the Compliance Officer(s) will designate a specific individual to conduct such a process. The Compliance Officer(s) will provide a copy of this policy to the Complainant and Respondent. In the case of a formal complaint, the Compliance Officer(s) will prepare recommendations for the Employee Leasing Company or will oversee the preparation of such recommendations by a designee. All Employee Leasing Company employees must report incidents of harassment that are reported to them to the Compliance Officer within two (2) days of learning of the incident.

Any Employee Leasing Company employee who directly observes unlawful harassment is obligated, in accordance with this policy, to report such observations to the Compliance Officer(s) within two (2) days. Additionally, any Employee Leasing Company employee who observes an act of unlawful harassment is expected to intervene to stop the harassment, unless circumstances make such an intervention dangerous, in which case the staff member should immediately notify other Employee Leasing Company employees and/or local law enforcement officials, as necessary, to stop the harassment. Thereafter, the Compliance Officer(s) or designee must contact the Complainant, if age eighteen (18) or older, or Complainant's parents/guardians if the Complainant is under the age eighteen (18), within two (2) days to advise of the Board's intent to investigate the alleged wrongdoing.

### **Reports and Complaints of Harassing Conduct**

Members of the School community along with Third Parties are encouraged to promptly report incidents of harassing conduct to the School's Anti-Harassment Compliance Officer so that the School's Anti-Harassment Compliance Officer may address the conduct before it becomes severe, pervasive, or persistent. Any administrator, supervisor, or other School official who receives such a report shall file it with the Compliance Officer within two (2) days of receiving the report of harassment.

Members of the School community and Third Parties who believe they have been unlawfully harassed by another member of the School community or a Third Party are entitled to utilize the Board's complaint process that is set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the Complainant's employment or participation in educational or extra-curricular programs. While there are no time limits for initiating complaints of harassment under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

If, during an investigation of alleged bullying, aggressive behavior and/or harassment in accordance with Policy 5517.01 – Bullying and Other Forms of Aggressive Behavior, the Employee Leasing Company believes that the reported misconduct may have created a hostile work environment and may have constituted unlawful discriminatory harassment based on a Protected Class, the Employee Leasing Company will report the act of bullying, aggressive behavior and/or harassment to the Compliance Officer(s) who shall investigate the allegation in accordance with this policy. If the alleged harassment involves Sexual Harassment as defined by Policy 2266, the matter will be handled in accordance with the grievance process and procedures outlined in Policy 2266. While the Compliance Officer investigates the allegation, or the matter is being addressed pursuant to Policy 2266, the Employee Leasing Company shall suspend the Policy 5517.01 investigation to await the Compliance Officer's written report or the determination of responsibility pursuant to Policy 2266. The Compliance Officer shall keep the Employee Leasing Company informed of the status of the 1662 investigation and provide Employee Leasing Company with a copy of the resulting written report. Likewise, the Title IX Coordinator will provide the Employee Leasing Company with the determination of responsibility that results from the Policy 2266 grievance process.

### **Investigation and Complaint Procedure (See Form 1662 F1)**

Except for Sexual Harassment that is covered by Policy 2266 - Nondiscrimination on the Basis of Sex in Education Program or Activities, any employee or other member of the School community or Third Party (e.g., visitor to the School) who believes that they have been subjected to unlawful harassment may seek resolution of the complaint through either the procedures described below. The formal complaint process involves an investigation of the Complainant's claims of harassment or retaliation and a process for rendering a decision regarding whether the charges are substantiated.

Due to the sensitivity surrounding complaints of unlawful harassment, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) days after the conduct occurs while the facts are known and potential witnesses are available. Once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within fifteen (15) days of the complaint being received).

The procedures set forth below are not intended to interfere with the rights of any individual to pursue a complaint of unlawful harassment or retaliation with the United States Department of Education Office for Civil Rights and/or Equal Employment Opportunity Commission ("EEOC").

### **Informal Complaint Procedure**

The goal of the informal complaint procedure is to promptly stop inappropriate behavior and to facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for a student, other member of the School community, or Third Party who alleges unlawful harassment or retaliation. This informal procedure is not required as a precursor to the filing of a formal complaint. The informal process is only available in those circumstances where the Complainant and the Respondent mutually agree to participate in it.

The Complainant may proceed immediately to the formal complaint process and individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process.

All complaints involving a Employee Leasing Company employee, any other adult member of the School community, or a Third Party and a student will be formally investigated.

As an initial course of action, if a Complainant feels comfortable and safe in doing so, the individual should tell or otherwise inform the Respondent that the alleged harassing conduct is unwelcome and must stop. The Complainant should address the allegedly harassing conduct as soon after it occurs as possible. The Compliance Officers are available to support and counsel individuals when taking this initial step or to intervene on behalf of the individual if requested to do so. A Complainant who is uncomfortable or unwilling to directly approach the Respondent about the allegedly inappropriate conduct may file an informal or a formal complaint. In addition, with regard to certain types of unlawful harassment, such as sexual harassment, the Compliance Officer may advise against the use of the informal complaint process.

A Complainant may make an informal complaint, either orally or in writing: (1) to a teacher, other employee, or building administrator; (2) directly to one of the Compliance Officers; and/or (3) to the Employee Leasing Company.

All informal complaints must be reported to one of the Compliance Officers who will either facilitate an informal resolution as described below, or appoint another individual to facilitate an informal resolution.

The Board's informal complaint procedure is designed to provide employees, other members of the School community, or third parties who believe they are being unlawfully harassed with a range of options designed to bring about a resolution of their concerns. Depending upon the nature of the complaint and the wishes of the Complainant, informal resolution may involve, but not be limited to, one or more of the following:

- A. Advising the Complainant about how to communicate the unwelcome nature of the behavior to the Respondent.
- B. Distributing a copy of this policy as a reminder to the individuals in the school building or office where the Respondent works or attends.
- C. If both parties agree, the Compliance Officer may arrange and facilitate a meeting or mediation between the Complainant and the Respondent to work out a mutual resolution.

While there are no set time limits within which an informal complaint must be resolved, the Compliance Officer/designee is directed to attempt to resolve all informal complaints within fifteen (15) days of receiving the informal complaint. If the Complainant is dissatisfied with the informal complaint process, the Complainant, may proceed to file a formal complaint and, as stated above, either party may request that the informal process be terminated at any time to move to the formal complaint process.

### **Formal Complaint Procedure**

If a complaint is not resolved through the informal complaint process, if one of the parties has requested that the informal complaint process be terminated to move to the formal complaint process, or the Complainant, from the outset, elects to file a formal complaint, or the CO determines the allegations are not appropriate for resolution through the informal process, the formal complaint process shall be implemented.

The Complainant may file a formal complaint, either orally or in writing, with a teacher, Superintendent or Building Administrator, the Compliance Officer, Employee Leasing Company, or other School official. Due to the sensitivity surrounding complaints of unlawful harassment and retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a formal complaint within thirty (30) days after the conduct occurs while the facts are known and potential witnesses are available. If a Complainant informs a teacher, Superintendent, Building Administrator, Employee Leasing Company, or other School official, either orally or in writing, about any complaint of harassment or retaliation, that employee must report such information to the Compliance Officer/designee within two (2) business days.

Throughout the course of the process, the Compliance Officer should keep the parties reasonably informed of the status of the investigation and the decision making process.



All formal complaints must include the following information to the extent known: the identity of the Respondent; a detailed description of the facts upon which the complaint is based (i.e., when, where, and what occurred); a list of potential witnesses; and the resolution sought by the Complainant.

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

Upon receiving a formal complaint, the Compliance Officer will consider whether any action should be taken in the investigatory phase to protect the Complainant from further harassment or retaliation, including, but not limited to, a change of work assignment or schedule for the Complainant and/or the Respondent. In making such a determination, the Compliance Officer should consult the Complainant to assess whether the individual agrees with the proposed action. If the Complainant is unwilling to consent to the proposed change, the Compliance Officer may still take whatever actions deemed appropriate in consultation with the Employee Leasing Company.

Within two (2) business days of receiving the complaint, the Compliance Officer/designee will initiate a formal investigation to determine whether the Complainant has been subjected to offensive conduct/harassment/retaliation. The Principal will not conduct an investigation unless directed to do so by the Compliance Officer.

Simultaneously, the Compliance Officer will inform the Respondent that a formal complaint has been received. The Respondent will be informed about the nature of the allegations and provided with a copy of any relevant policies and/or Administrative Guidelines, including the Board's Anti-Harassment Policy. The Respondent must also be informed of the opportunity to submit a written response to the formal complaint within five (5) days.

Although certain cases may require additional time, the Compliance Officer/designee will attempt to complete an investigation into the allegations of harassment/retaliation within fifteen (15) days of receiving the formal complaint. The investigation will include:

- A. interviews with the Complainant;
- B. interviews with the Respondent;
- C. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations;
- D. consideration of any documentation or other information presented by the Complainant, Respondent, or any other witness that is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the Compliance Officer/designee shall prepare and deliver a written report to the Employee Leasing Company that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful harassment as provided in Board policy and State and Federal law as to whether the Respondent engaged in unlawful harassment/retaliation of the Complainant. The Compliance Officer's recommendations must be based upon the totality of the circumstances. In determining if discriminatory harassment or retaliation occurred, a preponderance of evidence standard will be used. The Compliance Officer may consult with the Board's legal counsel before finalizing the report to the Employee Leasing Company.

Absent extenuating circumstances, within five (5) business days of receiving the report of the Compliance Officer/designee, the Employee Leasing Company must either issue a written decision regarding whether the complaint of harassment has been substantiated or request further investigation. A copy of the Employee Leasing Company's final decision will be delivered to both the Complainant and the Respondent.

If the Employee Leasing Company requests additional investigation, the Employee Leasing Company must specify the additional information that is to be gathered, and such additional investigation must be completed within five (5) business days. At the conclusion of the additional investigation, the Employee Leasing Company must issue a final written decision as described above.

The decision of the Employee Leasing Company shall be final.

The Board reserves the right to cause a complaint or report of unlawful harassment/retaliation to be investigated regardless of whether the member of the School community or third party alleging the unlawful harassment/retaliation pursues the complaint. The Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board or its designee.

The parties may be represented, at their own cost, at any of the above-described meetings/hearings.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights, the filing of charges with local law enforcement, or the filing of a civil action in court. Use of this internal complaint process is not a prerequisite to the pursuit of other remedies.

### **Privacy/Confidentiality**

The School will employ all reasonable efforts to protect the rights of the Complainant, the Respondent, and the witnesses as much as possible, consistent with the [ ] Board's [ ] Educational Service Provider's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under the terms of this policy and related administrative guidelines shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. Additionally, the Respondent must be provided the Complainant's identity.

During the course of a formal investigation, the Compliance Officer or designee will instruct all members of the School community and third parties who are interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of a harassment investigation is expected not to disclose any information that is learned or provided during the course of the investigation.

### **Sanctions and Monitoring**

The Board shall vigorously enforce its prohibitions against unlawful harassment/retaliation by taking appropriate action reasonably calculated to stop the harassment and prevent further such harassment. While observing the principles of due process, a violation of this policy may result in disciplinary action by the Employee Leasing Company up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law and the terms of the relevant collective bargaining agreement(s). When imposing discipline, the Employee Leasing Company shall consider the totality of the circumstances involved in the matter. In those cases where unlawful harassment is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of the relevant collective bargaining agreement(s).

Where the Board becomes aware that a prior remedial action has been taken against a member of the School community, all subsequent sanctions imposed by the Board and/or Employee Leasing Company shall be reasonably calculated to end such conduct, prevent its recurrence, and remedy its effects.

### **Retaliation**

Retaliation against a person who makes a report or files a complaint alleging unlawful harassment/retaliation or participates as a witness in an investigation is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce or interfere with any individual because the person opposed any act or practice made unlawful by any Federal or State civil rights law, or because that individual made a report, formal complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding, or hearing under those laws and/or this policy, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws and/or this policy.

Retaliation against a person for making a report of discrimination, filing a formal complaint, or participating in an investigation or meeting is a serious violation of this policy that can result in imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Formal complaints alleging retaliation may be filed according to the internal complaint process set forth above.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

### **Allegations Constituting Criminal Conduct: Child Abuse/Sexual Misconduct**

State law requires any School teacher or School employee who knows or suspects that a child under the age of eighteen (18) or that a person with a disability receiving services as a student from the School regardless of age has suffered or faces a threat of suffering a physical or mental wound, disability or condition of a nature that reasonably indicates abuse or neglect of a child to immediately report that knowledge or suspicion to the county children's services agency. If, during the course of a harassment investigation, the Compliance Officer or a designee has reason to believe or suspect that the alleged conduct reasonably indicates abuse or neglect of the Complainant, a report of such knowledge must be made in accordance with State law and Board Policy. This policy shall also apply to employees of an Employee Leasing Company.

Any reports made to a county children's services agency or to local law enforcement shall not terminate the Compliance Officer or a designee's obligation and responsibility to continue to investigate a complaint of harassment. While the Compliance Officer or a designee may work cooperatively with outside agencies to conduct concurrent investigations, in no event shall the harassment investigation be inhibited by the involvement of outside agencies without good cause after consultation with the Employee Leasing Company.

### **Education and Training**

In support of this Anti-Harassment Policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Employee Leasing Company shall provide appropriate information to all members of the School community related to the implementation of this policy shall provide training for School students and staff where appropriate. All training, as well as all information provided regarding the Board's policy and harassment in general, will be age and content appropriate.

### **Retention of Investigatory Records and Materials**

The Compliance Officer(s) is responsible for overseeing retention of all records that must be maintained pursuant to this policy. All individuals charged with conducting investigations under this policy shall retain all documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315) created and/or received as part of an investigation, which may include but not be limited to:

- A. all written reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;
- B. any narratives that memorialize oral reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;
- C. any documentation that memorializes the actions taken by School personnel or individuals contracted or appointed by the Board to fulfill its responsibilities related to the investigation and/or the School's response to the alleged violation of this policy;
- D. written witness statements;
- E. narratives, notes from, or audio, video, or digital recordings of witness interviews/statements;
- F. e-mails, texts, or social media posts that directly relate to or constitute evidence pertaining to an alleged violation of this policy (i.e., not after-the-fact commentary about or media coverage of the incident);
- G. notes or summaries prepared contemporaneously by the investigator in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.), but not including transitory notes whose content is otherwise memorialized in other documents;

- H. written disciplinary sanctions issued to students or employees and other documentation that memorializes oral disciplinary sanctions issued to students or employees for violations of this policy;
- I. dated written determinations/reports (including summaries of relevant exculpatory and inculpatory evidence) and other documentation that memorializes oral notifications to the parties concerning the outcome of the investigation, including any consequences imposed as a result of a violation of this policy;
- J. documentation of any supportive measures offered and/or provided to the Complainant and/or the Respondent, including no contact orders issued to both parties, the dates the no contact orders were issued, and the dates the parties acknowledged receipt of the no contact orders;
- K. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects;
- L. copies of the Board policy and/or procedures/guidelines used by the School to conduct the investigation, and any documents used by the School at the time of the alleged violation to communicate the Board's expectations to students and staff with respect to the subject of this policy (e.g., Student Code of Conduct and/or Employee Handbooks);
- M. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment;
- N. documentation of any training provided to School personnel related to this policy, including but not limited to, notification of the prohibitions and expectations of staff set forth in this policy and the role and responsibility of all School personnel involved in enforcing this policy, including their duty to report alleged violations of this policy and/or conducting an investigation of an alleged violation of this policy; [REMINDER: Documentation of training should be maintained regardless of whether there is an investigation of an alleged violation of this policy. It is best practice to maintain a log of all staff members who participate in a training, along with the date, time and location of the training, and a copy of the materials reviewed and/or presented during the training.]
- O. documentation that any rights or opportunities that the School made available to one party during the investigation were made available to the other party on equal terms;
- P. copies of any notices sent to the alleged perpetrator/responding party of the allegations constituting a potential violation of this policy;
- Q. copies of any notices sent to the Complainant and the Respondent in advance of any interview, meeting, or hearing;
- R. copies of any documentation or evidence used during informal and formal disciplinary meetings and hearings, including the investigation report, and any written responses submitted by the Complainant or the Respondent.

The documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal (e.g., FERPA, ADA) and/or State law (e.g., R.C. 3319.321) – e.g., student records and confidential medical records.

The documents, ESI, and electronic media (as defined in Policy 8315) created or received as part of an investigation shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, and Policy 8330 for not less than three (3) years, but longer if required by the School's records retention schedule.

Adoption Date: **01.14**  
Classification: **Legally Required**  
Revised Dates: **2/11/19; 9/9/19; 07.21**

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## 2000 PROGRAM

2105	Mission of the Academy	BP
2110	Statement of Philosophy	
2111	Value Statements for Board, Staff and/or Educational Service Provider, and Students	BP
<b>2112</b>	<b>Parent and Family Engagement</b>	<b>LR</b>
2120	School Improvement	LC
2131	Educational Outcomes for Students	BP
2132	Educational Process Goals	BP
2210	Curriculum Development	LC
2210.01	Right to Inspect Instructional Materials	LC
2220	Adoption of Courses of Study	LC
2221	Mandatory Courses	LC
2225	Students with Limited English Proficiency	BP
2231	Curriculum	LC
2240	Controversial Issues	BP
2250	Innovative Programs	BP
<b>2260</b>	<b>Nondiscrimination and Access to Equal Educational Opportunity</b>	<b>LR</b>
<b>2260.01</b>	<b>Section 504/ADA Prohibition Against Discrimination Based on Disability</b>	<b>LR</b>
<b>2261</b>	<b>Title I Services</b>	<b>LR</b>
<b>2261.01</b>	<b>Parent and Family Member Participation in Title I Programs</b>	<b>LR</b>
2261.02	Title I – A Parent’s Right to Know	LC
<b>2261.03</b>	<b>Academy and School Report Card</b>	<b>LR</b>
<b>2265</b>	<b>Child Care Centers</b>	<b>LR</b>
<b>2266</b>	<b>Nondiscrimination on the Basis of Sex in Education Programs or Activities</b>	<b>LR</b>
2270	Religion in the Curriculum	BP
2330	Homework	BP

2340	Field and Other Academy-Sponsored Trips	BP
2370	Educational Options	BP
2370.01	On-Line/Blended Learning Program	LC
<b>2410</b>	<b>Prohibition on Referral or Assistance</b>	<b>LR</b>
2412	Homebound Instruction Program	LC
2413	Health Education Program	LC
<b>2414</b>	<b>Reproductive Health and Family Planning</b>	<b>LR</b>
<b>2416</b>	<b>Student Privacy and Parental Access to Information (FERPA)</b>	<b>LR</b>
2430	Academy-Sponsored Clubs and Activities	LC
<b>2431</b>	<b>Interscholastic Athletics</b>	<b>LR</b>
<b>2433</b>	<b>Operation of a Child Care Center or Before/After School Program</b>	<b>LR</b>
<b>2460</b>	<b>Education of Children with Disabilities</b>	<b>LR</b>
2461	Recording of Academy Meetings Involving Students and/or Parents	BP
2510	Adoption of Textbooks	BP
2521	Selection of Instructional Materials and Equipment	LC
2531	Copyrighted Works	BP
2605	Program Accountability and Evaluation	BP
<b>2623</b>	<b>Student Assessment</b>	<b>LR</b>
2628	State Aid Incentives	BP
2700	P.A. Annual Report	LC

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Adoption Date: **01.10**

Classification:

Revised Dates: **6/22/10; 10/24/11; 12/12/1; 5/13/13; 8/18/14; 1/12/15; 6/8/15; 10/10/16; 01/09/17; 1/8/18; 2/11/19; 6/24/19; 9/9/19; 2/10/20; 5/26/20; 08/10/2020; 07.21**

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## MISSION OF THE SCHOOL

George Washington Carver Academy (GWCA) in partnership with families and the community is committed to achieving excellence in all students by producing well-rounded, independent and academically successful and competitive individuals.

### STATEMENT OF BELIEF

George Washington Carver Academy (GWCA) believes that learning is a complex interrelationship between the learner and the environment. Teachers and parents together are responsible for creating an effective learning environment **to assure that all students will excel. We believe that all students** are whole beings with interacting emotional, social, intellectual and physical needs that must be met to assure growth takes place. Each child is a unique individual with needs and talents that need to be addressed in order to receive the necessary support and encouragement from the teaching and learning environment. The staff recognizes that parents are the first and primary influence upon **their child's academic growth.** The teacher provides uniform principles of English usage, literature, mathematics, **science and** social studies and related disciplines, thus, building and reinforcing the foundations of the family. As a staff, we therefore, pledge and commit ourselves to:

- Promote students personal best to attain academic and personal excellence.
- Coordinate educational experiences in learning that would reinforce community and social goals.
- Promote student morale to achieve academic success.
- Support family involvement that benefits student achievements.
- Facilitate students to be life-long learners
- Create an educational environment where every student will have the optimal chance to excel.
- Create a safe and structured school environment.
- Encourage mutual respect, which is necessary for a positive learning environment.

Adopted 1/11/10  
Revised 9/9/19



## STATEMENT OF PHILOSOPHY

The Board of Directors believes that the purpose of education is to facilitate the development of the potential of each student. In a free society, every individual has both the right and responsibility to make choices and decisions for himself/herself and for society. A prerequisite for every member of society in meeting those responsibilities is competence in the use of the rational thought processes needed to make intelligent, ethical choices and decisions. If our society, as originally conceived, is to survive and function effectively, its young people need to be prepared to exercise their rights and responsibilities in ways that benefit them and society. Likewise, if individuals are to be able to achieve their life goals in a free society, they need to be competent to choose among the myriad alternatives available to them.

With regard to expectations, people in this society are expected to be self-sufficient, meeting their own needs to the extent they are able, without inhibiting others' opportunity to do the same. People are further expected to fulfill their responsibilities to contribute to the "common good" by actively participating in affairs affecting all members of society.

The Board believes that the thought and action process involved in making intelligent, ethical decisions and taking like actions can be learned, just as any other set of procedures can be learned, provided students are given consistent, appropriate opportunities to accomplish the following:

- A. see the procedures modeled;
- B. learn what the procedures are;
- C. practice using the procedures and correct the ineffective use of them;
- D. apply the procedures to a variety of relevant situations.

The School is committed to ensuring adequate provision for such opportunities and to applying these procedures to the achievement of the other educational goals associated with the School's mission.

Adopted 1/11/10  
Revised 9/9/19

## VALUE STATEMENTS FOR BOARD, STAFF, AND STUDENTS

The Board of Directors believes that good citizenship and ethical behavior are two (2) important manifestations of effective education. Both are based on values traditionally held by Americans, regardless of background, religious belief, or political persuasion.

The Board adopts the following value statements as guides to ethical behavior and expects all members of the staff to do likewise as a means of setting an example for School students.

The Board also recommends that each student be given the opportunity to pledge himself/herself to demonstrate these ethical behaviors.

### ***Statement of Values for Board Members and Educators***

- A. I will accept responsibility for all my actions.
- B. I will respect the dignity and property of my fellow workers and will never seek to do them harm.
- C. I will keep all the promises I make, fulfilling the trust other people place in me.
- D. I will complete the projects I begin.
- E. I will strive for excellence in all my work and will respect the achievements of my fellow workers.
- F. I will discipline myself to listen, learn, and study, recognizing that long-term achievement is more important to my happiness than short-term pleasure.
- G. I will not use any substance that will destroy my health or undermine my dignity.
- H. I will respect duly constituted authority, because that authority is necessary for the welfare of my family and community.
- I. I will be useful to others.
- J. I will work together with others to improve my community and world.

### ***Statement of Values for Students***

- A. I will accept responsibility for all my actions.
- B. I will respect the dignity and property of my fellow students and will never seek to do them harm.
- C. I will keep all the promises I make, fulfilling the trust other people place in me.
- D. I will complete projects and courses of study I begin.
- E. I will strive for excellence in all my work and will respect the achievements of my fellow students.

- F. I will discipline myself to listen, learn, and study, recognizing that long-term achievement is more important to my happiness than short-term pleasure.
- G. I will not use any substance that will destroy my health or undermine my dignity.
- H. I will respect the authority of my parents and teachers, recognizing their authority is necessary for the welfare of my family and community.
- I. I will be useful to others.
- J. I will work together with others to improve my community, and world.

Adopted 1/11/10  
Revised 9/9/19

## PARENT AND FAMILY ENGAGEMENT

Reference: Sec. 1112, 1116 ESEA  
MCL 380.1294

The Board of Directors recognizes and values parents and families as children's first teachers and decision-makers in education. The Board believes that student learning is more likely to occur when there is an effective partnership between the school and the student's parents and family. Such a partnership between the home and school and greater involvement of parents and family members in the education of their children generally result in higher academic achievement, improved student behavior, and reduced absenteeism. This policy shall serve as the School policy.

The Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act of 2015 (ESSA), defines the term "parent" to include a legal guardian or other person standing in loco parentis (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the child's welfare).

The term "family" is used in order to include a child's primary caregivers, who are not the biological parents, such as foster caregivers, grandparents, other family members and responsible adults who play significant roles in providing for the well-being of the child.

Family engagement is a collaborative relationship between families, educators, providers, and partners to support and improve the learning, development and health of every learner. The principles of family engagement include: relationships as the cornerstone; positive learning environments; efforts tailored to address all families, so all learners are successful; purposeful and intentional efforts that clearly identify learner outcomes; and engaging and supporting families as partners in their child's education.

Through this policy, the Board directs the establishment of a Parental and Family Engagement Plan by which a school-partnership can be established and provided to the parent of each child in the School. The plan must encompass parent participation, through meetings and other forms of communication. The Parental and Family Engagement Plan shall reflect the Board's commitment to the following:

A. Relationships with Families

1. cultivating school environments that are welcoming, supportive, and student-centered;
2. providing professional development for school staff that helps build partnerships between families and schools;<sup>1,2</sup>
3. providing family activities that relate to various cultures, languages, practices, and customs, and bridge economic and cultural barriers;<sup>1,2</sup>
4. providing coordination, technical support and other support to assist schools in planning and implementing family engagement activities.<sup>2</sup>

B. Effective Communication

1. providing information to families to support the proper health, safety, and well-being of their children;
2. providing information to families about school policies, procedures, programs, and activities; <sup>1,2</sup>
3. promoting regular and open communication between school personnel and students' family members;
4. communicating with families in a format and language that is understandable, to the extent practicable; <sup>1,2</sup>
5. providing information and involving families in monitoring student progress; <sup>2</sup>
6. providing families with timely and meaningful information regarding Michigan's academic standards, State and local assessments, and pertinent legal provisions; <sup>1,2</sup>
7. preparing families to be involved in meaningful discussions and meetings with school staff. <sup>1,2</sup>

C. Volunteer Opportunities

1. providing volunteer opportunities for families to support their children's school activities; <sup>2</sup>
2. supporting other needs, such as transportation and child care, to enable families to participate in school-sponsored family engagement events. <sup>2</sup>

D. Learning at Home

1. offering training and resources to help families learn strategies and skills to support at-home learning and success in school; <sup>1,2</sup>
2. working with families to establish learning goals and help their children accomplish these goals;
3. helping families to provide a school and home environment that encourages learning and extends learning at home. <sup>1</sup>

E. Engaging Families in Decision Making and Advocacy

1. engaging families as partners in the process of school review and continuous improvement planning; <sup>2</sup>
2. engaging families in the development of its School-wide parent involvement policy and plan, and distributing the policy and plan to families. <sup>1,2</sup>

F. Collaborating with the Community

1. building constructive partnerships and connecting families with community-based programs and other community resources;<sup>1,2</sup>
2. coordinating and integrating family involvement programs and activities with School initiatives and community-based programs that encourage and support families' participation in their children's education, growth, and development.<sup>1,2</sup>

Implementation

The Superintendent will provide for a comprehensive plan to engage parents, families, and community members in a partnership in support of each student's academic achievement, the School's continuous improvement, and individual school improvement plans. The School's plan will be distributed to all parents and students through publication in the Student Handbook or other suitable means. The plan will provide for annual evaluation, with the involvement of parents and families, of the plan's content, effectiveness and identification of barriers to participation by parents and families with particular attention to parents who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background; the needs of parents and family members to assist with the learning of their children (including engaging with school personnel and teachers); and the strategies to support successful school and family interaction. Each school plan will include the development of a written school-parent compact jointly with parents for all children participating in Title I, part A activities, services, and programs. The compact will outline how parents, the entire school staff, and students will share the responsibility for improved student academic achievement and the means by which the school and parents will build and develop a partnership to help children achieve the State's high standards. Evaluation findings will be used in the annual review of the Parent and Family Engagement policy and to improve the effectiveness of the School plan. This policy will be updated periodically to meet the changing needs of parents, families, and the schools.

<sup>1</sup>Indicates IDEA 2004 Section 650 & 644 parent involvement requirements

<sup>2</sup>Indicates Title I Section 1116 parent involvement requirements

Adopted 1/11/10

Revised 10/24/11; 2/11/19; 9/9/19

## **SCHOOL IMPROVEMENT**

Reference: MCL 380.1204(a) 380.1277

The Board of Directors supports the concept of school improvement as established by the State Board of Education and seeks to create and/or maintain effective schools as defined by State guidelines.

In addition to adopting a Mission Statement and Educational Philosophy for the School, the Board shall create, as needed, policies which support the School Improvement Process.

The Superintendent shall establish Administrative Guidelines to ensure that the following objectives can be achieved:

- A. Develop a School Improvement Plan, developed and implemented by collaborative School-based teams. The plan is to identify and correlate building-level goals for students that are to be achieved through effective planning, problem-solving, and assessment. Each team is to include professional and support staff, students, parents, and representatives of the community.
- B. Include in the School Improvement Plan the means and assurances for building-level decision-making. The improvement plan is to include a mission statement; goals based on academic outcomes; curriculum aligned to the goals; evaluation procedures; staff development; use of community resources and volunteers; decision-making processes; the role of adult and community education, libraries, and community colleges; and other resources as determined by the Superintendent.
- C. Review and modify the School Improvement Plan periodically. The Board is to review and approve each modification and improvement to its program based upon the assessment of student accomplishment of performance objectives and program goals.
- D. Collaborate with parents, relevant institutions and groups, especially those in the community, who can support and facilitate School improvement.

Upon approval of the initial School Improvement Plan and its later revisions, the Board and Superintendent shall fully support the School's educational improvement plan to the extent resources allow.

This improvement plan and ensuing program shall include co-curricular activities and extra-curricular activities.

Adopted 1/11/10

Revised 9/9/19

## EDUCATIONAL OUTCOMES FOR STUDENTS

Since the mission of the School is to provide a quality education for all students, the Board of Directors believes the mission of the School is being accomplished when there is valid evidence that the School's educational programs are making it possible for students to achieve one or more of the following educational outcomes, commensurate with their ability and potential:

- A. Students should gain an understanding of others, including, but not limited to, those with social and cultural characteristics different from his/her own and those with mental or physical disabilities. Students should demonstrate the ability to engage in responsible personal and/or support relationships with those who are different from their social or ethnic groups.
- B. Students should use their knowledge, attitudes, and skills to contribute effectively to the decision-making processes of the political and other institutions of the community, state, country, and world.
- C. Students should display the use of the knowledge, habits, and attitudes that assure good personal and public health, both physical and mental.
- D. Students should demonstrate the willingness and ability to apply ethical principles and values to his/her own life.
- E. Students should make evident an understanding of his/her own worth, abilities, potentialities, and limitations.
- F. Students should display an understanding of and the ability to cope with change.
- G. Students should meet the educational goals specified in Individual Education Program plans (IEPs).
- H. Students should use their knowledge, skills, and understandings necessary to function as a responsible producer and consumer.

The Board believes that all students in this School should be able to demonstrate these applied learnings, at a level commensurate with their age and capabilities.

The Superintendent is charged with the responsibility, through the School's curriculum and Administrative Guidelines, to provide opportunities for each student to accomplish these goals and to provide a valid means for assessing the extent to which each is accomplished.

Student achievement of these educational goals represents the Board's highest priority. The Superintendent shall ensure that, in implementing the educational program, these educational goals are assigned the highest priority.

Adopted 1/11/10  
Revised 9/9/19



## **EDUCATIONAL PROCESS GOALS**

In order to achieve educational outcome goals, the Board of Directors will establish policies to authorize and encourage the following:

- A. specialized and individualized educational experiences that meet the needs of each student;
- B. opportunities for professional staff members and students to make recommendations concerning the content and operation of the School's programs;
- C. interactions among individual students and groups of students to help them learn how and when competition and cooperation are appropriate and productive in accomplishing goals;
- D. efficient and effective use of educational resources;
- E. continued professional growth of staff members;
- F. constructive cooperation with parents and community groups.

Adopted 1/11/10  
Revised 9/9/19

## CURRICULUM DEVELOPMENT – APPROVED COURSES

Reference: MCL 380.1282, 380.1166a  
Pupil Accounting Manual 2019-2020, Michigan Department of Education

The Board of Directors recognizes its responsibility for the quality of the educational program of the School. To this end, the School's curriculum shall be developed, evaluated, aligned and adopted on a continuing basis, following the plan for curriculum growth established by the Michigan Curriculum Framework.

Across all academic and nonacademic content areas, the School's curriculum shall prepare a student to achieve the following:

- A. *Gather Information:* Research and retrieve information from a wide range of primary and secondary sources in various forms and contexts.
- B. *Understand Information:* Understand, synthesize, and evaluate information in an accurate, holistic, and comprehensive fashion.
- C. *Analyze Issues:* Review a question or issue by identifying, analyzing, and evaluating various considerations, arguments, and perspectives.
- D. *Draw and Justify Conclusions:* Draw and justify conclusions, decisions, and solutions to questions and issues by using reason and evidence; specifying goals and objectives; identifying resources and constraints; generating and assessing alternatives; considering intended and unintended consequences; choosing appropriate alternatives; and evaluating results.
- E. *Organize and Communicate Information:* Organize, present, and communicate information through a variety of media in a logical, effective, and comprehensive manner.
- F. *Think and Communicate Critically:* Read, listen, think, and speak critically about any subject, with clarity, accuracy, precision, relevance, depth, breadth, and logic.
- G. *Learn and Consider Issues Collaboratively:* Engage in shared inquiry processes, in a collaborative and team-based fashion with persons of diverse backgrounds and abilities.
- H. *Learn Independently:* Engage in learning in an active, exploratory, independent, and self-directed fashion.
- I. *Create Knowledge:* Create knowledge by raising and identifying previously unconsidered or unidentified questions and issues; creating new primary knowledge; and creating new approaches to solving or considering questions and issues.
- J. *Act Ethically:* Adhere to the highest intellectual and ethical standards in conducting all of the above.

The Board directs that all courses of study contained in the curriculum of this School accomplish the following:

- A. provide grade-appropriate instruction on career development in each grade level from kindergarten through 12<sup>th</sup>;
- B. provide instruction in the curriculum required by statute and State Department of Education regulations;
- C. ensure, to the extent feasible, that special learning needs of students are considered in the context of the regular program or classroom and provide for effective coordination with programs or agencies needed to meet those needs that cannot be met in the regular program or classroom;
- D. convey consistency with the School's philosophy and goals and ensure the possibility of their achievement;
- E. incorporate State-recommended performance standards for students as the basis for determining how well each student is achieving the academic outcomes for all areas of the School's core curriculum;
- F. foster the development of individual talents and interest, recognizing that learning styles of students differ;
- G. foster continuous and cumulative learning through effective communication at all levels of those skills identified as essential and life-role skills; character education;
- H. utilize a variety of learning resources to accomplish the educational goals;
- I. encourage students to utilize guidance and counseling services in their academic and career planning;
- J. provide for multi-cultural education by including, at each level, courses or units to help students understand the culture and contributions of various ethnic groups comprising American society.

As the educational leader of the School, the Superintendent shall be responsible to the Board for the development and evaluation of curriculum and the preparation of courses of study.

The Superintendent shall make progress reports to the Board periodically.

The Superintendent may conduct innovative programs deemed necessary to the continuing growth of the instructional program. Such programs should also improve the accomplishment of the School's educational goals and alignment with Michigan Curriculum Frameworks.

Prior to initiation, the Superintendent shall report each such innovative program to the Board along with its objectives, evaluative criteria, alignment with Michigan Curriculum Frameworks, and costs. The Superintendent shall not initiate any new program without approval of the Board.

Any and all changes in curriculum guides and alignments of the curriculum must be approved by the Board.

Approved Courses

The Board shall adopt a list of the individual courses that have been approved. The list shall include courses offered by the School for credit or grade promotion and shall be used when determining which courses may be included in membership for State aid purposes and for auditing purposes when examining the membership counted for State school aid on the count days. The list of approved courses shall include traditional offerings and courses offered through other means, such as experiential learning courses, online courses, and all courses offered in shared time programs under appropriate provisions of the State School Aid Act. (M.C.L. 388.1766b). The list of approved courses shall include all extended learning opportunities associated with each course and a description of each such opportunity. The list shall also include a description of the content of each approved course and documentation related to course approval (including the list of approved courses for membership purposes).

The Board encourages participation in programs of educational research that is feasible and conducive to the best interests of the School.

The Board directs the Superintendent to actively pursue State and Federal aid in support of the School's innovative activities.

Adopted 1/11/10  
Revised 6/24/19; 9/9/19; 5/26/20

## **RIGHT TO INSPECT INSTRUCTIONAL MATERIALS**

Reference: 20 USC 1232(h)

Parents have the right to inspect any instructional materials used as part of the educational curriculum for their student. *Instructional materials* means instructional content, regardless of format, that is provided to the student, including printed or representational materials, audio-visual materials, and materials available in electronic or digital formats (such as materials accessible through the Internet). Instructional materials do not include academic tests or academic assessments.

In consultation with parents, the Superintendent shall develop procedures to address the rights of parents and to assure timely response to parental requests to review instructional materials. The procedures shall also address reasonable notification to parents and students of their rights to review these materials. (See AG 9130A and Form 9130 F3.)

This policy shall not supersede any rights under the Family Education Rights and Privacy Act.

Adopted 1/11/10  
Revised 9/9/19

## ADOPTION OF COURSES OF STUDY

Reference: MCL 380.1164b, 380.1277, 380.1278, 380.1282, 388.1621

The Board of Directors shall provide a comprehensive instructional program to serve the educational needs of the students of this School. In furtherance of this goal and pursuant to law, the Board shall periodically adopt courses of study.

No course of study shall be taught in the School unless it has been adopted by the Board. The Board shall determine which units of the instructional program constitute courses of study and are thereby subject to the adoption procedures of the Board.

The Superintendent shall recommend to the Board such courses of study as are deemed to be in the best interests of the students. The Superintendent's recommendation shall include the following information about each course of study:

- A. its applicability to students and an enumeration of those groups of students to be affected by it
- B. the intended learning objective(s), defined in terms of how the learning is applied
- C. its scope and sequence and a statement of the rationale used to determine the amount and type of instructional time needed to accomplish the objectives at each level
- D. its justification in terms of the goals of this School, especially when it is proposed to take the place of an existing course of study
- E. its instructional methods and learning strategy including the manner in which the learning of democratic principles and ethics is provided for, if appropriate to the content of the course
- F. the resources that its implementation will require, including instructional materials, equipment, specially-trained personnel, etc.
- G. the plan for its continuous assessment which includes criteria and standards
- H. its developmental and operational history as well as data on results, where available

The learning that results from each course of study should be durable, significant, and transferable and require a high level of student achievement of clearly-defined, cumulative performance objectives.

The plan for student assessment for each course of study should include the criteria and standards that will be used to determine when students may need to participate in remedial, supplemental, or accelerated activities in order to ensure that each student has been provided the opportunity to achieve at his/her optimum level.

Each course of study is intended to provide a basic framework for instruction and learning. Within this framework, each teacher shall use the course of study in a manner best designed to meet the needs of the students for whom s/he is responsible. Deviation from its content must be approved in accordance with the Superintendent's administrative guidelines.

Since one of the School's goals is to prepare students to enter the world of work, the Board directs that each course of study include as part of its learning accomplishments that students can demonstrate their willingness and ability to be punctual, to be present at the learning site each day unless absent for a legitimate reason, and to complete assignments on time and as directed. The Superintendent's guidelines should include recommendations to staff on how to instruct students in these important work ethics and how to include these learnings in the grades that students receive.

The Superintendent shall develop administrative guidelines which provide for the development of individual learning plans that contain pre and post assessment activities as well as instructional activities for implementing each course of study. Such plans should also provide for proper record-keeping and periodic reporting of student performance. As required for State certification, the Superintendent shall ensure that the appropriate amount of instruction time is allocated to each course of study that comprises the program of each school. The allocation of time is to be determined by the Superintendent and appropriate members of the staff and shall be justified in terms of the amount of time needed for students to accomplish the curriculum objectives of the core curriculum as well as the School's educational outcomes.

In keeping with the Board's commitment to the school improvement process, such guidelines shall also provide for the appropriate participation of staff, parents, students, and relevant community organizations in the review of the School's courses of study.

The Superintendent shall maintain a current list of all courses of study offered by this School and shall provide each member of the Board with a current list of all courses of study.

The list shall include the data on each furnished with the recommendation for its adoption.

Adopted 1/11/10  
Revised 9/9/19

## **MANDATORY COURSES**

Reference: MCL 380.1166, 1169, 1170

Consistent with the Michigan School Code, the Board of Directors directs the Superintendent to prepare, implement, and supervise courses of instruction in the following areas:

- A. the Constitution of the United States, the Constitution of Michigan, and the history and present form of government of the United States, Michigan, and its political subdivisions;
- B. the principal modes by which communicable diseases are spread and the best methods for the restriction and prevention of these diseases;
- C. instruction in physiology and hygiene, with special emphasis on drug abuse prevention

The Superintendent shall prepare Administrative Guidelines relative to the planning, teaching, and evaluation of these courses.

Adopted 1/11/10  
Revised 9/9/19



## **STUDENTS WITH LIMITED ENGLISH PROFICIENCY**

Reference: 20 USC 1701 et seq.  
42 USC 2000d

The policy of the Board of Directors holds that all students be provided a meaningful education and access to the programs provided by the School. Limited proficiency in the English language shall not be a barrier to equal participation in the instructional or extra-curricular programs of the School. Therefore, the policy of this School holds that those students identified as having limited proficiency in English will be provided additional support and instruction to assist them in gaining English proficiency and access to the educational and extra-curricular programs offered by the School.

Further, the School will endeavor to assist the student and his/her parents access School programs by sending notices to the parents in a language or format they are most likely to understand (also see Policy 2260).

Adopted 1/11/10  
Revised 9/9/19

## **CURRICULUM**

Reference: MCL 380.1204(a) 380.1278

The Board of Directors shall adopt and maintain a core curriculum based on the Model Core Curriculum developed by the Michigan State Department of Education. The Superintendent shall prepare Administrative Guidelines to describe the core curriculum and the sequence, in grade clusters, in which courses will be taught.

Should the core curriculum vary from the Michigan Curriculum Framework, the description of the core curriculum is to be accompanied by an explanation of the School's variations from the model and shall verify that no attitudes, beliefs, or value systems are included in the curriculum that are not essential in the legal, economic, and social structure of our society and to the personal and social responsibility of citizens of our society.

The Administrative Guidelines shall explain the means by which the core curriculum will be implemented and evaluated, based on the K - 12 Program Standards of Quality established by the State Department of Education.

The Administrative Guidelines shall also assure each student a fair opportunity to achieve the academic outcomes established for the core curriculum. Such guidelines should ensure that instruction in each area of the core curriculum focuses on the learning processes students need to achieve the academic outcomes and should provide procedures for special assistance to students who are not achieving the outcomes.

The Superintendent is authorized to explore the feasibility of establishing a non-graded, continuous-progress program for grades 1-4 that best assures students in these grades are being provided an adequate opportunity to achieve the academic outcomes in the core curriculum for these grade levels.

Adopted 1/11/10  
Revised 9/9/19

## **CONTROVERSIAL ISSUES**

The Board of Directors believes the consideration of controversial issues can have a legitimate place in the instructional program of the School.

Properly introduced and conducted, the consideration of such issues can help students learn to identify important issues, explore fully and fairly all sides of an issue, weigh carefully the values and factors involved, and develop techniques for formulating and evaluating positions.

For purposes of this policy, a controversial issue is a topic likely to arouse both support and opposition in the community.

The Board will permit the introduction and proper educational use of controversial issues, provided their use in the instructional program is related to the instructional goals of the course of study and level of maturity of the students and does not tend to indoctrinate or persuade students to a particular point of view.

Controversial issues may not be initiated by a source outside the School unless prior approval has been given by the Superintendent and approved by the Board.

The Board recognizes that a course of study or certain instructional materials may contain content and/or activities that some parents may find objectionable. If a parent first makes a careful, personal review of the program lessons and/or materials, then indicates to the School that either content or activities conflicts with his/her religious beliefs or value system, the School will honor a written request for his/her child to be excused from particular classes or classroom units, for specified reasons. The student, however, will not be excused from participating in the course or activities mandated by the State and will be provided alternative learning activities during times of parent-requested absences.

The Superintendent shall develop Administrative Guidelines for dealing with controversial issues.

Adopted 1/11/10  
Revised 9/9/19

## **INNOVATIVE PROGRAMS**

Reference: MCL 380.1282

The Board of Directors wishes to promote the continued improvement of the instructional and curricular program of the School through all appropriate means. The Board encourages the Superintendent's staff and the student body to pursue any promising program for improvement of the School.

An innovative program design shall address the steps below, when appropriate to the project:

- A. rationale
- B. specific objectives
- C. supportive research
- D. budgeting
- E. in-service requirements
- F. plans for broader implementation
- G. methods for evaluation

Each innovative program shall be consistent with the School's objectives and long range plans. Programs designed for disabled students must comply with Federal and State guidelines.

Adopted 1/11/10  
Revised 9/9/19

# **NONDISCRIMINATION AND ACCESS TO EQUAL EDUCATIONAL OPPORTUNITY**

Reference:

MCL 380.1146, 380.1704, 37.1101 et seq., 37.2402, 37.1402, 37.2101-37.2804  
Fourteenth Amendment, U.S. Constitution  
20 USC Section 1681, Title IX of Education Amendments Act  
20 USC Section 1701 et seq., Equal Educational Opportunities Act of 1974  
20 USC Section 7905, Boy Scouts of America Equal Access Act  
29 USC Section 794, Rehabilitation Act of 1973, as amended  
29 CFR Part 1635  
42 USC Section 2000e et seq., Civil Rights Act of 1964  
42 USC Section 2000ff et seq., The Genetic Information Nondiscrimination Act  
42 USC 6101 et seq., Age Discrimination Act of 1975  
34 CFR Part 110 (7/27/93)  
Vocational Education Program Guidelines for Eliminating Discrimination and Denial of Services,  
Department of Education, Office of Civil Rights, March 1979  
42 USC 12101 et seq., The Americans with Disabilities Act of 1990, as amended

Any form of discrimination or harassment can be devastating to an individual's academic progress, social relationship and/or personal sense of self-worth.

As such, the Board of Directors does not discriminate on the basis of race, color, national origin, sex (including sexual orientation or transgender identity), disability, age (except as authorized by law), religion, military status, ancestry in its educational programs or activities and will not permit discrimination in any of these categories from its Employee Leasing Company.

The Board also does not discriminate in its employment policies and practices as they relate to students, and does not tolerate harassment of any kind. The Board will not permit discrimination of the employment practices of its Employee Leasing Company as they relate to students, and will not tolerate harassment of any kind.

Equal educational opportunities shall be available to all students, without regard to the Protected Classes, age (unless age is a factor necessary to the normal operation or the achievement of any legitimate objective of the program/activity), place of residence within the boundaries of the School, or social or economic background, to learn through the curriculum offered in this School. Educational programs shall be designed to meet the varying needs of all students.

In order to achieve the aforesaid goal, the Superintendent shall:

**A. Curriculum Content**

review current and proposed courses of study and textbooks to detect any bias based ascertaining whether or not supplemental materials, singly or taken as a whole, fairly depict the contribution of both genders, various races, ethnic groups, etc. toward the development of human society;

**B. Staff Training**

develop an ongoing program of in-service training for school personnel designed to identify and solve problems in all aspects of the program;

**C. Student Access**

1. review current and proposed programs, activities, facilities, and practices to ensure that all students have equal access thereto and are not segregated in any duty, work, play, classroom, or school practice, except as may be permitted under State regulations;
2. verify that facilities are made available, in accordance with Board Policy 7510 - Use of School Facilities, for non-curricular student activities that are initiated by parents or other members of the community, including but not limited to any group affiliated with the Boy Scouts of America or any other youth group listed in Title 36 of the United States Code as a patriotic society;

This language does not prohibit the School from establishing and maintaining a single-gender school, class, or program within a school if a comparable school, class, or program is made available to students of each gender.

#### **D. School Support**

verify that like aspects of the entire School program receive like support as to staff size and compensation, purchase and maintenance of facilities and equipment, access to such facilities and equipment, and related matters;

#### **E. Student Evaluation**

verify that tests, procedures, or guidance and counseling materials, which are designed to evaluate student progress, rate aptitudes, analyze personality, or in any manner establish or tend to establish a category by which a student may be judged, are not differentiated or stereotyped on the basis of Protected Classes.

#### **Definitions:**

Words used in this policy shall have those meanings defined herein; words not defined herein shall be construed according to their plain and ordinary meanings.

School community means students and Board employees (i.e., administrators, and professional and classified staff), as well as Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

Complainant is the individual who alleges, or is alleged, to have been subjected to unlawful discrimination/retaliation, regardless of whether the person files a formal complaint or is pursuing an informal resolution to the alleged discrimination/retaliation.

Respondent is the individual who has been alleged to have engaged in unlawful discrimination/retaliation, regardless of whether the Reporting Party files a formal complaint or is seeking an informal resolution to the alleged discrimination/retaliation.

Third Parties include, but are not limited to, guests and/or visitors on School property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with, or seeking to do business with, the Board, and other individuals who come in contact with members of the School community at School-related events/activities (whether on or off School property).

Day(s): Unless expressly stated otherwise, the term "day" or "days" as used in this policy means a business day(s) (i.e., a day(s) that the Board office is open for normal operating hours, Monday - Friday, excluding State-recognized holidays).

#### **School Compliance Officers**

The Board designates the following individuals to serve as the School's "Compliance Officers" (also known as "Civil Rights Coordinators") (hereinafter referred to as the "COs")

Male/Female Coordinator  
14510 Second Ave.

Highland Park, MI 48203  
(313) 865-6024

The names, titles, and contact information of these individuals will be published annually on the School's web site.

The School will accommodate the use of certified service animals when there is an established need for such supportive aid in the school environment. Certain restrictions may be applied when necessary due to allergies, health, safety, disability or other issues of those in the classroom or school environment. The goal shall be to provide all students with the same access and participation opportunities provided to other students in school. Confirmation of disability, need for a service animal to access the school programming, and current certification/training of the service animal may be required.

The COs are responsible for coordinating the School's efforts to comply with applicable Federal and State laws and regulations, including the School's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination, retaliation or denial of equal access. The COs shall also verify that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act (as amended), Title VI and VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973 (as amended), and the Age Discrimination Act of 1975 is provided to students, their parents, staff members, and the general public. A copy of each of the Acts and regulations on which this notice is based may be found in the CO's office.

The Superintendent shall annually attempt to identify children with disabilities, ages 0-25, who do not receive a public education.

The Board is committed to educating (or providing for the education of) each qualified person with a disability with persons who are not disabled to the maximum extent appropriate. Generally, the School will place a person with a disability in the regular educational environment unless it is demonstrated that the education of the person in the regular environment, even with the use of supplementary aids and services cannot be achieved satisfactorily. If the Board operates a separate class or facility that is identifiable as being for persons with disabilities, the facility, program, and activities and services must be comparable to the facilities, programs, and activities and services offered to students without a disability.

In addition, Superintendent shall establish procedures to identify students who are Limited English Proficient (LEP), including immigrant children and youth, to assess their ability to participate in School programs, and develop and administer a program that meets the English language and academic needs of these students. This program shall include procedures for student placement, services, evaluation and exit guidelines and shall be designed to provide students with effective instruction that leads to academic achievement and timely acquisition of proficiency in English. As a part of this program, the School will evaluate the progress of students in achieving English language proficiency in the areas of listening, speaking, reading and writing, on an annual basis (also see Policy 2225). The Superintendent is responsible for verifying that a concentration of students who are Limited English Proficient (LEP) in one or more programs is not the result of discrimination.

### **Reports and Complaints of Unlawful Discrimination and Retaliation**

Students and Employee Leasing Company employees are required, and all other members of the School community and third parties are encouraged to promptly report incidents of unlawful discrimination and/or retaliation to a teacher, administrator, supervisor, or other School official so that the Board may address the conduct. Any teacher, administrator, supervisor, or other School employee or official who receives such a complaint shall file it with the CO within two (2) days.

Members of the School community, which includes students or Third Parties, who believe they have been unlawfully discriminated/retaliated against are entitled to utilize the complaint process set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the Complainant's employment or participation in educational or extra-curricular programs. While there are no time limits for initiating complaints under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

If, during an investigation of alleged bullying, aggressive behavior and/or harassment in accordance with Policy 5517.01 – Bullying and Other Forms of Aggressive Behavior, the Principal believes that the reported misconduct may constitute unlawful discrimination based on a Protected Class, the Principal shall report the act to one of the COs who shall investigate the allegation in accordance with this policy. While the CO

investigates the allegation, the Principal shall suspend the Policy 5517.01 investigation to await the CO's written report. The CO shall keep the Principal informed of the status of the Policy 2260 investigation and provide the Principal with a copy of the resulting written report.

The COs will be available during regular school/work hours to discuss concerns related to unlawful discrimination/retaliation. COs shall accept reports of unlawful discrimination/retaliation directly from any member of the School community or Third Party, or received reports that are initially filed with another Employee Leasing Company employee. Upon receipt of a report of alleged discrimination/retaliation, the CO will contact the Complainant and begin either an informal or formal complaint process (depending on the Complainant's request and the nature of the alleged discrimination/retaliation), or the CO will designate a specific individual to conduct such a process. The CO will provide a copy of this policy to the Complainant and the Respondent. In the case of a formal complaint, the CO will prepare recommendations for the Superintendent or oversee the preparation of such recommendations by a designee. All members of the School community must report incidents of discrimination/retaliation that are reported to them to the CO within two (2) days of learning of the incident/conduct.

Any Employee Leasing Company employee who directly observes unlawful discrimination/retaliation of a student is obligated, in accordance with this policy, to report such observations to one of the COs within two (2) business days. Additionally, any Employee Leasing Company employee who observes an act of unlawful discrimination/retaliation is expected to intervene to stop the misconduct, unless circumstances make such an intervention dangerous, in which case the staff member should immediately notify other Employee Leasing Company employees and/or local law enforcement officials, as necessary, to stop the misconduct. Thereafter, the CO/designee must contact the Complainant, if age eighteen (18) or older, or the Complainant's parents/guardians if the Complainant is under the age eighteen (18), within two (2) days to advise of the Board's intent to investigate the alleged wrongdoing.

### **Investigation and Complaint Procedure**

Except for sex discrimination and/or Sexual Harassment that is covered by Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities, any employee who alleges to have been subjected to unlawful discrimination or retaliation may seek resolution of his/her complaint through the procedures described below. The formal complaint procedures involve an investigation of the individual's claims of discrimination/retaliation and a process for rendering a decision regarding whether the charges are substantiated.

Due to the sensitivity surrounding complaints of unlawful discrimination or retaliation, timelines are flexible for initiating the complaint process; however, individuals are encouraged to file a complaint within thirty (30) days after the conduct occurs. Once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within fifteen (15) days of the complaint being received).

The procedures set forth below are not intended to interfere with the rights of a student to pursue a complaint of unlawful discrimination or retaliation with the United States Department of Education Office for Civil Rights ("OCR"). The Cleveland Office of the OCR can be reached at 1350 Euclid Avenue, Suite 325, Cleveland, Ohio 44115; Telephone: (216) 522-4970; Fax: (216) 522-2573; TDD: (216) 522-4944; E-mail: ocr.cleveland@ed.gov; Web: <http://www.ed.gov/ocr>.

### **Informal Complaint Procedure**

The goal of the informal complaint procedure is to promptly stop inappropriate behavior and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for a student who alleges unlawful discrimination or retaliation. This informal procedure is not required as a precursor to the filing of a formal complaint.

The informal process is only available in those circumstances where the Complainant and the Respondent mutually agree to participate in it.

The Complainant may proceed immediately to the formal complaint process and individuals who participate in the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process.

All complaints involving an School employee or any other adult member of the School community and a student will be formally investigated.



As an initial course of action, if a Complainant feels comfortable and safe doing so, the individual should tell or otherwise inform the Respondent that the allegedly discriminatory/retaliatory conduct that it is inappropriate and must stop. The Complainant should address the alleged misconduct as soon after it occurs as possible. The COs are available to support and counsel the Complainant when taking this initial step or to intervene on behalf of the individual if requested to do so. A Complainant who is uncomfortable or unwilling to directly approach the Respondent about the inappropriate conduct may file an informal or a formal complaint. In addition, with regard to certain types of unlawful discrimination (e.g., sex discrimination), the CO may advise against the use of the informal complaint process.

A Complainant who alleges unlawful discrimination/retaliation may make an informal complaint, either orally or in writing: (1) to a teacher, other employee, or building administrator in the school the student attends; (2) to the Superintendent or other School-level employee; and/or (3) directly to one of the COs.

All informal complaints must be reported to one of the COs who will either facilitate an informal resolution as described below, or appoint another individual to facilitate an informal resolution.

The School's informal complaint procedure is designed to provide the Complainant with a range of options aimed at bringing about a prompt resolution of their concerns. Depending upon the nature of the complaint and the Complainant's wishes, informal resolution may involve, but not be limited to, one or more of the following:

- A. Advising the Complainant about how to communicate concerns to the Respondent.
- B. Distributing a copy of Policy 2260 – Non-Discrimination and Access to Equal Educational Opportunity to the individuals in the school building or office where the Respondent works or attends.
- C. If both parties agree, the CO may arrange and facilitate a meeting or mediation between the Complainant and the Respondent to work out a mutual resolution.

While there are no set time limits within which an informal complaint must be resolved, the CO or designee is directed to attempt to resolve all informal complaints within fifteen (15) business days of receiving the informal complaint. If the Complainant is dissatisfied with the informal complaint process, the Complainant may proceed to file a formal complaint, and, as stated above, either party may request that the informal process be terminated at any time to move to the formal complaint process.

### **Formal Complaint Procedure**

If a complaint is not resolved through the informal complaint process, if one (1) of the parties requested that the informal complaint process be terminated to move to the formal complaint process, or if the Complainant, from the outset, elects to file a formal complaint, or the Compliance Officer(s) determines the allegations are not appropriate for resolution through the informal process, the formal complaint process shall be implemented.

The Complainant may file a formal complaint, either orally or in writing, with a teacher, Principal, or other official at the student's school, the CO, Superintendent, or another official who works at another School or at the School level. Due to the sensitivity surrounding complaints of unlawful discrimination, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a formal complaint within thirty (30) days after the conduct occurs. If a Complainant informs a teacher, Principal, or other official at the student's school, Superintendent, or other employee, either orally or in writing, about any complaint of discrimination/retaliation, that employee must report such information to the CO/designee within two (2) days.

Throughout the course of the process, the CO should keep the parties reasonably informed of the status of the investigation and the decision-making process.

All formal complaints must include the following information to the extent known: the identity of the Respondent; a detailed description of the facts upon which the complaint is based (i.e., when, where, and what occurred); a list of potential witnesses; and the resolution sought by the Complainant.

If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the CO shall ask for such details in an oral interview. Thereafter, the CO will prepare a written summary of the oral interview, and the Complainant will be asked to verify the accuracy of the reported charge by signing the document.

Upon receiving a formal complaint, the CO will consider whether any action should be taken in the investigatory phase to protect the Complainant from further discrimination or retaliation, including, but not limited to, a change of work assignment or schedule for the Complainant and/or the Respondent. In making such a determination, the CO should consult the Complainant to assess whether the individual agrees with the proposed action. If the Complainant is unwilling to consent to the proposed change, the CO may still take whatever actions s/he deemed appropriate in consultation with the Superintendent.

Within two (2) days of receiving the complaint, the CO or designee will initiate a formal investigation to determine whether the Complainant has been subjected to unlawful discrimination/retaliation. The Principal will not conduct an investigation unless directed to do so by the CO.

Simultaneously, the CO will inform the Respondent that a formal complaint has been received. The Respondent will be informed about the nature of the allegations and provided with a copy of any relevant policies and/or administrative guidelines, including Policy 2260 –Nondiscrimination and Access to Equal Educational Opportunity. The Respondent must also be informed of the opportunity to submit a written response to the formal complaint within five (5) days.

Although certain cases may require additional time, the CO or designee will attempt to complete an investigation into the allegations of discrimination/retaliation within fifteen (15) days of receiving the formal complaint. The investigation will include:

- A. interviews with the Complainant;
- B. interviews with the Respondent;
- C. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations;
- D. consideration of any documentation or other information presented by the Complainant, Respondent, or any other witness that is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the CO/designee shall prepare and deliver a written report to the Superintendent that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful discrimination/retaliation as provided in Board policy and State and Federal law as to whether the Respondent has engaged in unlawful discrimination/retaliation of the Complainant. The CO's recommendations must be based upon the totality of the circumstances. In determining if unlawful discrimination or retaliation occurred, a preponderance of evidence standard will be used.

Absent extenuating circumstances, within five (5) business days of receiving the report of the CO or designee, the Superintendent must either issue a written decision regarding whether the charges have been substantiated or request further investigation. A copy of the Superintendent's final decision will be delivered to both the Complainant and the Respondent.

If the Superintendent requests additional investigation, the Superintendent must specify the additional information that is to be gathered, and such additional investigation must be completed within five (5) days. At the conclusion of the additional investigation, the Superintendent shall issue a final written decision as described above.

If the Superintendent determines the Respondent engaged in unlawful discrimination/retaliation toward the Complainant, the Superintendent must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, age-appropriate and effective, and tailored to the specific situation.

A Complainant or Respondent who is dissatisfied with the final decision of the Superintendent may appeal through a signed written statement to the Board within five (5) days of the party's receipt of the Superintendent's decision.

In an attempt to resolve the complaint, the Board shall meet with the concerned parties and their representatives within twenty (20) days of the receipt of such an appeal. A copy of the Board's disposition of the appeal shall be sent to each concerned party within ten (10) days of this meeting. The decision of the Board will be final.

The Board reserves the right to investigate and resolve a complaint or report of unlawful discrimination/retaliation regardless of whether the student alleging the unlawful discrimination/retaliation pursues the complaint. The Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board or its designee.

The parties may be represented, at their own cost, at any of the above described meetings/hearings.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights, the filing of charges with local law enforcement, or the filing of a civil action in court. Use of this internal complaint process is not a prerequisite to the pursuit of other remedies.

### **Privacy/Confidentiality**

The School will employ all reasonable efforts to protect the rights of the Complainant, the Respondent(s), and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under the terms of this policy shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. Additionally, the Respondent must be provided the Complainant's identity.

During the course of a formal investigation, the CO or designee will instruct each person who is interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of an investigation is expected not to disclose to third parties any information that is learned or provided during the course of the investigation.

### **Sanctions and Monitoring**

The Board shall vigorously enforce its prohibitions against unlawful discrimination/retaliation by taking appropriate action reasonably calculated to stop and prevent further misconduct. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law and the terms of the relevant collective bargaining agreement(s). When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter, including the ages and maturity levels of those involved. In those cases where unlawful discrimination/retaliation is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of the relevant collective bargaining agreement(s).

Where the Board becomes aware that a prior remedial action has been taken against a member of the School community, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its recurrence, and remedy its effects.

### **Retaliation**

Retaliation against a person who makes a report or files a complaint alleging unlawful harassment/retaliation or participates as a witness in an investigation is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce or interfere with any individual because the person opposed any act or practice made unlawful by any Federal or State civil rights law, or because that individual made a report, formal complaint, testified, assisted or participate or refused to participate in any manner in an investigation, proceeding, or hearing under those laws and/or this policy, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws and/or this policy.

Retaliation against a person for making a report of discrimination, filing a formal complaint, or participating in an investigation or meeting is a serious violation of this policy that can result in imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Formal complaints alleging retaliation may be filed according to the internal complaint process set forth above.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

### **Education and Training**

In support of this policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Superintendent shall provide appropriate information to all members of the School community related to the implementation of this policy and shall provide training for School students and staff where appropriate. All training, as well as all information, provided regarding the Board's policy and discrimination in general, will be age and content appropriate.

The School will endeavor to assist the student and/or his/her parents in their access to School programs by providing notices to the parents and students in a language and format that they are likely to understand.

Materials approved by the State Department of Education describing the benefits of instruction in Braille reading and writing shall be provided to each blind student's individualized planning committee. The School shall not deny a student the opportunity for instruction in Braille, reading, and writing solely because the student has some remaining vision.

### **Retention of Investigatory Records and Materials**

The Compliance Officer(s) is responsible for overseeing retention of all records that must be maintained pursuant to this policy. All individuals charged with conducting investigations under this policy shall retain all documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315) created and/or received as part of an investigation, which may include but not be limited to:

- A. all written reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;
- B. any narratives that memorialize oral reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;
- C. any documentation that memorializes the actions taken by School personnel or individuals contracted or appointed by the Board to fulfill its responsibilities related to the investigation and/or the School's response to the alleged violation of this policy;
- D. written witness statements;
- E. narratives, notes from, or audio, video, or digital recordings of witness interviews/statements;
- F. e-mails, texts, or social media posts that directly relate to or constitute evidence pertaining to an alleged violation of this policy (i.e., not after-the-fact commentary about or media coverage of the incident);
- G. notes or summaries prepared contemporaneously by the investigator in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.), but not including transitory notes whose content is otherwise memorialized in other documents;
- H. written disciplinary sanctions issued to students or employees and other documentation that memorializes oral disciplinary sanctions issued to students or employees for violations of this policy;

- I. dated written determinations/reports (including summaries of relevant exculpatory and inculpatory evidence) and other documentation that memorializes oral notifications to the parties concerning the outcome of the investigation, including any consequences imposed as a result of a violation of this policy;
- J. documentation of any supportive measures offered and/or provided to the Complainant and/or the Respondent including no contact orders issued to both parties, the dates the no contact orders were issued, and the dates the parties acknowledged receipt of the no contact orders;
- K. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects;
- L. copies of the Board policy and/or procedures/guidelines used by the School to conduct the investigation, and any documents used by the School at the time of the alleged violation to communicate the Board's expectations to students and staff with respect to the subject of this policy (e.g., Student Code of Conduct and/or Employee Handbooks);
- M. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment;
- N. documentation of any training provided to School personnel related to this policy, including but not limited to, notification of the prohibitions and expectations of staff set forth in this policy and the role and responsibility of all School personnel involved in enforcing this policy, including their duty to report alleged violations of this policy and/or conducting an investigation of an alleged violation of this policy; [REMINDER: Documentation of training should be maintained regardless of whether there is an investigation of an alleged violation of this policy. It is best practice to maintain a log of all staff members who participate in a training, along with the date, time and location of the training, and a copy of the materials reviewed and/or presented during the training.]
- O. documentation that any rights or opportunities that the School made available to one party during the investigation were made available to the other party on equal terms;
- P. copies of any notices sent to the alleged perpetrator/responding party of the allegations constituting a potential violation of this policy;
- Q. copies of any notices sent to the Complainant and the Respondent in advance of any interview, meeting, or hearing;
- R. copies of any documentation or evidence used during informal and formal disciplinary meetings and hearings, including the investigation report, and any written responses submitted by the Complainant or the Respondent.

The documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal (e.g., FERPA, ADA) and/or State law (e.g., R.C. 3319.321) – e.g., student records and confidential medical records.

The documents, ESI, and electronic media (as defined in Policy 8315) created or received as part of an investigation shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, and Policy 8330 for not less than three (3) years, but longer if required by the School's records retention schedule.

Adoption Date: **01.10**

Classification: **Legally Required**

Revised Dates: **6/22/10; 10/24/11; 5/13/13; 8/18/14; 2/11/19; 9/9/19; 07.21**

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## **SECTION 504/ADA PROHIBITION AGAINST DISCRIMINATION BASED ON DISABILITY**

Reference:

29 USC 794, Section 504 Rehabilitation Act of 1973, as amended  
34 C.F.R. Part 104  
42 USC 12101 et seq., Americans with Disabilities Act of 1990, as amended

Pursuant to Section 504 of the Rehabilitation Act of 1973 ("Section 504"), the Americans with Disabilities Act of 1990, as amended ("ADA") and the implementing regulations (collectively "Section 504/ADA"), no otherwise qualified individual with a disability shall, solely by reason of his/her disability, be excluded from participation be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. The Board of Directors does not discriminate in admission or access to, or participation in, or treatment, in its programs or activities. As such, the Board's policies and practices will not discriminate against students with disabilities, and the Board will make its facilities, programs, and activities accessible to qualified individuals with disabilities. No discrimination will be knowingly permitted against any individual with a disability on the sole basis of that disability in any of the programs, activities, policies, and/or practices in the School.

"An individual with a disability" means a person who has, had a record of, or is regarded as having, a physical or mental impairment that substantially limits one or more major life activities. Major life activities are functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, eating, sleeping, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

Major life activities also include the operation of a major bodily function, including, but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

An impairment that is episodic in nature or in remission is considered a disability if it would substantially limit a major life activity when active.

The determination of whether an impairment substantially limits a major life activity must be made without regard to the ameliorative effects of mitigating measures such as medication, medical supplies, equipment or appliances, low-vision devices (not including ordinary eyeglasses or contact lenses), prosthetics (including limbs and devices), hearing aides and cochlear implants or other implantable hearing devices, mobility devices, oxygen therapy equipment or supplies, assistive technology, reasonable accommodations or auxiliary aids or services, or learned behavioral or adaptive neurological modifications.

With respect to public preschool, elementary and secondary educational services, a qualified person with a disability means a disabled person:

- A. who is of an age during which nondisabled persons are provided educational services;
- B. who is of any age during which it is mandatory under Michigan law to provide educational services to disabled persons; or
- C. to whom the State is required to provide a free appropriate public education pursuant to the Individuals with Disabilities Education Improvement Act (IDEIA).

With respect to vocational education services, a qualified person with a disability means a person with a disability who meets the academic and technical standards requisite to admission or participation in the vocational program or activity. The Board will not deny a student with disabilities access to its vocational

education programs or courses due to architectural and/or equipment barriers, or because the student needs related aids or services to receive an appropriate education.

### **Compliance Officer(s)**

The Board designates the following individual(s) to serve as the School's 504 Compliance Officer(s)/ADA Coordinator(s) (hereinafter referred to as the "Compliance Officer(s)").

Male/Female Coordinator  
14510 Second Ave.  
Highland Park, MI 48203  
(313) 865-6024

The names, titles, and contact information of this/these individual(s) will be published annually on the School's web site.

The Compliance Officer(s) is/are responsible for coordinating the School's efforts to comply with and fulfill its responsibilities under Section 504 and Title II of the ADA. A copy of Section 504 and the ADA, including copies of the implementing regulations, may be obtained from the Compliance Officer.

The Compliance Officer(s) will oversee the investigation of any complaints of discrimination based on disability, which may be filed pursuant to the Board's adopted internal complaint procedure, and will attempt to resolve such complaints.

The Board will provide for the prompt and equitable resolution of complaints alleging violations of Section 504/ADA. (See below) The Board will further establish and implement a system of procedural safeguards in accordance with Section 504, including the right to an impartial due process hearing. (See AG 2260.01B)

### **Training**

The Compliance Officer(s) will also oversee the training of employees in the School so that all employees understand their rights and responsibilities under Section 504 and the ADA, and are informed of the Board's policies, Administrative Procedures and practices with respect to fully implementing and complying with the requirements of Section 504/ADA.

The Board will provide in-service training and consultation to staff responsible for the education of persons with disabilities, as necessary and appropriate.

### **Facilities**

No qualified person with a disability will, because the School's facilities are inaccessible to or unusable by persons with disabilities, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity to which Section 504/ADA applies.

For facilities constructed or altered after June 3, 1977, the School will comply with applicable accessibility standards. For those existing facilities constructed prior to June 3, 1977, the School is committed to operating its programs and activities so that they are readily accessible to persons with disabilities. This includes, but is not limited to, providing accommodations to parents with disabilities who desire access to their child's educational program or meetings pertinent thereto. Programs and activities will be designed and scheduled so that the location and nature of the facility or area will not deny a student with a disability the opportunity to participate on the same basis as students without disabilities.

### **Education**

The Board is committed to identifying, evaluating, and providing a free appropriate public education (FAPE) to students within its jurisdiction who have a physical or mental impairment that substantially limits one or more major life activities, regardless of the nature or severity of their disabilities.

An appropriate education may include regular or special education and related aids and services to accommodate the unique needs of students with disabilities. For students with disabilities who are not eligible for specially designed instruction under the IDEA, the special education and related aids and services (including accommodations/modifications/interventions) they need in order to have their needs met



as adequately as the needs of nondisabled students are met, shall be delineated, along with their placement, in a Section 504 Plan (Form 2260.01A F13). Parents/guardians/custodians ("parents") are invited and encouraged to participate fully in the evaluation process and development of a Section 504 Plan. The quality of education services provided to students with disabilities will be equal to the quality of services provided to students without disabilities.

The Board is committed to educating (or providing for the education of) each qualified person with a disability who is enrolled by the School to the maximum extent appropriate. Generally, the School will place a person with a disability in the regular educational environment unless it is demonstrated that the education of the person in the regular environment even with the use of supplementary aids and services cannot be achieved satisfactorily. If the School places a person in a setting other than the regular educational environment, it shall take into account the proximity of the alternate setting to the person's home. If the Board operates a separate class or facility that is identifiable as being for persons with disabilities, the facility, program, and activities and services must be comparable to the facilities, programs, and activities and services offered to students without a disability.

The School will provide non-academic extracurricular services and activities in such a manner as is necessary to afford qualified persons with disabilities an equal opportunity for participation in such services and activities.

### **Notice**

Notice of the Board's policy on nondiscrimination in education practices and the identity of the Compliance Officer(s) will be on the School's website and posted throughout the School, and included in the School's recruitment statements or general information publications.

### **Complaint Procedures**

If a person believes that s/he has been discriminated against on the basis of his/her disability, the person may utilize the following complaint procedures as a means of reaching, at the lowest possible administrative level, a prompt and equitable resolution of the matter.

In accordance with Section 504 of the Rehabilitation Act of 1973 and its implementing regulations ("Section 504"), parents and students will be notified of their right to file an internal complaint regarding an alleged violation, misinterpretation or misapplication of Section 504. In addition, students and their parents will be notified of their right to file a complaint with the U.S. Department of Education's Office for Civil Rights. Finally, students and parents will be advised of their right to request a due process hearing before an Impartial Hearing Officer (IHO) regarding the identification, evaluation or educational placement of persons with disabilities, including the right to participation by the student's parents or guardian and representation of counsel, and their right to examine relevant education records.

Internal complaints and requests for due process hearings must be put in writing and must identify the specific circumstances or areas of dispute that have given rise to the complaint or the request for a hearing, and offer possible solutions to the dispute. The complaint or request for due process hearing must be filed with the Compliance Officer within specified time limits. The Compliance Officer is available to assist individuals in filing a complaint or request.

Unless expressly stated otherwise, the term "day" or "days" as used in this policy means business day(s) (i.e., a day(s) that the Board office is open for normal operating hours, Monday – Friday, excluding State-recognized holidays).

### **Internal Complaint Procedures**

An internal complaint may be filed by a student and/or parent. A student and/or parent may initiate the internal complaint procedure when s/he/they believe that a violation, misapplication or misinterpretation of Section 504 has occurred. Additionally, the following procedure may be used for any disagreement with respect to actions regarding the identification, evaluation, or educational program or placement of students who are identified as disabled or believed to be disabled pursuant to Section 504, and are not eligible under the IDEIA, except in the case of disciplinary actions where the provisions of the Student Code of Conduct apply. Use of the internal complaint procedure is not a prerequisite to the pursuit of other remedies, including the filing of a complaint with the U.S. Department of Education's Office for Civil Rights or requesting a due process hearing.

## **Step 1**

Investigation by the Compliance Officer: A student or parent may initiate an investigation by filing a written internal complaint with the Compliance Officer. The complaint should fully describe the circumstances giving rise to the dispute and how the child is adversely affected. The complaint must be filed as soon as possible, but not longer than thirty (30) days after disclosure of the facts giving rise to the complaint. The Compliance Officer shall conduct an impartial investigation of the complaint. As part of the investigation, the Compliance Officer shall permit the complainant to present witnesses and other evidence in support of the complaint. The investigation shall be completed within fifteen (15) days of the written complaint being filed. The Compliance Officer will notify the complainant in writing of his/her decision.

## **Step 2**

If the complaint is not resolved satisfactorily at Step 1, the student or parent may request a due process hearing, provided the complaint involves an issue related to the identification, evaluation, or placement of the student.

If it is determined that the Complainant was subjected to unlawful discrimination, the Compliance Officers must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, age-appropriate and effective, and tailored to the specific situation.

## **OCR Complaint**

At any time, if a student or parent believes that s/he has been subjected to discrimination based upon his/her disability in violation of Section 504 or the ADA, the individual may file a complaint with the U.S. Department of Education's Office for Civil Rights ("OCR"). The OCR can be reached at:

U.S. 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](mailto:OCR.Cleveland@ed.gov)  
Web: <http://www.ed.gov/ocr>

## **Retaliation**

Retaliation against a person who makes a report or files a complaint alleging unlawful discrimination/retaliation or participates as a witness in an investigation is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce or interfere with any individual because the person opposed any act or practice made unlawful by Section 504 or the ADA, or because that individual made a report, formal complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding, or hearing under those laws and/or this policy, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws and/or this policy.

Retaliation against a person for making a report of discrimination, filing a formal complaint, or participating in an investigation or meeting is a serious violation of this policy that can result in imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Formal complaints alleging retaliation may be filed according to the internal complaint process set forth above.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

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Adoption Date: **06.10**

Classification:

Revised Dates: **10/24/11; 12/12/11; 8/18/14; 6/8/15; 9/9/19; 07.21**

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## **TITLE I SERVICES**

Reference: 20 USC 6301 et seq.  
34 C.F.R. Part 200, et seq.

The Board of Directors elects to augment the educational program of educationally disadvantaged students by the use of Federal funds and in accordance with Title I of the Elementary and Secondary Education Act of 1965, as amended.

The School Leader shall prepare and present to the State Department of Education a plan for the delivery of services that meets the requirements of the law, including those described below. The plan shall be developed by appropriate staff members and parents of students who will be served by the plan. The School will periodically review and revise the plan, as necessary.

### ***Assessment***

The School shall annually assess the educational needs of eligible children, as determined by Federal and State criteria. This assessment shall include performance measures mandated by the Department of Education as well as those determined by the School's professional staff to assist in the diagnosis, teaching, and learning of the participating students.

### ***Scope***

The School shall determine if the funds will be used to upgrade the educational program of the entire School in Title I schools that qualify as schoolwide schools and/or to establish or improve programs that provide services only for eligible students in greatest need of assistance. The schoolwide program, for the entire School and/or the Targeted Assistance School, shall include the components required by law as well as those agreed upon by participating staff and parents.

### ***Participation***

The Title I program shall be developed and evaluated in consultation with parents and professional staff members, including teachers, Superintendents, School Leaders, paraprofessionals, specialized instructional support personnel, administrators and other appropriate academy personnel involved in its implementation. Appropriate training will be provided to staff members who provide Title I services. Parent participation shall be in accord with Board Policy 2261.01 and shall meet the requirements of Section 1116 of the Act.

### ***Comparability of Services***

Title I funds will be used only to augment, not to replace, State and local funds. The School will document its compliance with the supplement not supplant provisions by using a written methodology that ensures State and local funds are allocated to each school on the same basis, regardless of whether an academy receives Title I funding. The Superintendent and the School Leaders shall use State and local funds to provide educational services in schools receiving Title I assistance that, taken as a whole, are at least comparable to services being provided in academies that are not receiving Title I assistance. The determination of the comparability of services may exclude State and local funds spent on compensatory education programs, bilingual education programs, and programs for educationally disabled students.

The determination of comparability of services will not take into account unpredictable changes in student enrollments or personnel assignments that occur after the beginning of the school year.

To achieve comparability of services, the Superintendent and/or Building Administrator shall assign teachers, administrators, and auxiliary personnel and provide curriculum materials and instructional supplies in such a manner as to ensure equivalence throughout the School.

***Professional Development***

Members of the professional staff may participate in the design and implementation of staff development activities that:

- A. involve parents in the training, when appropriate;
- B. combine and consolidate other available Federal and public school funds;
- C. foster cooperative training with institutions of higher learning and other educational organizations, including other schools;
- D. include in the staff development curriculum the following strategies:
  - 1. creating and using performance-based student assessments;
  - 2. using technology in teaching and learning;
  - 3. working effectively with parents;
  - 4. understanding early childhood education;
  - 5. meeting children's special needs by using differentiated instruction;
  - 6. fostering gender-equitable education;
  - 7. (for paraprofessionals) working toward certification as professional educators.

Adopted 1/11/10  
Revised 2/11/19; 9/9/19

## PARENT AND FAMILY MEMBER PARTICIPATION IN TITLE I PROGRAMS

Reference: 20 U.S.C. 6318 et seq.  
34 C.F.R. Part 200 et seq.

In accordance with the requirements of Federal law, programs supported by Title I funds must be planned and implemented in meaningful consultation with parents and family members of the students being served.

Each year the Superintendent and the School Leaders shall work with parents and family members of children served in Title I Programs in order to jointly develop and agree upon a proposed written parent and family engagement policy to establish expectations for the involvement of such parents and family members in the education of their children. The proposed policy shall be reviewed and approved annually by the Board of Directors and distributed to parents and family members of children receiving Title I services. The proposed policy must establish the School's expectation and objectives for meaningful parent and family engagement, and describe how the School will:

- A. involve parents and family members in the development of the School's Title I plans and any State-mandated comprehensive support and improvement plans;
- B. provide coordination, technical assistance, and other support necessary to assist and build the capacity of all participating academies in planning and implementing effective parent involvement activities to improve student achievement and School performance, which may include meaningful consultation with employers, business leaders, and philanthropic organizations, or individuals with expertise in effectively engaging parents and family members in education;
- C. coordinate and integrate parent and family engagement strategies, to the extent feasible and appropriate, with other Federal, State, and local laws and programs;
- D. with meaningful involvement of parents and family members, annually evaluate the content and effectiveness of the parent and family engagement policy in improving the academic quality of academies, including:
  1. identifying barriers to greater parent participation (with particular attention to parents who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background);
  2. the needs of parents and family members to assist with the learning of their children, including engaging with School personnel and teachers; and
  3. strategies to support successful School and family interactions.
- E. use the findings of the above-referenced evaluation to:

1. design evidence-based strategies for more effective parental involvement; and,
  2. revise the parent and family engagement policy, if necessary;
- F. involve parents in the activities of the School's Title I, which may include establishing a parent advisory board that may be charged with developing, revising and reviewing the parent and family engagement policy;
- G. provide opportunities for the informed participation of parents and family members (including parents and family members who have limited English proficiency and/or disabilities, and parents and family members of migratory children, including providing information and School reports in a format, and to the extent practicable in a language, such parents can understand;
- H. conduct meetings with parents including provisions for flexible scheduling and assistance to parents to better assure their attendance at meetings;
- I. develop agendas for parent meetings to include review and explanation of the curriculum, means of assessments, and the proficiency levels students are expected to achieve and maintain;
- J. provide opportunities for parents to formulate suggestions, interact and share experiences with other parents, and participate appropriately in the decision-making about the program and revisions in the plan;
- K. involve parents in the planning, review, and improvement of the Title I program;
- L. communicate information concerning School performance profiles and their child's individual performance to parents;
- M. assist parents in helping their children in achieving the objectives of the program by such means as ensuring regular attendance, monitoring television-watching, providing adequate time and the proper environment for homework; guiding nutritional and health practices, and the like;
- N. provide timely responses to parental questions, concerns, and recommendations;
- O. coordinate and provide technical assistance and other support necessary to assist Title I schools to develop effective parent participation activities to improve academic achievement;
- P. conduct other activities as appropriate to the Title I plan and State and Federal requirements.

The Board will reserve the requisite percent of its allocation of Federal Title I funds to carry out the above-described activities. Parents and family members of children receiving Title I services shall be involved in the decisions regarding how the reserved funds are allotted for parent involvement activities. Reserved funds shall be used to carry out activities and strategies consistent with the Board's parent and family engagement policy (Policy 2111), including at least one (1) of the following:

- A. Supporting academies and nonprofit organizations in providing professional development for the School and School personnel regarding parent and family engagement strategies, which may be provided jointly to teachers, principals, other school leaders, specialized instructional support personnel, paraprofessionals, early childhood educators, and parents and family members.
- B. Supporting programs that reach parents and family members at home, in the community, and at School.
- C. Disseminating information on best practices focused on parent and family engagement, especially best practices for increasing the engagement of economically disadvantaged parents and family members.
- D. Collaborating, or providing subgrants to academies to enable such academies to collaborate, with community-based or other organizations or employers with a record of success in improving and increasing parent and family engagement.
- E. Engaging in any other activities and strategies that the Board determines are appropriate and consistent with its parent and family engagement policy.

The Superintendent and the School Leaders must also assure that each Title I participating School develops a specific written plan, with parental involvement and agreement, which includes provisions regarding the following:

- A. Each Superintendent must convene an annual meeting at a convenient time to which all parents of participating children are invited and encouraged to attend to explain the parents' rights to be involved and the School's obligations to develop a parent and family engagement policy.
- B. Meetings with parents of children receiving Title I services must be scheduled at flexible times with assistance such as child care, transportation, home visits, or similar aid offered to parents to encourage their involvement.
- C. Parents must be involved in an organized, on-going and timely way in the development, review, and improvement of parent involvement activities, including the planning, review and improvement of the School parent and family engagement policy, and the joint development of the Schoolwide program plan, if appropriate.
- D. Parents of participating students must be provided with:
  - 1. timely information about the Title I program and the School's parent and family engagement policy;
  - 2. a description and explanation of the curriculum in use at the School, the forms of academic assessment used to measure student progress, and the achievement levels expected;
  - 3. regular meetings, upon request, for parents to make suggestions, and to participate as appropriate, in decisions relating to the education of their children, and receive responses regarding the parents'



suggestions about their student's education as soon as practicably possible.

- E. If the written plan is not satisfactory to the parents of participating children, the School must submit any parents' comments when it presents the plan to the Superintendent and the School Leader.
- F. As a component of the School-level parent and family engagement policy, the Superintendent for each School shall coordinate the development of a School-parent compact jointly with parents of children served under Title I which outlines how the School staff, the parents, and the students will share responsibility for improved student academic achievement and the means by which the School and parents will build and develop a partnership to help students achieve the State's high standards. The compact must:
  - 1. describe the School's responsibility to provide a high quality curriculum and instruction in a supportive, effective learning environment;
  - 2. describe the ways in which each parent is responsible for supporting their child's learning environment such as monitoring attendance, homework, extra-curricular activities and excessive television watching; volunteering in the classroom; and participating, as appropriate, in decisions relating to the education of their children and their positive use of extra-curricular time;
  - 3. address the importance of parent/teacher communication on an on-going basis through at least annual parent teacher conferences to discuss the child's achievement and the compact; frequent progress reports to the parents on their child's progress; reasonable access to the staff and to observe and participate in classroom activities and regular two-way, meaningful communication between family members and school staff, and, to the extent practicable, in a language that family members can understand.
- G. Parents of children receiving Title I services must be notified about their School's parent and family engagement policy in an understandable and uniform format, and, to the extent practicable, in a language the parents can understand. These policies must also be made available to the community.
- H. School-level parent and family engagement policies must be updated periodically to meet the changing needs of parents and the academies.

In order to involve parents in the education of their children and to support a partnership among the School, parents and the community for improving student academic achievement, the Superintendent and the School Leaders and building principals must include provisions in the School and parent and family engagement policies regarding:

- A. assisting parents of children served under Title I in understanding such topics as the State academic standards, State and local academic assessments, Title I, and how to monitor their child's progress and how to work with educators to improve their child's achievement;

- B. providing materials and training to help parents work with their children to improve achievement, such as literacy training and using technology (including education about the harms of copyright privacy);
- C. educating teachers, specialized instructional support personnel, school leaders (including principals), and other staff, with the assistance of parents, about the value and utility of contributions of parents, how to reach out to, communicate with, and work with parents as equal partners, how to implement and coordinate parent programs, and how to build ties between parents and the school;
- D. to the extent feasible and appropriate, coordination and integration of parent involvement programs and activities with other Federal, State and local programs (including public preschool programs), and conducting other activities that encourage and support parents more fully participating in the education of their children (e.g., parent resource centers);
- E. providing information related to School and parent programs, meetings, and other activities to parents of participating children in a format, and, to the extent practicable, in a language the parents can understand;
- F. providing such reasonable support for parent involvement activities as parents may request.

In order to build the School's capacity for parent involvement, the Superintendent and building principals may also:

- A. involve parents in the development of training for teachers and administrators and other educators to improve the effectiveness of such training;
- B. provide necessary literacy training from Title I funds if the School has exhausted all other reasonably available sources of funding for such training;
- C. pay reasonable and necessary expenses associated with parental involvement activities to enable parents to participate in School related meetings and training sessions, including transportation and child care costs;
- D. train parents to enhance the involvement of other parents;
- E. arrange School meetings at a variety of times, or conduct in-house conferences between teachers or other educators who work directly with participating children, with parents who are unable to attend such conferences at School, in order to maximize parental involvement and participation;
- F. adopt and implement model approaches to improving parental involvement;
- G. establish a School parent advisory council to provide advice on all matters related to parental involvement in Title I programs;

- H. develop appropriate roles for community-based organizations and businesses in parental involvement activities.

Adopted 1/11/10

Revised 2/11/19; 9/9/19

## **TITLE I – A PARENT’S RIGHT TO KNOW**

Reference: 20 USC 6311, Elementary and Secondary Education Act of 1965  
34 C.F.R. Part 200 et seq.

In accordance with the requirement of Section 1111 of Title I, for each School receiving Title I funds, the Superintendent shall make sure that all parents of students in the School are notified that they may request, and the School will provide the following information about the student’s classroom teachers:

- A. the status of the teacher(s) State qualification and licensing for the grade level and subject areas they are teaching;
- B. any emergency or provisional status in which the State requirements have been waived for the teacher(s);
- C. the undergraduate major of the teacher(s) and the area of study and any certificates for any graduate degrees earned;
- D. the qualifications of any paraprofessionals providing services to their child/children.

In addition, the parents shall be provided information on the level of achievement of their child/children on the required State academic assessments. Further, parents will receive timely notice if the student is assigned to a teacher who is not “highly qualified” as required or if the student is taught for more than four (4) weeks by a teacher who is not “highly qualified.”

The notices and information shall be provided in an understandable format and, to the extent possible, in a language the parent(s) understand.

Adopted 1/11/10  
Revised 9/9/19

## SCHOOL AND SCHOOL REPORT CARD

References: 20 U.S.C. 6314  
34 C.F.R. 200.31(h)(1)  
A.C. 3301-35-02, 3301-35-02 (B)

Each School that receives Title I, Part A funds must prepare and publicly disseminate a report card on the performance and operations of the School. Report cards must be concise and presented in an understandable and uniform format that is developed in consultation with parents and accessible to persons with disabilities and, to the extent practicable, in a language that parents can understand.

The report shall contain the information called for on the form issued by the Michigan Department of Education in accordance with State and Federal law. The report must include 1) an overview section and 2) a detail section.

Report cards must begin with a clearly labeled overview section that is prominently displayed. The overview section of School report cards must include information on key metrics of State, District, and school performance and progress and is intended to help parents and other stakeholders quickly access and understand such information and provide context for the complete set of data included in the report.

The overview section of the annual report card must include for the School as a whole and each school, if appropriate:

- A. student achievement data (i.e., the number and percentage of students at each level of achievement on the State mathematics, reading/language arts, and science assessments), including how achievement in the School compares to State as a whole and, for each school in the School, how that school compares to the School and the State as a whole;
- B. English language proficiency of English learners (i.e., the number and percentage of English learners achieving English language proficiency as measured by Michigan's English proficiency assessment);
- C. performance on each measure within the Academic Progress indicator used by the State for elementary schools and secondary schools that are not high schools;
- D. high school graduation rates, including the four (4) year adjusted cohort and the extended-year adjusted cohort;
- E. performance on each measure within any School Quality or Student Success indicator used by the State;
- F. school identifying information, including student membership count and Title I participation status;
- G. summative determination for each school;
- H. whether the school was identified for comprehensive support and improvement or targeted support and improvement, and the reason(s) for such identification.

The overview section must include disaggregated data for specific student subgroups as required by the United States Department of Education (e.g., each major racial and ethnic group; children with disabilities; English learners; and economically disadvantaged students).

Report cards must include student achievement data overall and by grade, including the percentage of students at each level of achievement as determined by the State for all students and disaggregated by each major racial and ethnic group, gender, disability status, migrant status, English proficiency status, status as economically disadvantaged, status as a homeless student/youth, status as a child in foster care, and status as a student with a parent who is a member of the Armed Forces on active duty (which includes full-time National Guard duty). Data for these subgroups must be included in the detail section of report cards if it is not included in the overview section.

The details section of the School report card must include the remaining information required in the statute and applicable regulations. A School need not include information in the detail section of the report if it includes such information in the overview section. The annual report detail section must include, if appropriate:

- A. student achievement data (i.e., the number and percentage of students at each level of achievement on the State mathematics, reading/language arts, and science assessments), including how achievement in the School compares to State as a whole and, for each school in the School, how that school compares to the School and the State as a whole;
- B. percentages of students assessed and not assessed in each subject (i.e. participation rates on required assessments);
- C. extent alternate assessments aligned with alternate academic achievements standards were used for students with the most significant cognitive disabilities (i.e., the number and percentage of students assessed using alternate academic achievement standards, by grade and subject);
- D. as applicable, number and percentage of recently arrived English learners exempted from one administration of the reading/language arts assessments or whose results are excluded from certain State indicators;
- E. high school graduation rates, including the four (4) year adjusted cohort, and the extended-year adjusted cohort;
- F. postsecondary enrollment rates for each high school;
- G. information collected and reported in compliance with the Civil Rights Data Collection (CRDC) under 20 U.S.C. 3413(c)(1);
- H. progress toward State-designed long-term goals for academic achievement, graduation rates, and English learners achieving English language proficiency (including measurements of interim progress);
- I. level of performance on each indicator included in State accountability system including, as applicable, results on each individual measure within each indicator not already included in the school overview section
- J. information on educator qualifications;

- K. information on per-pupil expenditures (i.e., actual personnel and actual non-personnel; for the School as a whole and each school);
- L. State performance on the National Assessment of Educational Progress (NAEP) – math and reading, grades 4 and 8;
- M. description and Results of State accountability system (the School may provide the web address or URL of, or a direct link to, a State plan or other location on the Michigan Department of Education’s web site to meet this requirement);
- N. additional information best-suited to convey the progress of each school;
- O. other information as required by the State Department of Education.

When presenting data on a report card, the School shall protect the privacy of individuals and the privacy of personally identifiable information contained in students’ education records in accordance with the Family Educational Rights and Privacy Act (FERPA) and R.C. Section 3319.321.

The School’s annual report card information must be made publicly available through such means as posting on the School’s web site and distribution to local media and public agencies.

The Board will provide the school level overview directly to all parents in each school served by the School annually.

The data from the local report card is to be used by each of the schools and the School as a whole in revising and upgrading school and School improvement plans.

Adopted 1/11/10  
Revised 2/11/19; 9/9/19

## **CHILD CARE CENTER STAFF AND VOLUNTEERS**

Reference: M.C.L. 722.111, et seq

### Background Checks

All staff members employed by the MM1/HR Services, whose job responsibilities include working with children in the School's pre-school programs, and all other persons eighteen (18) years or older who provide unsupervised care or have unsupervised access to the children in the program(s), including volunteers, must consent to and complete a comprehensive background check compliant with the requirements of the Child Care Organizations Act.

All staff members and any volunteers who have contact with children in the program(s) at least four (4) hours per week for more than two (2) consecutive weeks must have test results on file with the School indicating that they are free from communicable tuberculosis. The test results must have been verified within one (1) year before employment or volunteering.

### Supervision of Volunteers

All persons who volunteer in the program(s), including the parents or guardians of a child receiving care or services, will be supervised by the School staff member(s) who are working in the program(s). School staff members will be informed of their supervisory roles

Academy staff members must report any issues or concerns of any nature relating to volunteers to the School Leader at the first available opportunity. The School Leader will promptly address all issues or concerns and determine whether any instruction, changes, corrective action or other remedies should be implemented.

All volunteers must comply with Board policies and School guidelines while acting as a volunteer and are subject to removal or prohibition from participating as a volunteer in the program(s).

Adopted 2/10/20



# **NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS OR ACTIVITIES**

Reference:

20 U.S.C. 1681 et seq., Title IX of the Education Amendments of 1972 (Title IX)  
20 U.S.C. 1400 et seq., The Individuals with Disabilities Education Improvement Act of 2004 (IDEIA)  
42 U.S.C. 2000c et seq., Title IV of the Civil Rights Act of 1964  
42 U.S.C. 2000d et seq.  
42 U.S.C. 2000e et seq.  
42 U.S.C. 1983  
34 C.F.R. Part 106  
OCR's Revised Sexual Harassment Guidance (2001)  
20 U.S.C. 1092(F)(6)(A)(v)  
34 U.S.C. 12291(a)(10)  
34 U.S.C. 12291(a)(8)  
34 U.S.C. 12291(a)(30)

## **Introduction**

The Board of Directors of the George Washington Carver Academy (hereinafter referred to as "the Board" or "the Academy") does not discriminate on the basis of sex (including sexual orientation or gender identity), in its education programs or activities, and is required by Title IX of the Education Amendments Act of 1972, and its implementing regulations, not to discriminate in such a manner. The requirement not to discriminate in its education program or activity extends to admission and employment. [DRAFTING NOTE: In the new Title IX regulations, the term "admission" refers to admission to postsecondary institutions (i.e., institutions of graduate higher education, institutions of undergraduate higher education, institutions of professional education, and institutions of vocational education); thus, if a K-12 school does not operate a vocational program (e.g., a school or institution that has as its primary purpose preparation of students to pursue a technical, skilled, or semiskilled occupation or trade, or to pursue study in a technical field, whether or not the school or institution offers certificates, diplomas, or degrees and whether or not it offers fulltime study), the K-12 school does not officially need to include "admission and" in the preceding sentence (and where that phrase is used throughout this policy); The Institute, however, has elected to include it because all K-12 schools "enroll" students and often the term "enroll" is viewed as synonymous with the term "admit." Since K-12 schools cannot discriminate when enrolling students into the education programs or activities that they operate, it seems appropriate to include the term "admission."] The Board is committed to maintaining an education and work environment that is free from discrimination based on sex, including sexual harassment.

The Board prohibits Sexual Harassment that occurs within its education programs and activities. When the Academy has actual knowledge of Sexual Harassment in its education program or activity against a person in the United States, it shall promptly respond in a manner that is not deliberately indifferent.

Pursuant to its Title IX obligations, the Board is committed to eliminating Sexual Harassment and will take appropriate action when an individual is determined responsible for violating this policy. Employee Leasing Company employees, students, third-party vendors and contractors, guests, and other members of the Academy community who commit Sexual Harassment are subject to the full range of disciplinary sanctions set forth in this policy. The Board will provide persons who have experienced Sexual Harassment ongoing remedies as reasonably necessary to restore or preserve access to the Academy's education programs and activities.

## **Coverage**

This policy applies to Sexual Harassment that occurs within the Academy's education programs and activities and that is committed by a member of the Academy community or a Third Party.

This policy does not apply to Sexual Harassment that occurs off school grounds, in a private setting, and outside the scope of the Academy's education programs and activities; such Sexual Misconduct/Sexual Activity may be prohibited by the Student Code of Conduct if committed by a student, or by Board policies and administrative guidelines, applicable State and/or Federal laws and/or Employee/Administrator Handbook(s) if committed by an Employee Leasing Company employee.

Consistent with the U.S. Department of Education's implementing regulations for Title IX, this policy does not apply to Sexual Harassment that occurs outside the geographic boundaries of the United States, even if the Sexual Harassment occurs in the Academy's education programs or activities. Sexual Harassment that occurs outside the geographic boundaries of the United States is governed by the Student Code of Conduct if committed by a student, or by Board policies and administrative guidelines, applicable State and/or Federal laws and/or Employee/Administrator Handbook(s) if committed by an Employee Leasing Company employee.

### **Definitions**

Words used in this policy shall have those meanings defined herein; words not defined herein shall be construed according to their plain and ordinary meanings.

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

- A. An Employee Leasing Company employee conditioning the provision of an aid, benefit, or service of the Academy on an individual's participation in unwelcome sexual conduct (often called "*quid pro quo*" harassment);
- B. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, *and* objectively offensive that it effectively denies a person equal access to the Academy's education program or activity; or
- C. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)A(v), or "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

"Sexual assault" means any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent, and the "nonforcible" sex offenses of Incest and Statutory Rape. Sexual assault includes rape, sodomy, sexual assault with an object, fondling, incest, and statutory rape.

1. Rape is the carnal knowledge of a person (i.e., penetration, no matter how slight, of the genital or anal opening of a person), without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
2. *Sodomy* is oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
3. *Sexual Assault with an Object* is using an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity. An "object" or "instrument" is anything used by the offender other than the offender's genitalia.

4. *Fondling* is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
  5. *Incest* is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by State law.
  6. *Statutory Rape* is sexual intercourse with a person who is under the statutory age of consent as defined by State law.
  7. *Consent* refers to words or actions that a reasonable person would understand as agreement to engage in the sexual conduct at issue. A person may be incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity. A person who is incapacitated is not capable of giving consent.
  8. *Incapacitated* refers to the state where a person does not understand and/or appreciate the nature or fact of sexual activity due to the effect of drugs or alcohol consumption, medical condition, disability, or due to a state of unconsciousness or sleep.
- D. "Domestic violence" includes felony or misdemeanor crimes of violence committed by:
1. a current or former spouse or intimate partner of the victim;
  2. a person with whom the victim shares a child in common;
  3. a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
  4. a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime occurred; or
  5. any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime occurred.
- E. "Dating violence" means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- F. "Stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to – (1) fear for the person's safety or the safety of others; or (2) suffer substantial emotional distress.

Complainant: "Complainant" means an individual who is alleged to be the victim of conduct that could constitute Sexual Harassment.

Respondent: "Respondent" means an individual who has been reported to be the perpetrator of conduct that could constitute Sexual Harassment.

Formal Complaint: "Formal Complaint" means a document filed by a Complainant or signed by the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting that the Academy investigate the allegation(s) of Sexual Harassment. At the time of filing a Formal Complaint with the Academy, a Complainant must be participating in or attempting to participate in the Academy's education program or activity. A "document filed by a complainant" means a document or electronic submission (such as by electronic mail or through an online portal that the Board provides for this purpose) that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint. Where the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is

not a Complainant or a party to the Formal Complaint and must not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

**Actual Knowledge:** "Actual knowledge" means notice of Sexual Harassment or allegations of Sexual Harassment to the Academy's Title IX Coordinator, or any Academy official who has authority to institute corrective measures on behalf of the Board, or any Employee Leasing Company employee. The mere ability or obligation to report Sexual Harassment or to inform a student about how to report Sexual Harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the Academy. "Notice" includes, but is not limited to, a report of Sexual Harassment to the Title IX Coordinator. This standard is not met when the only Academy official with actual knowledge is the Respondent.

**Supportive Measures:** "Supportive measures" means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the 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 the Academy's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the Academy'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, school/campus escort services, mutual restrictions of contact between the parties, changes in work locations), leaves of absence, increased security and monitoring of certain areas of the campus (including academy buildings and facilities), ( ) referral to Employee Assistance Program **[END OF OPTION]**, and other similar measures.

**Education Program or Activity:** "Education program or activity" refers to all operations of the Academy, including but not limited to in-person and online educational instruction, employment, extracurricular activities, athletics, performances, and community engagement and outreach programs. The term applies to all activity that occurs on academy grounds or on other property owned or occupied by the Board. It also includes locations, events and circumstances that take place off-academy property/grounds over which the Board exercises substantial control over both the Respondent and the context in which the Sexual Harassment occurs.

**Academy community:** "Academy community" refers to students and Employee Leasing Company employees (i.e., administrators, and professional and classified staff), as well as Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

**Third Parties:** "Third Parties" include, but are not limited to, guests and/or visitors on Academy property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with, or seeking to do business with the Board, and other individuals who come in contact with members of the Academy community at academy-related events/activities (whether on or off Academy property).

**Inculpatory Evidence:** "Inculpatory evidence" is evidence that tends to establish a Respondent's responsibility for alleged Sexual Harassment.

**Exculpatory Evidence:** "Exculpatory evidence" is evidence that tends to clear or excuse a Respondent from allegations of Sexual Harassment.

**Day(s):** Unless expressly stated otherwise, the term "day" or "days" as used in this policy means business day(s) (i.e., a day(s) that the Board office is open for normal operating hours, Monday – Friday, excluding State-recognized holidays),

**Eligible Student:** "Eligible Student" means a student who has reached eighteen (18) years of age or is attending an institution of postsecondary education.

### **Title IX Coordinator(s)**

The Board of Directors designates and authorizes the following individual(s) to oversee and coordinate its efforts to comply with Title IX and its implementing regulations:

Compliance Officer (Female)

313-865-6024  
14510 Second Avenue  
Highland Park, MI 48203

Athletic Director (Male)  
313-865-6024  
14510 Second Avenue  
Highland Park, MI 48203

The Title IX Coordinator shall report directly to the Superintendent or Employee Leasing Company .  
Questions about this policy should be directed to the Title IX Coordinator.

The Superintendent or Employee Leasing Company shall notify applicants for admission and employment, students, parents or legal guardians of elementary and secondary school students, Employee Leasing Company employees, and all unions or professional organizations holding collective bargaining or professional agreements with the Board of the following information:

The Board of Directors of the George Washington Carver Academy does not discriminate on the basis of sex in its education program or activity, and is required by Title IX and its implementing regulations not to discriminate in such a manner. The requirement not to discriminate in its education program or activity extends to admission and employment.

Compliance Officer (Female)  
313-865-6024  
14510 Second Avenue  
Highland Park, MI 48203

Athletic Director (Male)  
313-865-6024  
14510 Second Avenue  
Highland Park, MI 48203

Any inquiries about the application of Title IX and its implementing regulations to the Academy may be referred to the Title IX Coordinator(s), the Assistant Secretary for the U.S. Department of Education's Office for Civil Rights, or both.

The Board has adopted a grievance process that provide for the prompt and equitable resolution of student and employee complaints alleging any action that is prohibited by Title IX and/or its implementing regulations. The grievance process is included in Policy 2266 – Nondiscrimination on the Basis of Sex in Education Programs or Activities, which is available at: <https://www.gwcarveracademy.org/>. The grievance process specifically addresses how to report or file a complaint of sex discrimination, how to report or file a formal complaint of Sexual Harassment, and how the Academy will respond.

The Superintendent or Employee Leasing Company shall also prominently display the Title IX Coordinator's(s') contact information – including name(s) and/or title(s), phone number(s), office address(es), and e-mail address(es) – and this policy on the Academy's website and in each handbook or catalog that the Board makes available to applicants for admission and employment, students, parents or legal guardians of elementary and secondary school students, Employee Leasing Company employees or professional agreements.

### **Grievance Process**

The Board is committed to promptly and equitably resolving student and employee complaints alleging Sexual Harassment. The Academy's response to allegations of Sexual Harassment will treat Complainants and Respondents equitably, including providing supportive measures to the Complainant and Respondent, as appropriate, and following this Grievance Process before imposition of any disciplinary sanctions or other actions, other than supportive measures, against the Respondent.

The Title IX Coordinator(s), along with any investigator(s), decision-maker(s), or any person(s) designated to facilitate an informal resolution process, shall not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent.

If a determination of responsibility for Sexual Harassment is made against the Respondent, the Board will provide remedies to the Complainant. The remedies will be designed to restore or preserve equal access to the Academy's education program or activity. Potential remedies include, but are not limited to, individualized services that constitute supportive measures. Remedies may also be disciplinary or punitive in nature and may burden the Respondent.

### **Report of Sexual Discrimination/Harassment**

Any person may report sex discrimination, including Sexual Harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or Sexual Harassment), in person, by mail, by telephone, or by electronic mail, using the Title IX Coordinator's(s') contact information listed above, or by any other means that results in the Title IX Coordinator receiving the person's oral or written report. Reports may be made at any time (including during non-business hours), by using the telephone number(s) or electronic mail address(es), or by mail to the office address(es), listed for the Title IX Coordinator(s).

Students, Board members, and Employee Leasing Company employees are required, and other members of the Academy community, and Third Parties) are encouraged, to report allegations of sex discrimination or Sexual Harassment promptly to the/a Title IX Coordinator or to any Employee Leasing Company employee, who will in turn notify the/a Title IX Coordinator. Reports can be made orally or in writing and should be as specific as possible. The person making the report should, to the extent known, identify the alleged victim(s), perpetrator(s), and witness(es), and describe in detail what occurred, including date(s), time(s), and location(s).

If a report involves allegations of Sexual Harassment by or involving the Title IX Coordinator, the person making the report should submit it to the Superintendent or Employee Leasing Company, or another Employee Leasing Company employee who, in turn, will notify the Superintendent or Employee Leasing Company of the report. The Superintendent or Employee Leasing Company will then serve in place of the Title IX Coordinator for purposes of addressing that report of Sexual Harassment.

The Board does business with various vendors, contractors, and other third-parties who are not students or employees of the Board. Notwithstanding any rights that a given vendor, contractor, or third-party Respondent may have under this policy, the Board retains the right to limit any vendor's, contractor's, or third-party's access to school grounds for any reason. The Board further retains all rights it enjoys by contract or law to terminate its relationship with any vendor, contractor, or third-party irrespective of any process or outcome under this policy.

A person may file criminal charges simultaneously with filing a Formal Complaint. A person does not need to wait until the Title IX investigation is completed before filing a criminal complaint. Likewise, questions or complaints relating to Title IX may be filed with the U.S. Department of Education's Office for Civil Rights at any time.

Any allegations of Sexual Misconduct/Sexual Activity not involving Sexual Harassment will be addressed through the procedures outlined in Board policies and/or administrative guidelines, the applicable Student Code of Conduct, and/or Employee/Administrator Handbook.

Because the Board is considered to have actual knowledge of Sexual Harassment or allegations of Sexual Harassment if any Employee Leasing Company employee has such knowledge, and because the Board must take specific actions when it has notice of Sexual Harassment or allegations of Sexual Harassment, a Employee Leasing Company employee who has independent knowledge of or receives a report involving allegations of sex discrimination and/or Sexual Harassment must notify the/a Title IX Coordinator within two (2) days of learning the information or receiving the report. The Employee Leasing Company employee must also comply with mandatory reporting responsibilities pursuant to M.C.L. 722.623 and Policy 8462 – Student Abuse and Neglect, if applicable. If the Employee Leasing Company employee's knowledge is based on another individual bringing the information to the Employee Leasing Company employee's attention and the reporting individual submitted a written complaint to the Employee Leasing Company employee, the Employee Leasing Company employee must provide the written complaint to the Title IX Coordinator.

If an Employee Leasing Company employee fails to report an incident of Sexual Harassment of which the Employee Leasing Company employee is aware, the Employee Leasing Company employee may be subject to disciplinary action, up to and including termination.

When a report of Sexual Harassment is made, the Title IX Coordinator shall promptly (i.e., within two (2) days of the Title IX Coordinator's receipt of the report of Sexual Harassment) contact the Complainant (including the parent/guardian if the Complainant is under 18 years of age or under guardianship) to discuss the availability of supportive measures, consider the Complainant's wishes with respect to supportive measures, inform the Complainant of the availability of supportive measures with or without the filing of a Formal Complaint, and explain to the Complainant the process for filing a Formal Complaint. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures. Any supportive measures provided to the Complainant or Respondent shall be maintained as confidential, to the extent that maintaining such confidentiality will not impair the ability of the Academy to provide the supportive measures.

**Emergency Removal:** Subject to limitations and/or procedures imposed by State and/or Federal law, the Academy may remove a student Respondent from its education program or activity on an emergency basis after conducting an individualized safety and risk analysis. The purposes of the individualized safety and risk analysis is to determine whether the student Respondent poses an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sexual Harassment that justifies removal. If the Academy determines the student Respondent poses such a threat, it will so notify the student Respondent and the student Respondent will have an opportunity to challenge the decision immediately following the removal. See Policy 5610 – Emergency Removal, Suspension, and Expulsion of Students and Policy 5611 – Due Process Rights.

If the Respondent is a non-student employee, the Academy may place the Respondent on administrative leave during the pendency of the grievance process.

For all other Respondents, including other members of the Academy community and Third Parties, the Board retains broad discretion to prohibit such persons from entering onto its school grounds and other properties at any time and for any reason, whether after receiving a report of Sexual Harassment or otherwise.

### **Formal Complaint of Sexual Harassment**

A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information set forth above. If a Formal Complaint involves allegations of Sexual Harassment by or involving the Title IX Coordinator, the Complainant should submit the Formal Complaint to the Superintendent or Employee Leasing Company, who will designate another person to serve in place of the Title IX Coordinator for the limited purpose of implementing the grievance process with respect to that Formal Complaint.

When the Title IX Coordinator receives a Formal Complaint or signs a Formal Complaint, the Academy will follow its Grievance Process, as set forth herein. Specifically, the Academy will undertake an objective evaluation of all relevant evidence – including both inculpatory and exculpatory evidence – and provide that credibility determinations will not be based on a person's status as a Complainant, Respondent, or witness.

It is a violation of this policy for a Complainant(s), Respondent(s), and/or witness(es) to knowingly making false statements or knowingly submitting false information during the grievance process, including intentionally making a false report of Sexual Harassment or submitting a false Formal Complaint. The Board will not tolerate such conduct, which is a violation of the Student Code of Conduct and the Employee/Administrator Handbook.

The Respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

### **Timeline**

The Academy will seek to conclude the grievance process, including resolving any appeals, within sixty (60) days of receipt of the Formal Complaint.

If the Title IX Coordinator offers informal resolution processes, the informal resolution processes may not be used by the Complainant or Respondent to unduly delay the investigation and determination of responsibility. The timeline, however, may be subject to a temporary delay of the grievance process or a limited extension for good cause with written notice to the Complainant and the Respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; and the need for language assistance or accommodation of disabilities. The Title IX Coordinator will provide the parties with reasonable updates on the status of the grievance process.

Upon receipt of a Formal Complaint, the Title IX Coordinator will provide written notice of the following to the parties who are known:

- A. Notice of the Board's grievance process, including any informal resolution processes;
- B. Notice of the allegations of misconduct that potentially constitutes Sexual Harassment as defined in this policy, including sufficient details known at the time and with sufficient 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. The written notice must:
  1. include a statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the grievance process;
  2. inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence.
  3. inform the parties of any provision in the Student Code of Conduct, this policy, and/or Employee/Administrator Handbook that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If, during the course of the investigation, the investigator becomes aware of allegations about the Complainant or Respondent that are not included in the original notice provided to the parties, the investigator will notify the Title IX Coordinator and the Title IX Coordinator will decide whether the investigator should investigate the additional allegations; if the Title IX Coordinator decides to include the new allegations as part of the investigation, the Title IX Coordinator will provide notice of the additional allegations to the parties whose identities are known.

### **Dismissal of a Formal Complaint**

The Academy shall investigate the allegations in a Formal Complaint, *unless* the conduct alleged in the Formal Complaint:

- A. would not constitute Sexual Harassment (as defined in this policy) even if proved;
- B. did not occur in the Academy's education program or activity; or
- C. did not occur against a person in the United States.

If one of the preceding circumstances exist, the Title IX Coordinator *shall* dismiss the Formal Complaint. If the Title IX Coordinator dismisses the Formal Complaint due to one of the preceding reasons, the Academy may still investigate and take action with respect to such alleged misconduct pursuant to another provision of an applicable code of conduct, Board policy, and/or Employee/Administrator Handbook.

The Title IX Coordinator *may* dismiss a Formal Complaint, or any allegations therein, if at any time during the investigation:



- A. a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein;
- B. the Respondent is no longer enrolled in the Academy or employed by the Board; or
- C. specific circumstances prevent the Academy from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

If the Title IX Coordinator dismisses a Formal Complaint or allegations therein, the Title IX Coordinator must promptly send written notice of the dismissal and the reason(s) therefore simultaneously to the parties.

### **Consolidation of Formal Complaints**

The Title IX Coordinator may consolidate Formal Complaints as to allegations of Sexual Harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of Sexual Harassment arise out of the same facts or circumstances.

Where a grievance process involves more than one Complainant or more than one Respondent, references in this policy to the singular "party," "Complainant," or "Respondent" include the plural, as applicable.

### **Informal Resolution Process**

Under no circumstances shall a Complainant be required as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, to waive any right to an investigation and adjudication of a Formal Complaint of Sexual Harassment. Similarly, no party shall be required to participate in an informal resolution process.

If a Formal Complaint is filed, the Title IX Coordinator may offer to the parties an informal resolution process. If the parties mutually agree to participate in the informal resolution process, the Title IX Coordinator shall designate a trained individual to facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication. The informal resolution process may be used at any time prior to the decision-maker(s) reaching a determination regarding responsibility.

If the Title IX Coordinator is going to propose an informal resolution process, the Title IX Coordinator shall provide to the parties a written notice disclosing:

- A. the allegations;
- B. the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a Formal Complaint arising from the same allegations; and
- C. any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

Any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the Formal Complaint.

Before commencing the informal resolution process, the Title IX Coordinator shall obtain from the parties their voluntary, written consent to the informal resolution process.

During the pendency of the informal resolution process, the investigation and adjudication processes that would otherwise occur have stayed and all related deadlines are suspended.

The informal resolution process is not available to resolve allegations that an Employee Leasing Company employee sexually harassed a student.

### **Investigation of a Formal Complaint of Sexual Harassment**

In conducting the investigation of a Formal Complaint and throughout the grievance process, the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility is on the Academy, not the parties.

In making the determination of responsibility, the decision-maker(s) is(are) directed to use the preponderance of the evidence standard. The decision-maker(s) is charged with considering the totality of all available evidence, from all relevant sources.

The Academy is not permitted to access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the party provides the Academy with voluntary, written consent to do so; if a student party is not an Eligible Student, the Academy must obtain the voluntary, written consent of a parent.

Similarly, the investigator(s) and decision-maker(s) may not require, allow, rely upon or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege in writing.

As part of the investigation, the parties have the right to:

- A. present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence; and
- B. have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney. The Academy may not limit the choice or presence of an advisor for either the Complainant or Respondent in any meeting or grievance proceeding.

Neither party shall be restricted in their ability to discuss the allegations under investigation or to gather and present relevant evidence.

The Academy will provide to a party whose participation is invited or expected written notice of the date, time, location, participants, and purpose of all investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.

Both parties shall have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including the evidence upon which the Academy does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation.

Prior to completion of the investigative report, the investigator and/or Title IX Coordinator will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have at least ten (10) calendar days to submit a written response, which the investigator will consider prior to completion of the investigative report.

At the conclusion of the investigation, the investigator shall create an investigative report that fairly summarizes relevant evidence and send the report to each party and the party's advisor, if any, for their review and written response. The investigator will send the investigative report in an electronic format or a hard copy, at least ten (10) calendar days prior to the decision-maker(s) issuing a determination regarding responsibility.

### **Determination of Responsibility**

The Title IX Coordinator shall appoint a decision-maker(s) to issue a determination of responsibility. The decision-maker(s) cannot be the same person(s) as the Title IX Coordinator(s) or the investigator(s).

After the investigator sends the investigative report to the parties and the decision-maker(s), and before the decision-maker(s) reaches a determination regarding responsibility, the decision-maker(s) will afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. The decision-maker(s) must explain to the party proposing the questions any decision to exclude a question as not relevant.

Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent. The decision-maker(s) must explain to the party proposing the questions any decision to exclude a question as not relevant.

Determination regarding responsibility: The decision-maker(s) will issue a written determination regarding responsibility. To reach this determination, the decision-maker(s) must apply the preponderance of the evidence standard.

The written determination will include the following content:

- A. identification of the allegations potentially constituting Sexual Harassment pursuant to this policy;
- B. a description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, [and] methods used to gather other evidence;
- C. findings of fact supporting the determination;
- D. Conclusions regarding the application of the applicable code of conduct to the facts;
- E. a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the decision-maker(s) is recommending that the Academy impose on the Respondent(s), and whether remedies designed to restore or preserve equal access to the Academy's education program or activity should be provided by the Academy to the Complainant(s); and
- F. the procedures and permissible bases for the Complainant(s) and Respondent(s) to appeal.

The following disciplinary sanctions/consequences may be imposed on a student Respondent who is determined responsible for violating this policy (i.e., engaging in Sexual Harassment):

- A. Informal Discipline
- B. Formal Discipline
  - 1. suspension of bus riding/transportation privileges;
  - 2. removal from co-curricular and/or extra-curricular activity(ies), including athletics;
  - 3. emergency removal;
  - 4. suspension for up to ten (10) school days;
  - 5. long-term suspension or expulsion;
  - 6. any other sanction authorized by the Student Code of Conduct.

If the decision-maker(s) determines the student Respondent is responsible for violating this policy (i.e., engaging in Sexual Harassment), the decision-maker(s) will recommend appropriate remedies, including disciplinary sanctions/consequences. The Title IX Coordinator will notify the Superintendent or Employee Leasing Company of the recommended remedies, so an authorized administrator can consider the recommendation(s) and implement an appropriate remedy(ies) in compliance with Policy 5600 – Student Discipline, Policy 5605 – Suspension/Expulsion of Students with Disabilities, Policy 5610 – Emergency Removal, Suspension, and Expulsion of Students, Policy 5610.02 - In-School Discipline, and Policy 5611 – Due Process Rights. Discipline of a student Respondent must comply with the applicable provisions of the Individuals with Disabilities Education Improvement Act (IDEA) and/or Section 504 of the Rehabilitation Act of 1972, and their respective implementing regulations.

The following disciplinary sanctions/consequences may be imposed on an employee Respondent who is determined responsible for violating this policy (i.e., engaging in Sexual Harassment):

- A. written reprimands;
- B. required training or education;
- C. suspension with pay;
- D. suspension without pay;
- E. termination, and any other sanction authorized by any applicable Employee/Administrator Handbook.

If the decision-maker(s) determines the employee Respondent is responsible for violating this policy (i.e., engaging in Sexual Harassment), the decision-maker(s) will recommend appropriate remedies, including disciplinary sanctions/consequences. The Title IX Coordinator will notify the Superintendent or Employee Leasing Company of the recommended remedies, so an authorized administrator can consider the recommendation(s) and implement an appropriate remedy(ies) in compliance with applicable due process procedures, whether statutory or contractual.

Discipline of an employee will be implemented in accordance with Federal and State law, Board policy, and applicable provisions of any relevant collective bargaining agreement.

The following disciplinary sanctions/consequences may be imposed on a non-student/non-employee member of the Academy community or Third Party who is determined responsible for violating this policy (i.e., engaging in Sexual Harassment):

- A. suspension or termination/cancellation of the Board's contract with the third-party vendor or contractor;
- B. mandatory monitoring of the third-party while on academy property and/or while working/interacting with students;
- C. any combination of the same.

If the decision-maker(s) determines the third-party Respondent is responsible for violating this policy (i.e., engaging in Sexual Harassment), the decision-maker(s) will recommend appropriate remedies, including imposition of sanctions. The Title IX Coordinator will notify the Superintendent or Employee Leasing Company of the recommended remedies, so appropriate action can be taken.

The decision-maker(s) will provide the written determination to the Title IX Coordinator who will provide the written determination to the parties simultaneously.

In ultimately, imposing a disciplinary sanction/consequence, the Superintendent or Employee Leasing Company will consider the severity of the incident, previous disciplinary violations (if any), and any mitigating circumstances.

The Academy's resolution of a Formal Complaint ordinarily will not be impacted by the fact that criminal charges involving the same incident have been filed or that charges have been dismissed or reduced.

At any point in the grievance process, the Superintendent or Employee Leasing Company may involve local law enforcement and/or file criminal charges related to allegations of Sexual Harassment that involve a sexual assault.

The Title IX Coordinator is responsible for effective implementation of any remedies.

### **Appeal**

Both parties have the right to file an appeal from a determination regarding responsibility, or from the Title IX Coordinator's dismissal of a Formal Complaint or any allegations therein, on the following bases:

- A. Procedural irregularity that affected the outcome of the matter (e.g., material deviation from established procedures);
- B. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- C. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant(s) or Respondent(s) that affected the outcome of the matter.

The Complainant(s) may not challenge the ultimate disciplinary sanction/consequence that is imposed.

Any party wishing to appeal the decision-maker(s)'s determination of responsibility, or the Title IX Coordinator's dismissal of a Formal Complaint or any allegations therein, must submit a written appeal to the Title IX Coordinator within five (5) days after receipt of the decision-maker(s)'s determination of responsibility or the Title IX Coordinator's dismissal of a Formal Complaint or any allegations therein.

Nothing herein shall prevent the Superintendent or Employee Leasing Company from implementing appropriate remedies, however, excluding disciplinary sanction, while the appeal is pending.

As to all appeals, the Title IX Coordinator will notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties.

The decision-maker(s) for the appeal shall not be the same person(s) as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator(s). The decision-maker(s) for the appeal shall not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant(s) or Respondent(s) and shall receive the same training as required of other decision-makers.

Both parties shall have a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome. The decision-maker(s) for the appeal shall determine when each party's written statement is due.

The decision-maker(s) for the appeal shall issue a written decision describing the result of the appeal and the rationale for the result. The original decision-maker(s)' determination of responsibility will stand if the appeal request is not filed in a timely manner or the appealing party fails to show clear error and/or a compelling rationale for overturning or modifying the original determination. The written decision will be provided to the Title IX Coordinator who will provide it simultaneously to both parties. The written decision will be issued within five (5) days of when the parties' written statements were submitted.

The determination of responsibility associated with a Formal Complaint, including any recommendations for remedies/disciplinary sanctions, becomes final when the time for filing an appeal has passed or, if an appeal is filed, at the point when the decision-maker(s) for the appeal's decision is delivered to the Complainant and the Respondent. No further review beyond the appeal is permitted.

## **Retaliation**

Neither the Board nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, its implementing regulations, or this policy, or because the individual made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or Sexual Harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or Formal Complaint of Sexual Harassment, for the purpose of interfering with any right or privilege secured by Title IX, its implementing regulations, or this policy, constitutes retaliation. Retaliation against a person for making a report of Sexual Harassment, filing a Formal Complaint, or participating in an investigation, is a serious violation of this policy that can result in imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Complaints alleging retaliation may be filed according to the grievance process set forth above.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy shall not constitute retaliation, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

## **Confidentiality**

The Academy will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a Formal Complaint of Sexual Harassment, any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder (i.e., the Academy's obligation to maintain confidentiality shall not impair or otherwise affect the Complainant's and Respondent's receipt of the information to which they are entitled related to the investigative record and determination of responsibility).

## **Application of the First Amendment**

The Board will construe and apply this policy consistent with the First Amendment to the U.S. Constitution. In no case will a Respondent be found to have committed Sexual Harassment based on expressive conduct that is protected by the First Amendment.

## **Training**

The Academy's Title IX Coordinator, along with any investigator(s), decision-maker(s), or person(s) designated to facilitate an informal resolution process, must receive training on:

- A. the definition of Sexual Harassment (as that term is used in this policy);
- B. the scope of the Academy's education program or activity;
- C. how to conduct an investigation and implement the grievance process, appeals and informal resolution processes, as applicable; and
- D. how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interests, and bias.

All Employee Leasing Company employees will be trained concerning their legal obligation to report Sexual Harassment to the Title IX Coordinator. This training will include practical information about how to identify and report Sexual Harassment.

### **Recordkeeping**

As part of its response to alleged violations of this policy, the Academy shall create, and maintain for a period of seven (7) calendar years, records of any actions, including any supportive measures, taken in response to a report or Formal Complaint of Sexual Harassment. In each instance, the Academy shall document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the Academy's education program or activity. If the Academy does not provide a Complainant with supportive measures, then the Academy will document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the Academy in the future from providing additional explanations or detailing additional measures taken.

The Academy shall maintain for a period of seven (7) calendar years the following records:

- A. each Sexual Harassment investigation including any determination regarding responsibility, any disciplinary sanctions recommended and/or imposed on the Respondent(s), and any remedies provided to the Complainant(s) designed to restore or preserve equal access to the Academy's education program or activity
- B. any appeal and the result therefrom
- C. any informal resolution and the result therefrom, and
- D. all materials used to train Title IX Coordinators, investigators, decisionmakers, and any person who facilitates an informal resolution process.

The Academy will make its training materials publicly available on its website.

### **Outside Appointments, Dual Appointments, and Delegations**

The Board retains discretion to appoint suitably qualified persons who are not Employee Leasing Company employees to fulfill any function of the Board under this policy, including, but not limited to, Title IX Coordinator, investigator, decision-maker, decision-maker for appeals, facilitator of informal resolution processes, and advisor.

The Board also retains discretion to appoint two or more persons to jointly fulfill the role of Title IX Coordinator, investigator, decision-maker, decision-maker for appeals, facilitator of informal resolution processes, and advisor.

The Superintendent or Employee Leasing Company may delegate functions assigned to a specific Board employee under this policy, including but not limited to the functions assigned to the Title IX Coordinator, investigator, decision-maker, decision-maker for appeals, facilitator of informal resolution processes, and advisor, to any suitably qualified individual and such delegation may be rescinded by the Superintendent and/or Employee Leasing Company at any time.

### **Discretion in Application**

The Board retains discretion to interpret and apply this policy in a manner that is not clearly unreasonable, even if the Board's interpretation or application differs from the interpretation of any specific Complainant and/or Respondent.

Despite the Board's reasonable efforts to anticipate all eventualities in drafting this policy, it is possible unanticipated or extraordinary circumstances may not be specifically or reasonably addressed by the express policy language, in which case the Board retains discretion to respond to the unanticipated or extraordinary circumstance in a way that is not clearly unreasonable.

The provisions of this policy are not contractual in nature, whether in their own right, or as part of any other express or implied contract. Accordingly, the Board retains discretion to revise this policy at any time, and for any reason. The Board may apply policy revisions to an active case provided that doing so is not clearly unreasonable.

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Revised Dates: ; **07.21**

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## **RELIGION IN THE CURRICULUM**

Reference: U.S. Constitutional Amendment 1

The Board of Directors believes that an understanding of religions and their effects on civilization is essential to the thorough education of young people and to their appreciation of a pluralistic society. To that end, curriculum may be developed to include instruction about the religions of the world, as appropriate to the various ages and attainment of the students.

The Board acknowledges the degree to which a religious consciousness has permeated the arts, literature, music, and issues of morality. The instructional and resource materials approved for use in the School frequently contain religious references or concern moral issues traditionally the focus of religious concern. That such materials may be religious in nature shall not, by itself, bar their use by the School. The Board directs that such materials be neutral in their approach and avoid using them to advance or inhibit religion in any way.

The Board recognizes that religious traditions vary in their perceptions and doctrines regarding the natural world and its processes. The curriculum is chosen for its place in the education of the School's students, not for its conformity to religious principles. Students should receive unbiased instruction in the School, so they may privately accept or reject the knowledge thus gained, in accordance with their own religious tenets.

Accordingly, no student shall be exempted from attendance in a required course of study on the grounds that the instruction therein interferes with the free exercise of his/her religion.

The Superintendent shall prepare Administrative Guidelines which ensure that students are not influenced to accept a particular religious belief or point of view.

Adopted 1/11/10  
Revised 9/9/19

## **HOMEWORK**

The Board of Directors acknowledges the educational validity of assignments outside the classroom as adjuncts to and extensions of the instructional program of the School.

"Homework" shall refer to those assignments to be prepared outside of the classroom by the student.

The Superintendent shall develop Administrative Guidelines for the assignment of homework to meet the following criteria:

- A. Homework should be a properly planned part of the curriculum to extend and reinforce the learning experiences of the School.
- B. Homework should help students learn by providing practice in the mastery of skills, experience in data gathering, integration of knowledge, and opportunity to remediate learning problems.
- C. Homework should help develop the student's sense of responsibility by providing an opportunity for the exercise of independent work and judgment.
- D. The number, frequency, and degree of difficulty of homework assignments should be based on the ability and needs of the student and should take into account other activities, which make a legitimate claim on the student's time.
- E. As a valid educational tool, homework should be assigned with clear direction and its product carefully evaluated.
- F. The School should recognize the role of parents by suggesting ways in which parents can assist the School in helping a student carry out assigned responsibilities.
- G. Homework should always serve a valid learning purpose; it should never be used as a punitive measure.

Adopted 1/11/10  
Revised 9/9/19

## FIELD AND OTHER SCHOOL-SPONSORED TRIPS

Reference: MCL 380.502, 380.503

The Board of Directors recognizes that field trips, when used for teaching and learning integral to the curriculum, are an educationally sound and important ingredient in the instructional program of the School. Properly planned and executed field trips should accomplish the following:

- A. supplement and enrich classroom procedures by providing learning experiences in an environment outside the classroom;
- B. help students relate classroom experiences to the reality of the world outside of school;
- C. bring the resources of the community - natural, artistic, industrial, commercial, governmental, and educational - within the student's learning experience;

For purposes of this policy, a field trip shall be defined as any planned journey by one or more students away from the School premises that is under the supervision of a staff member and is an integral part of a course of study. Other School-sponsored trips shall be defined as any planned, student travel activity that is approved as part of the School's total educational program.

The Board shall approve all proposed field trips for overnight, out-of-State, or international trips.

All other trips must be approved by the Superintendent.

Students may be charged fees for School-sponsored trips. Nonparticipation shall not be penalized academically.

Students on all School-sponsored trips remain under the supervision of this Board and are subject to the School's Administrative Guidelines.

The Board does not endorse, support, or assume liability in any way for any staff member, volunteer, or parent of the School who takes students on trips not approved by the Board or the Superintendent. No staff member may solicit students of this School for such trips within the facilities or on the School grounds of the School without permission from the Superintendent. Permission to solicit neither grants nor implies approval of the trip. Such approval must be obtained in accordance with the School's Administrative Guidelines for Extended Trips.

The Superintendent shall prepare Administrative Guidelines for the operation of both field and other School-sponsored trips, including athletic trips, which shall ensure the following:

- A. the safety and well-being of students is secure;
- B. parental permission is sought and obtained before any student leaves the School on a trip;
- C. each trip is properly planned and, if a field trip, is integrated with the curriculum, evaluated, and followed up by appropriate activities to enhance its usefulness;

- D. the effectiveness of field trip activities is judged in terms of demonstrated learning outcomes;
- E. each trip is properly monitored;
- F. student behavior while on all field trips complies with the Student Code of Conduct and on all other trips complies with an approved code of conduct for the trip;
- G. a copy of each student's Emergency Medical Authorization Form is in the possession of the staff member in charge.

A professional staff member shall not change a planned itinerary nor add students or chaperons while the trip is in progress, except where the health, safety, or welfare of the students in his/her charge is imperiled.

In any instance in which the itinerary of a trip is altered, the professional staff member in charge shall notify the administrative superior immediately.

Adopted 1/11/10  
Revised 9/9/19

## **EDUCATIONAL OPTIONS**

Reference: MCL 388.1621(b)

The Board of Education recognizes the need to provide alternative means by which students achieve the goals of the District.

An optional plan to meet the recognized educational needs of a student shall be approved by the Superintendent. The Superintendent shall prepare a plan of educational options for use in meeting special needs.

Such options may include, but not be limited to, tutorial programs, independent study, correspondence courses, educational travel, mentorship programs, summer school, early college entrance, etc.

Credit may be granted to the student upon complete evaluation of the program.

The credit shall be placed on the student's transcript. The amount of credit counting toward graduation shall comply with the District graduation requirements.

The Superintendent shall establish administrative guidelines whereby each educational option is properly analyzed, planned, and implemented and complies with all applicable requirements of the State.

Adopted 1/11/10  
Revised 9/9/19

## ON-LINE/BLENDED LEARNING PROGRAM

Reference: M.C.L. 388.1621  
Michigan Department of Education Guidance on Best Practices as Defined in M.C.L.  
388.1622f

The School shall provide eligible students the option of participating in on-line or blended learning courses. The purpose of the program is to make instruction available to eligible students using on-line and distance education technology in both traditional and nontraditional classroom settings. The School must make all eligible students and their parents or guardians aware of this program.

### A. Definitions

1. On-Line Learning- Means a course of study that is capable of generating a credit or a grade, that is provided in an interactive internet-connected learning environment, in which students and their teachers are separated by time or location, or both, and in which the teacher is responsible for determining appropriate instructional methods for each student, diagnosing learning needs, assessing student learning, prescribing intervention strategies, reporting outcomes, and evaluating the effects of instruction and support strategies.
2. Blended Learning- A hybrid instructional delivery model where students are provided content, instruction, and assessment in part at the classroom, with a teacher, and in part through internet-connected learning environments with some degree of student control over time, location, and pace of instruction.

### B. Program Eligibility

The School shall offer a program for students in grades pre-K-8<sup>th</sup>.

### C. Student Eligibility

1. Students eligible for the School on-line/blended learning program must meet at least one of the following conditions:
  - a. The student has spent the prior school year in attendance at a public school in this State and was enrolled and reported by a public school district.
  - b. The student is a dependent child of a member of the United States Armed Forces who was transferred within the last twelve (12) months to Michigan from another state or foreign country pursuant to the parent's permanent change of station orders.
2. Only students enrolled in grades 6 to 12 are eligible to enroll in an On-Line Learning course. Students in grades K-5 are only eligible to participate in Blended Learning Courses.

D. Course Availability and Access

1. The School shall provide access to enroll and participate in the available courses and shall award credit, as may be appropriate, for successful completion. Access shall be available to eligible students during or after the school day and during summer school enrollment. The School will provide at least one of the following:
  - a. On-Line Learning, pursuant to the requirements set forth in Pupil Accounting Manual 5-O-D.
  - b. Virtual Learning, pursuant to the requirements set forth in Pupil Accounting Manual 5-O-A.
  - c. Independent Study, pursuant to the requirements set forth in Pupil Accounting Manual 5-O-A.
2. The School shall enroll an eligible student in up to two (2) on-line courses as requested by the student during an academic term, semester, or trimester. Consent from the student's parent or legal guardian must be obtained for students under the age of eighteen (18).
3. The School will provide two or fewer courses per semester in Grades K-5 and one or more courses per semester in Grades 6-12. If students are taking more than two courses per semester, the guidance found in the Pupil Accounting Manual 5-O-B shall be followed and seat time waivers obtained.
4. An eligible student may enroll in an on-line course published in the School on-line course syllabus, as described in section 8 below, or the statewide catalog of on-line courses maintained by the Michigan virtual university.
5. The School may deny a student enrollment in an on-line course if any of the following apply, as determined by the School:
  - a. The student has previously gained the credits provided from the completion of the on-line course.
  - b. The on-line course is not capable of generating academic credit.
  - c. The on-line course is inconsistent with the remaining graduation requirements or career interests of the student.
  - d. The student does not possess the prerequisite knowledge and skills to be successful in the on-line course or has demonstrated failure in previous on-line coursework in the same subject.
  - e. The on-line course is of insufficient quality or rigor. If the School denies a student enrollment for this reason, the School shall make a reasonable effort to assist the student to find an alternative course in the same or a similar subject that is of acceptable rigor and quality.

- f. If a student is denied enrollment in an on-line course by the School, the student may appeal the denial by submitting a letter to the Superintendent. The appeal must include the reason provided by the School for not enrolling the student and the reason why the student is claiming that the enrollment should be approved.

The Superintendent shall respond to the appeal within five (5) days after it is received. If the School Leader determines that the denial of enrollment does not meet one (1) or more of the reasons specified in subsection 4(E)i.-vi., the School shall allow the student to enroll in the on-line course.

- g. An on-line learning student shall have the same rights and access to technology in his or her School's facilities as all other students enrolled in that School.
- h. If a student successfully completes an on-line course, as determined by the School, the School shall grant appropriate academic credit for completion of the course and shall count that credit toward completion of graduation and subject area requirements. A student's school record and transcript shall identify the on-line course title as it appears in the on-line course syllabus.
- i. The enrollment of a student in one (1) or more on-line courses shall not result in a student being counted as more than 1.0 full-time equivalent students under this act.

#### E. Nonresident Applications

1. The School shall determine whether or not it has capacity to accept applications for enrollment from nonresident applications in on-line courses and may use that limit as the reason for refusal to enroll an applicant.
2. If the number of nonresident applicants eligible for acceptance in an on-line course does not exceed the capacity of the School to provide the on-line course, the School shall accept for enrollment all of the nonresident applicants eligible for acceptance.
3. If the number of nonresident applicants exceeds the School's capacity to provide the on-line course, the School shall use a random draw system.

#### F. Requirements Specific to On-Line Learning Courses

To offer an on-line course, the School must:

1. Provide the Michigan virtual university with the course syllabus in a form and method prescribed by the Michigan virtual university for inclusion in a statewide on-line course catalog.
2. Provide on its publicly accessible website a link to the course syllabi for all of the on-line courses offered by the School, as described in section 8, and a link



to the statewide catalog of on-line courses maintained by the Michigan virtual university.

3. Offer the on-line course on an open entry and exit method, or aligned to a semester, trimester, or accelerated academic term format.

G. On-Line Course Syllabus

The School must publish an on-line course syllabus for each on-line course offered. The on-line course syllabus must include:

1. State academic standards addressed in an on-line course.
2. On-line course content outline.
3. On-line course required assessments.
4. On-line course pre-requisites.
5. Expectations for actual teacher contact time with the on-line learning student and other student-to-teacher communications.
6. Academic support available to the on-line learning student.
7. On-line course learning outcomes and objectives.
8. Name of the institution or organization providing the on-line instructor.
9. Number of eligible nonresident students that will be accepted by the School in the on-line course.
10. Results of the on-line course quality review using the guidelines and model review process published by the Michigan virtual university.

Adopted 8/18/14  
Revised 1/12/15; 9/9/19

## **PROHIBITION OF REFERRAL OR ASSISTANCE**

Reference: M.C.L. 388.1766

In accordance with Michigan statute, any school official, member of the Board of Directors, or employee of the Board who is not the parent or the legal guardian of the student involved is prohibited from referring a student for an abortion or assisting a student in obtaining an abortion. Any school official, member of the Board, or employee of the Board who violates this policy is subject to disciplinary action.

Any alleged violation of this policy shall be reported to the Superintendent, who shall follow the procedures set out in Policy 1439, Policy 3139, or the current negotiated bargaining agreement, whichever is applicable, to investigate the allegation. If the allegation relates to an academy official, member of the Board, or employee of the Board to whom Policy 1439, Policy 3139 or a current negotiated bargaining agreement does not apply, the Superintendent shall conduct an investigation, as appropriate to the situation, including providing the person with reasonable notice and the opportunity to respond. All disciplinary measures available under Board Policy 1439 or Policy 3139 may be utilized, as appropriate, if the Superintendent determines that a violation of this policy occurred.

Adopted 1/8/18  
Revised 9/9/19; 2/10/20

## HOMEBOUND INSTRUCTION PROGRAM

Reference: MCL 388.1606, 388.1709  
Pupil Accounting Manual 2019-2020, Michigan Department of Education

Pursuant to requirements of the Michigan Department of Education, the School shall provide individual instruction to students of legal school age who are not able to attend classes because of a physical or emotional disability and/or shall arrange through the Wayne Intermediate School District to provide such instruction.

Applications for individual instruction shall be made by a parent, a student, other care giver, or a physician or physician's assistant (licensed to practice in Michigan). The physician or physician's assistant must do the following:

- A. certify the nature and existence of a medical condition;
- B. state the probable duration of the confinement;
- C. present evidence of the student's ability to participate in an educational program.

Applications must be approved by the Superintendent.

The School will provide homebound instruction only for those confinements expected to last at least ten (10) days.

The School shall recommend that the instruction begin within five (5) days from the date of notification for non-special education students. In the case of students under an Individualized Education Plan (I.E.P.), the instruction shall begin within fifteen (15) days after notification in order to arrange for a meeting of an I.E.P., if necessary.

The program of homebound or hospitalized instruction given a student shall be in accordance with regulations of the Michigan State Department of Education with such exceptions as may be recommended by the physician. Teachers of homebound special education students shall hold a Michigan teaching certificate appropriate for the level of instruction for which the assignment is made or for the type of instruction called for by the I.E.P. Teachers of non-disabled students must hold a valid teaching certificate.

The School reserves the right to withhold recommendation for homebound instruction under the following condition(s):

- A. when the teacher's presence in the place of a student's confinement presents a hazard to the health of the teacher;
- B. when a parent or other adult in authority is not at home with the student during the hours of instruction;
- C. when the condition of the student prevents the student from benefiting from the instruction.

The Superintendent shall develop Administrative Guidelines for implementing this policy.

Adopted 1/11/10  
Revised 9/9/19; 5/26/20

## HEALTH EDUCATION PROGRAM

Reference: MCL. 388.381 et seq., 380.1170, 380.1506/1507  
AC Rule 388.271 et seq.

The Board of Directors, consistent with Michigan law, has adopted a comprehensive program of health education, known as the Michigan Model for Comprehensive School Health Education to prepare students to maintain good health and enable them to adapt to changing health problems in our society.

The Board recognizes this program, like others the School offers, may contain content and/or activities that some parents might find objectionable. The School shall notify the parents, in advance of the instruction, about the content of the instruction and shall give parents an opportunity to review the materials to be used.

The Superintendent shall prepare Administrative Guidelines that will ensure the following:

- A. appropriate learning experiences related to such topics as use, abuse, and effects of drugs, alcohol, and tobacco; mental, physical, and dental health; disease prevention and control; accident prevention; and related health and safety topics;
- B. periodic evaluation of student understanding;
- C. continuous analysis of the effectiveness of the programs and the accuracy, completeness, and relevancy of the information and instructional procedures.

In implementing these programs, the Superintendent may use whatever School and outside resources he/she deems appropriate, including Department of Education and Intermediate School District guidelines and consultants.

Adopted 1/11/10  
Revised 9/9/19

## **REPRODUCTIVE HEALTH AND FAMILY PLANNING**

Reference: MCL 380.1169, 380.1507, 388.1766  
AC Rule 388.273 et seq.

The Board of Directors directs that instruction be provided on the principal modes by which dangerous communicable diseases, including HIV and AIDS, are spread and the best methods for the restriction and prevention of these diseases. The instruction shall stress that abstinence from sex is the only protection that is 100% effective against unplanned pregnancy and sexually transmitted diseases, including HIV and AIDS, and that abstinence is a positive lifestyle for unmarried young people.

No person shall dispense or otherwise distribute in a School or on School property a family planning drug or device. Additionally, any school official, member of the Board, or employee of the Board who is not the parent or the legal guardian of the student involved is prohibited from referring a student for an abortion or assisting a student in obtaining an abortion.

Each person who teaches K to 12 students about human immunodeficiency virus infection and acquired immunodeficiency syndrome shall have training in human immunodeficiency virus infection and acquired immunodeficiency syndrome education for young people. Licensed health care professionals who have received training on human immunodeficiency virus infection and acquired immunodeficiency syndrome are exempt from this requirement.

The School shall notify parents, in advance of the instruction, about the content of the instruction, give the parents an opportunity, prior to instruction, to review the materials to be used (other than tests), and observe the instruction. The School shall further advise the parents of their right to have their child excused from the instruction.

Before any revisions to the curriculum on the subjects taught pursuant to M.C.L. 380.1169 are implemented, the Board shall hold at least two (2) public hearings on the proposed revisions. The hearings shall be held at least one (1) week apart and public notice of the hearings shall be given in the manner required for board meetings. A public hearing held pursuant to this section may be held in conjunction with a public hearing held pursuant to M.C.L. 380.1507.

Adopted 1/11/10  
Revised 1/8/18; 6/24/19; 9/9/19; 2/10/20

## STUDENT PRIVACY AND PARENTAL ACCESS TO INFORMATION

Reference: Family Educational Rights and Privacy Act ("FERPA"), 20 USC §§ 1232g, 1232h; 34 CFR §§ 99.7, 99.31

The Board of Directors respects the privacy rights of parents and their children. Without prior written consent of the student, (if an adult or an emancipated minor) or his/her parents (if an un-emancipated minor), no student shall be required, as a part of the School program or the School's curriculum, to submit to or participate in any survey, analysis, or evaluation that reveals information concerning the following:

- A. political affiliations or beliefs of the student or his/her parents;
- B. mental or psychological problems of the student or his/her family;
- C. sexual behavior or attitudes;
- D. illegal, anti-social, self-incriminating, or demeaning behavior;
- E. critical appraisals of other individuals with whom respondents have close family relationships;
- F. legally recognized privileged and analogous relationships, such as those with lawyers, physicians, and ministers;
- G. religious practices, affiliations, or beliefs of the student or his/her parents; or
- H. income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such a program).

The Superintendent shall ensure that procedures are established whereby parents may inspect any materials used in conjunction with any such survey, analysis, or evaluation.

Upon request, parents shall have the right to inspect a survey or evaluation created by a third party before the survey/evaluation is administered or distributed by the School to the student. The parent shall have access to the survey/evaluation within a reasonable period of time after the request is received by the Superintendent.

NOTE: The following arrangements to protect privacy or equivalent must be inserted.

To ensure the right of parents, the Board directs the Superintendent to perform the following:

- A. Provide timely, written notification to parents about any surveys, analyses, or evaluations that may reveal any of the information identified in A-H above. Such notification shall inform parents about their right to inspect the survey, analysis, or evaluation prior to the initiation of the activity with students.
- B. Allow the parent the option of excluding their student from the activity.
- C. Report collected data in a summary that does not permit one to make a connection between the data and individual students or small groups of students.

- D. Treat information as identified in A-H above as confidential information in accordance with Policy 8350.

Upon written request, parents have the right to inspect any instructional material used as part of the educational curriculum of the student. Parents will have access to the instructional material within a reasonable period of time after the written request is received by the building Superintendent. The term *instructional material* means any learning materials provided to a student, regardless of its format, including printed and representational materials, audio-visual materials, and materials in electronic or digital formats (such as materials accessible through the Internet). The term does not include academic tests or assessments.

The Board will not allow the collection, disclosure, or use of personal information collected from students for the purpose of marketing or selling that information (or otherwise providing that information to others for that purpose).

The Superintendent shall provide notice directly to parents of students enrolled in the School of the substantive content of this policy, at least annually at the beginning of the school year and within a reasonable period of time after any substantive change in this policy. In addition, the Superintendent shall notify parents of students in the School, at least annually at the beginning of the school year, of the specific or approximate dates during the school year when the following activities are scheduled or expected to be scheduled:

- A. activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose); and
- B. activities involving the administration of any survey by a third party that contains one or more of the items described in A through H above.

For purposes of this policy, the term *parent* includes a legal guardian or other person standing in *loco parentis* (such as a grandparent or stepparent, with whom the child lives, or other person legally responsible for the welfare of the child).

Adopted 1/11/10  
Revised 9/9/19

## **SCHOOL-SPONSORED CLUBS AND ACTIVITIES**

Reference: MCL 380.1282, 380.1316  
P.L. 98-377

The Board of Directors believes the goals and objectives of this School are best achieved by a diversity of learning experiences, especially those directly related to the curriculum, conducted either inside or outside of the classroom.

Activities directly related to the curriculum shall enable students to explore a wider range of individual interests than may be available in the School's courses of study, but are still directly related to accomplishing the educational outcomes for students as adopted by the Board in Policy 2131.

For purposes of this policy, such curricular-related activities are defined as those activities in which the following occur:

- A. the subject matter is actually taught or will be offered;
- B. the subject matter directly concerns the School's composite curriculum;
- C. student participation is required;
- D. participation results in a grade.

No such curricular-related activity shall be considered to be under the sponsorship of this Board unless it meets the criteria stated above and has been approved by the Superintendent.

Curricular-related activities, (as well as extra-curricular activities not directly related to the curriculum) may be conducted on or off School premises by clubs, associations, and organizations of students sponsored by the Board and directed by a staff advisor.

The Board expressly declines to create a limited, open forum for clubs and activities, initiated by students that cannot meet one of the four criteria stated above.

Non-curricular student activities initiated by parents or other members of the community may be allowed under the provisions of Policy 7510 - Use of School Facilities. The Board, however, will not do the following:

- A. assume any responsibility for planning, conducting, or evaluating such activities;
- B. provide any funds or other resources;
- C. allow any member of the School's staff to assist in the planning, conducting, or evaluating such activities during the hours he/she is functioning as a member of the staff.

A non-School-sponsored organization may not use the name of the School or any other name which would associate the activity with the School.



Students shall be fully informed of the curricular-related activities available to them and the eligibility standards established for participation in these activities. School-sponsored activities shall be available to all students who elect to participate and meet eligibility standards. Whenever a student becomes a member of a School-established student group or national organization (e.g., the National Honor Society), in order to remain a member, he/she must continue to meet all of the eligibility criteria and abide by the principles and practices established by the group or organization.

The Superintendent shall prepare Administrative Guidelines for curricular-related clubs and activities. Such guidelines should ensure the needs and interests of the students are properly assessed and procedures are established for continuing evaluation of each club and activity.

Adopted 1/11/10  
Revised 9/9/19

## INTERSCHOLASTIC ATHLETICS

Reference: MCL 380.1289, 380.1318, Good Sportsmanship Campaign, Michigan High School Athletic Association

The Board of Directors recognizes the value to the School and to the community of a program of interscholastic athletics for as many students as feasible.

The program of interscholastic athletics should provide students the opportunity to exercise and test their athletic abilities in a context greater and more varied than that which can be offered by or the School alone.

The program should foster the growth of school loyalty with the student body as a whole and stimulate community interest in athletics.

Game activities and practice sessions should provide many opportunities to teach the values of competition and good sportsmanship.

The Board believes that it is the purpose of an interscholastic program to provide the benefits of an athletic experience to as large a number of students as feasible within the School.

Since the primary purpose of the athletic program is to enhance the education of participating students as indicated in this policy, the Board places top priority on maximum student participation and the values of good sportsmanship, team play, and fair competition, rather than on winning, particularly at sub-varsity levels. The Superintendent is to develop guidelines for coaches to follow which will ensure that as many team members as possible get the chance to play, so they have the opportunity to benefit from the learning experience.

Use of a performance-enhancing substance by a student is a violation that will affect a pupil's athletic eligibility and extra curricular participation, as determined by the Board.

A list of performance-enhancing substances developed by the Department of Community Health can be found AG 2431D. This list will be distributed to parents.

The Superintendent shall develop appropriate administrative guidelines for the operation of the Athletic Program and a Code of Conduct for those who participate. Such guidelines should provide for the following safeguards:

Prior to enrolling in the sport:

- A. Each participant shall submit to a thorough physical examination by a licensed physician.
- B. Parents shall report any past or current health problems along with a physician's statement that any such problems have or are being treated and pose no threat to the student's participation.
- C. Any student who is found to have a health condition which may be life-threatening to self or others shall not be allowed to participate until the situation has been analyzed by a medical review panel that has determined the conditions under which the student may participate.

- D. Any student who incurs an injury requiring a physician's care is to have written approval by a physician prior to the student's return to participation.

A female student shall be permitted to compete for a position in all interscholastic athletic activities. If the School has a girl's team in an interscholastic athletic activity, a female shall be permitted to complete for a position on any other team for that activity.

#### Drug-Testing of Athletes

The Superintendent shall develop administrative guidelines which provide for a drug-testing procedure that will produce consistently-reliable test results and protects the student's rights to privacy. A list of performance-enhancing substances developed by the State Department of Community Health shall be included in AG 2431. This list will be distributed to parents and local physicians who might provide such a test.

Any athlete who tests positive for any drug other than a prescribed medication shall be disciplined in accordance with due process and the Discipline Code adopted by the Board.

In support of the Michigan High School Athletic Association's program to strengthen sportsmanship, ethics, and integrity, the Board commits itself to:

- A. adopt policies (upon recommendation of the administration) which reflect the School's educational objectives and promote, the ideals of good sportsmanship, ethics, and integrity;
- B. establish standards for athletic participation which reinforce the concept that athletic activities are a privilege, not a right;
- C. attend and enjoy school athletic activities, serving as a positive role model and expecting the same from parents, fans, participants, coaches, and other school personnel;
- D. recognize the value of school athletic activities as a vital part of education.

In order to minimize health and safety risks to student-athletes and maintain ethical standards, school personnel, coaches, athletic trainers, and lay coaches should never dispense, supply, recommend, or permit the use of any drug, medication, or food supplement solely for performance-enhancing purposes.

Adopted 1/11/10  
Revised 9/9/19

## **OPERATION OF A CHILD CARE CENTER OR BEFORE-OR AFTER-SCHOOL PROGRAM**

Reference: MCL 380.1285a; R 400.5102; R 400.5104a; R 400.5107; R 400.5111b; R 400.5114

If a child care center or before/after-school program is operated by the School, the Board, in consultation with the director of the program and/or the Superintendent, shall develop, adopt, and annually review policies concerning the program that, at a minimum, address safety procedures for the program, including first aid, food safety, discipline, dispensing and storage of medication, and access to student emergency information and telephones.

If the School operates a child care center, it shall develop and implement the following written policies:

- a screening policy for all staff and volunteers, including parents, who have contact with children;
- a policy regarding supervision of volunteers, including volunteers who are parents of a child in care;
- an age-appropriate policy regarding the discipline of children, which shall be provided to staff and parents;
- a health care plan that includes health-related resources and health practices and policies including procedures for child and staff hand washing; handling children's bodily fluids; cleaning and sanitizing all equipment, toys and other surfaces; and controlling infection, including universal precautions; and
- a fee policy

Adopted 1/11/10  
Revised 9/9/19

## **EDUCATION OF CHILDREN WITH DISABILITIES**

Reference: 20 USC §§ 1412, 1413, 1418, 1464; 34 CFR §§ 300.156, 300.201, 300.209, 300.220, 300.224, 300.626, 300.646

The School shall assume primary responsibility for the administration and delivery of special education programs and services to students with disabilities. The School is committed to the provision of a continuum of special education programs and services to disabled students in cooperation with the Wayne Intermediate School District. Placement options shall follow a continuum of services model to ensure that each disabled person is provided a free and appropriate public education in the least restrictive environment. To that end, every attempt will be made to first serve disabled students in the context of a regular education classroom. Other more restrictive environments, such as resource rooms, self-contained categorical classrooms, or settings outside the School will be considered only after consideration has been given by the individual educational plan as to the feasibility of placement in the regular classroom.

The School administration shall adopt guidelines that are consistent with State laws and regulations to coordinate services for children with disabilities.

The School shall take measurable steps to recruit, hire, train, and retain highly qualified personnel to provide special education and related services to children with disabilities.

Adopted 1/11/10  
Revised 9/9/19

## **RECORDING OF SCHOOL MEETINGS INVOLVING STUDENTS AND/OR PARENTS**

### Recording of IEP Team and 504 Team Meetings

The recording of IEP Team meetings and 504 Team meetings is prohibited unless it is necessary in order for a parent to understand the IEP process or 504 process and/or his/her child's IEP or 504 Plan, or otherwise necessary to implement other parental rights under the IDEIA, Section 504 of the Rehabilitation Act of 1973, as amended, and/or the Americans with Disabilities Act, as amended.

- A. If a parent believes that audio recording an IEP Team or 504 Team meeting is necessary, s/he should notify Director of Special Education in writing, preferably at least two (2) school days before the IEP Team or 504 Team meeting, of his/her desire to audio record the meeting and the reason the recording is required. The Director of Special Education will notify the parent at least one (1) school day before the meeting if s/he intends to deny the parent's request to record the meeting.
- B. If the School representative denies the request, s/he will state in writing the reasons for the denial. Authorized exceptions to the general prohibition against the audio recording of IEP Team meetings and 504 Team meetings will typically involve situations when a parent or other IEP Team or 504 Team member has a disability recognized under Section 504/ADA or a language barrier that would preclude the individual's ability to understand and/or meaningfully participate in the IEP process or 504 process. The School representative may ask for documentation of the existence of any such disability or language barrier. If a parent is permitted to audio record the meeting, s/he must use his/her own recording device and the School will similarly record the meeting.

### Recording of Other School Meetings Involving Students and/or Parents (e.g., Parent-Teacher Conferences)

Parents are permitted to audio record meetings with the School provided they notify the School prior to the date of the scheduled meeting of their intent to record the meeting. If a parent provides the requisite notice and is permitted to audio record the meeting, s/he must use his/her own recording device and the School will similarly record the meeting.

Video recording any School meeting is strictly prohibited, with the exception of meetings open to the public under the Open Meetings Act.

Parents and students are expressly prohibited from using covert means to listen-in or make a recording (audio or video) of any meeting or activity at school. This includes placing recording devices, or other devices with one- or two-way audio communication technology (i.e., technology that allows a person off-site to listen to live conversations and sounds taking place in the location where the device is located), within a student's book bag, on the student's person or otherwise in an area capable of listening in or recording without express written consent of the Superintendent. Any requests to place a recording device or other

device with one- or two-way audio communication technology within a student's book bag or on a student's person shall be submitted, in writing, to the Superintendent. The School representative shall notify the parent(s), in writing, whether such request is denied or granted within five (5) days.

If the School audio records any meeting, the resulting recording shall become a part of the student's educational record and will be maintained in accordance with State and Federal law.

Adopted 8/14/17

Revised 9/9/19

## **ADOPTION OF TEXTBOOKS**

The Board of Directors shall approve all textbooks used in the educational program of this School. *Textbook*, for purposes of this policy, shall mean the principle source of instructional material for any given course of study (in whatever form the material may be presented) that is available or distributed to every student enrolled in the course.

The Superintendent shall be responsible for the selection and recommendation for Board consideration of textbooks aligned with the School curriculum and Michigan's Curriculum Framework. In considering the approval of any proposed textbook, the Board will weigh its decisions based on recommendations related to the following:

- A. suitability for the maturity level and educational accomplishment of the students who will use the material;
- B. freedom from bias;
- C. relationship to the curriculum adopted by the Board;
- D. relationship to a continuous multi-grade program;
- E. cost;
- F. appearance and durability;
- G. completion of an appropriate piloting process.

The Superintendent shall develop Administrative Guidelines for the selection of textbooks that includes effective consultation with professional staff members at all appropriate levels.

Adopted 1/11/10  
Revised 9/9/19



## **SELECTION OF INSTRUCTIONAL MATERIALS AND EQUIPMENT**

Reference: MCL 380.1274, 380.1277

The Board of Directors shall provide instructional materials and equipment, within budgetary constraints, to implement the School's educational goals and objectives and meet students' needs. The primary objective of such instructional materials and equipment shall be to enrich, support, and implement the educational program of the School.

The Superintendent shall develop Administrative Guidelines for the selection and maintenance of all educational and instructional materials and equipment. In addition he/she shall periodically conduct a systematic review with the Board regarding the School's educational resources to ensure those resources are appropriate for the current educational program. Any revisions that occur should be a result of the school improvement process.

Students shall be held responsible for the cost of replacing any materials or properties which are lost or damaged through their negligence.

Adopted 1/11/10  
Revised 9/9/19

## **COPYRIGHTED WORKS**

Reference: 17 USC 101 et seq.

The Board of Directors directs the use of copyrighted works only to the extent that the law permits. The Board recognizes that Federal law applies to public school academies and the staff must, therefore, avoid acts of copyright infringement under penalty of law.

To help the staff abide by the laws set forth in Title 17 of the United States Code, the Board directs the Superintendent to provide Administrative Guidelines regarding copying and distributing copyrighted materials for instructional (or other) purposes.

Adopted 1/11/10  
Revised 9/9/19

## **PROGRAM ACCOUNTABILITY AND EVALUATION**

The Board of Directors believes that effective education includes proper evaluation of the results produced from the educational resources provided by the community and the government. As the governing body of the School, the Board has the responsibility for assessing and evaluating the academic growth of its students. The Board shall fulfill this responsibility by establishing a means for the continued evaluation of results, which shall be systematic and specific.

The following elements shall be included in its accountability program:

- A. Achievement status to measure how well the School is educating all students.
- B. Achievement changes to measure if student achievement is improving or declining.
- C. Achievement growth to measure whether students are receiving at least one year of academic growth for each year of instruction.

The Superintendent shall maintain a calendar of assessment activities and make periodic evaluation reports to the Board regarding the above categories within all curriculum content areas and grade levels. Findings of the assessment program may be used to evaluate the progress of students.

The Superintendent shall recommend improvements in the educational program annually, based on the evaluation of the School's program. Such improvements shall reflect the plans for improvement of the educational program. The School Improvement Plan shall be based on staff's findings from program evaluations at each level and on the evaluations provided by the School improvement team (see Policy 2120).

The Board reserves the right to employ experts from outside the School to serve in the evaluation process.

Annually the Board will make available to the public the progress of the student body toward the educational goals of the School.

Assessment results obtained under this policy shall not be used for comparison purposes except as required by statute and Michigan Department of Education regulations or for internal evaluation, as authorized by the Superintendent or Board.

Adopted 1/11/10  
Revised 9/9/19

## STUDENT ASSESSMENT

Reference: MCL 380.1279, 380.1279g, 390.1451 et seq., 380.1280b, 380.1280f  
A.C. Rule 340.1101 et seq.

The Board of Directors shall, in compliance with law, assess student achievement and needs in designated subject areas in order to determine the progress of students and to assist them in attaining School goals.

Each student's proficiencies and needs will be assessed by staff members upon his/her entrance into the School and annually or more frequently, as required by law or Charter contract, thereafter. Procedures for such assessments will include, but need not be limited to, teacher observation techniques, cumulative student records, student performance data collected through standard testing programs and/or diagnostic reading assessment systems, student portfolios, and physical examinations.

The Superintendent shall develop and the Board shall approve a program of testing and assessment that is in compliance with the Charter Contract and applicable law.

The Board requires that:

- A. any assessment tests used shall not be a psychiatric examination, testing, or treatment; or a psychological examination, testing, or treatment in which the primary purpose is to reveal information concerning:
  - 1. political affiliations;
  - 2. mental and psychological problems potentially embarrassing to the student or his/her family;
  - 3. sexual behavior and attitude;
  - 4. illegal, anti-social, self-incriminating, and demeaning behavior;
  - 5. critical appraisals of other individuals with whom respondents have close family relationships;
  - 6. legally-recognized, privileged and analogous relationships, such as those of lawyers, physicians, and ministers;
  - 7. income without the prior consent of the adult student or without the prior written consent of the parent;
- B. any personality testing complies with Department of Education guidelines.

The Board also requires that:

- A. tests be administered by persons who are qualified under State law and regulation;
- B. parents be informed of the testing program of the schools and of the special tests that are to be administered to their children;

- C. students who have not attained satisfactory scores on the fourth grade or seventh grade test should be provided special assistance that will enable them to bring reading skills up to grade level within a twelve (12) month period;
- D. data regarding individual test scores be entered on the student's cumulative record, where it will be subject to the policy of this Board regarding student records;
- E. the results of each school-wide, program-wide, and district-wide test be made part of the public record.

All eleventh grade students shall participate in the Michigan Merit Examination, unless excluded under the guidelines established by the State Department of Education.

A student who wants to repeat a State approved readiness assessment (other than the Michigan Merit Examination and any ACT component) may repeat the assessment in the next school year or after graduation on a date when the School is administering the assessment. Only this type of repeat assessment testing will be without charge to the student.

The School shall administer the complete Michigan Merit Examination to a student only once and shall not administer the complete Michigan Merit Examination to the same student more than once if the student has valid scores in some or all Michigan Merit Examination components. If a student does not take the complete Michigan Merit Examination in grade 11, the School shall administer the complete Michigan Merit Examination to the student in Grade 12. If a student chooses to retake the college entrance examination component of the Michigan Merit Examination, the student may do so through the provider of the college entrance examination component and the cost of the retake is the responsibility of the student unless all of the following are met:

- A. the student has taken the complete Michigan Merit Examination
- B. the student did not qualify for a Michigan promise grant based on the student's performance on the complete Michigan Merit Examination
- C. the student meets the Federal income eligibility criteria for free breakfast, lunch, or milk
- D. the student has applied to the provider of the college entrance examination component for a scholarship or fee waiver to cover the cost of the retake and that application has been denied
- E. after taking the complete Michigan Merit Examination, the student has not already received a free retake of the college entrance examination component paid for either by the State of Michigan, or through a scholarship or fee waiver by the provider

In addition to the testing programs, the Superintendent shall develop administrative guidelines whereby a portfolio is developed and maintained for each student.

Adopted 1/11/10  
Revised 6/22/10; 10/10/16; 8/14/17; 9/9/19

## STATE AID INCENTIVES

Reference: State School-Aid Act

The Board of Directors, in its efforts to provide a quality education for the students of this Academy, shall review annually the State School Aid Act to determine any programs or incentives that offer additional revenues.

The Superintendent shall examine the requirements for each of the programs or incentives to determine which are feasible for this Academy and provide the Board with the necessary resolutions for those selected.

### At Risk Funding

The State School Aid Act provides Section 31a funding for instructional and pupil support services who meet the at-risk identification characteristics specified in Section 31a(20).

At-risk characteristics include low achievement on State- or local-administered assessments in mathematics, English language arts, social studies or science; failure to meet proficiency standards in reading by the end of 3rd grade or career and college readiness for high school students at the end of 12th grade; a victim of child abuse or neglect; is a pregnant teenager or teenage parent; has a family history of school failure, incarceration or substance abuse; is economically disadvantaged; is an English learner (EL); is chronically absent as defined and reported to the Center for Educational Performance and Information (CEPI); is an immigrant who has immigrated within the immediately-preceding three (3) years; and in the absence of State or local assessment data, meets at least two or more identified risk factors.

Section 31a funds are limited to instructional services, and direct non-instructional services to pupils. They may not be used for administration or other related costs. The Academy shall implement multi-tiered systems of support, as required, in order to access such funding.

Annually, the Superintendent shall allocate such funding to appropriate programs and services based on Academy priorities. Section 31a funds may be used to provide an anti-bullying or crisis intervention program.

Adopted 01/09/17  
Revised 9/9/19; 2/10/20

## **P.A. 25 ANNUAL REPORT**

Reference: MCL 380.1204a(1)

The School must prepare and publicly disseminate the P.A. 25 Annual Report no later than the beginning of each school year to all parents of all students. Required information for the School and each individual building includes the following:

### ***Assessment Data***

- A. Aggregate student achievement at each proficiency level on state assessments.
- B. Student achievement at each proficiency level disaggregated by race, ethnicity, gender, disability status, migrant status, English proficiency, and economic status. The federal requirement is to report this data only when it is statistically sound. The Michigan Department of Education recommends reporting on subgroups if the size is more than thirty (30) students in the School or thirty students across each grade level tested.
- C. Percentage of students not tested, disaggregated by each group (if statistically sound).
- D. Most recent 2-year trend in achievement for each subject area and grade level.
- E. Report of the School's results of locally administered student competency tests and/or nationally normed achievement tests. This should include data from the assessments for students in grades 1-5, as required by section 1280b of the School Code (PA 25).

### ***School Programs***

- A. Accreditation status. Public Act 25 (PA 25) requires schools to report on state accreditation status, accreditation by the North Central Association Commission on Accreditation and School Improvement, or another specialized accreditation authority approved by the US Department of Education (PA 25).
- B. School pupil retention data, in addition to the data on graduation rate referenced earlier. (PA 25)
- C. Number and percentage of pupils enrolled in post-secondary programs and/or college level equivalent courses, if the School has a high school (dual enrollment) (PA 25).
- D. The status of the core curriculum and the School Improvement Plan (PA 25).

### ***Staff***

- A. The professional qualifications of teachers, the percentage of teachers teaching with emergency or provisional credentials, and the percentage of classes not taught by highly qualified teachers (disaggregated by high-poverty compared to low-poverty schools).

- B. The annual progress toward meeting state objectives for percentage of highly qualified teachers.

***Parents***

- A. Information on parent-teacher conference attendance rates, a requirement of PA 25.
- B. Dissemination of the School's parent engagement policy.

The School may include additional data if it chooses.

Adopted 1/11/10  
Revised 2/11/19; 9/9/19



## 3000 STAFF

3000	Educational Service Provider Statement	
<b>3110</b>	<b>Conflict of Interest</b>	<b>LR</b>
3112	Board-Staff Communications	BP
<b>3120</b>	<b>Employment of Teachers and Administrators</b>	<b>LR</b>
3120.04	Employment of Substitutes	LC
3120.07	Employment of Casual Resource Personnel	BP
<b>3121</b>	<b>Criminal History Record Check</b>	<b>LR</b>
3121.01	Criminal Conviction Review	LC
<b>3122</b>	<b>Anti-Discrimination</b>	<b>LR</b>
<b>3122.01</b>	<b>Drug Free Workplace</b>	<b>LR</b>
3122.02	Non-Discrimination Based on Genetic Information of the Employee	LC
3122.03	Employee Handbook and Treatment of Salaried & Non-Salaried Employees	LC
<b>3123</b>	<b>Section 504/ADA Prohibition against Disability Discrimination in Employment</b>	<b>LR</b>
<b>3130</b>	<b>Assignment and Transfer</b>	<b>LR</b>
<b>3139</b>	<b>Staff Discipline</b>	<b>LR</b>
3140	Termination and Resignation	LC
3150	Employee Absences	LC
3161	Involuntary Leaves of Absence/Fitness for Duty	LC
<b>3162</b>	<b>Controlled Substance and Alcohol Policy for Commercial Motor Vehicle (CMV) Drivers</b>	<b>LR</b>
3170	Substance Abuse	BP
3210	Staff Ethics	LC
3213	Student Supervision and Welfare	LC
3214	Staff Gifts	LC
<b>3215</b>	<b>Use of Tobacco by Staff</b>	<b>LR</b>
<b>3217</b>	<b>Weapons</b>	<b>LR</b>
3220	Teacher Evaluation	LC
3231	Outside Activities of Staff	LC
3243	Professional Meetings	BP
3310	Freedom of Speech in Non-instructional Settings	BP

<b>3362</b>	<b>Anti-Harassment</b>	<b>LR</b>
3362.01	Threatening Behavior toward Staff Members	BP
3362.02	Workplace Safety	LC
3419	Group Health Plans	LC
<b>3419.02</b>	<b>Privacy Protections of Fully Insured Group Health Plans</b>	<b>LR</b>
<b>3419.03</b>	<b>Patient Protection and Affordable Care Act</b>	<b>LR</b>
<b>3430.01</b>	<b>Family and Medical Leaves of Absence (FMLA)</b>	<b>LR</b>
3437.01	Military Leave	LC
<b>3440</b>	<b>Job-Related Expenses</b>	<b>LR</b>

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Adoption Date: **01.10**

Classification:

Revised Dates: **6/22/10; 10/24/11; 12/12/11; 1/10/12; 5/13/13; 8/12/13; 1/13/14; 8/18/14; 1/12/15; 6/8/15; 1/11/16; 9/12/16; 01/09/17; 8/14/17; 1/8/18; 7/9/18; 2/11/19; 09/09/2019; 12/13/2021; 7/12/21; 06.22**

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## **STAFF EDUCATIONAL PROVIDER STATEMENT**

All staff of the George Washington Carver Academy are employees of MM1, the employer of record, as per the contractual agreement between the George Washington Carver Academy Board of Directors and MM1. All employees, therefore, are subject to all personnel policies and regulations established by MM1

It shall be the responsibility of MM1 to ensure that all Federal and State employment regulations are in full compliance. Further, MM1 shall respond to any inquires or complaints promptly in full accordance with law.

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Revised Dates:

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## CONFLICT OF INTEREST

Reference: 2 CFR 200.318

Staff members shall perform their official duties in a manner free from conflict of interest.

To accomplish this, the Board of **Directors** has adopted guidelines to assure that conflicts of interest do not occur. The following are not intended to be all inclusive or to substitute for good judgment on the part of all employees:

1. No employee shall engage in or have a financial interest, directly or indirectly, in any activity that conflicts or raises a reasonable question of conflict with his/her duties and responsibilities. When a staff member determines that the possibility of a personal interest conflict exists, he/she should disclose his/her interest to the Board or administration.
2. No staff member shall use his/her position to benefit either himself/herself or any other individual or agency apart from the total interest of the School.
3. If the pecuniary interest pertains to a proposed contract with the School, the following requirements must be met:

The staff member shall disclose the direct pecuniary interest in the contract to the Board, with such disclosure made a part of the official Board minutes. If his/her direct pecuniary interest amounts to \$250 or more, or five percent (5%) or more of the contract cost to the School, the staff member shall make the disclosure in one (1) of two (2) ways:

- a. In writing, to the Board president, at least seven (7) days prior to the meeting at which the vote on the contract will be taken. The disclosure shall be made public in the same manner as the Board's notices of its public meetings. (See Bylaw 0165.)
  - b. By announcement, at a meeting, at least seven (7) days prior to the meeting at which a vote on the contract is to be taken. The staff member must use this method of disclosure if his/her pecuniary interest amounts to \$5,000 or more.
4. Staff shall not engage in business, private practice of their profession, the rendering of services, or the sale of goods of any type where advantage is taken of any professional relationship they may have with any student, client, or parents of such students or clients in the course of their employment.

Included, by way of illustration rather than limitation, are the following:

- a. the provision of any private lessons or services for a fee;
- b. the use, sale, or improper divulgence of any privileged information about a student or client gained in the course of the employee's employment or through access to School records;

- c. the referral of any student or client for lessons or services to any private business or professional practitioner, if there is any expectation of reciprocal referrals, sharing of fees, or other remuneration for such referrals;
  - d. the requirement of students or clients to purchase any private goods or services provided by an employee or any business or professional practitioner with whom any employee has a financial or other relationship, as a condition of receiving any grades, credits, promotions, approvals, or recommendations
5. Staff members shall not make use of materials, equipment, or facilities of the School in private practice. Examples include using facilities before, during, or after regular business hours for service to private practice clients or checking out items from an instructional materials center for the purpose of private practice.
  6. Staff members may not participate in the selection, award, or administration of a contract supported by a Federal award if the staff member has a real or apparent conflict of interest. Such a conflict of interest would arise when the staff member, any member of his/her immediate family, his/her partner, or an organization which employs or is about to employ the staff member, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.
  7. Staff members may not solicit or accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts involved with Federal funds
- B. Staff members must disclose any potential conflict of interest which may lead to a violation of this policy to the Board. Upon discovery of any potential conflict of interest, the Board will disclose, in writing, the potential conflict of interest to the appropriate Federal awarding agency or, if applicable, the pass-through entity.
- The School will also disclose, in a timely manner, all violations of Federal criminal law involving fraud, bribery or gratuity that affect a Federal award to the appropriate Federal awarding agency or, if applicable, the pass-through entity.
- C. Should exceptions to this policy be necessary to provide services to students or clients of the School, all such exceptions will be made known to the employee's supervisor and will be disclosed to the Employee Leasing Company before entering into any private relationship.
- D. Staff members found to be in violation of this conflict of interest policy will be subject to disciplinary action up to and including termination, as permitted by applicable Board policy.

The Employee Leasing Company shall prepare Administrative Procedures to ensure all staff members are fully aware of the requirements of this policy.

Adopted 1/11/10  
Revised 1/11/16; 9/12/16; 9/9/19

## **BOARD-STAFF COMMUNICATIONS**

The Board of Directors desires to maintain open channels of communication between itself and the staff. However, the basic line of communication will be through the Superintendent.

### ***Staff Communications to the Board***

All communications from staff members to the Board or its committees shall be submitted through the Superintendent. This procedure allows any staff member the right to appeal to the Board on important matters through established procedures or to present information directly to the Board when it appears that the Superintendent has not adequately communicated the concern(s) to the Board.

### ***Board Communications to Staff***

All official communications, policies, and directives of the Board of interest and concern to the staff will be communicated through the Superintendent. The Superintendent shall also keep staff members fully informed of the Board's problems, concerns, and actions.

### ***Social Interaction***

Both staff and Board members share a keen interest in the School and in education generally. Naturally, when they meet at social affairs and other functions, staff and Board members will informally discuss such matters as educational trends, issues, and innovations, and general activities of the School. However, since individual Board members have no special authority (except when they are convened at a legal meeting of the Board or vested with special authority by Board action) and since staff (other than the Superintendent) do not normally report directly to the Board, official business should not be discussed in such settings. Care should be taken by all staff in such settings to avoid discussions which would violate the privacy rights of students.

Adopted 1/11/10  
Revised 9/9/19

## **EMPLOYMENT OF STAFF**

Reference:

MCL 37.2101 et seq., 333.17901, 380.1229, 1230, 1230b, 1231, 1233, 380.1233b, 1237, 380.623,  
20 USC 6319 & 7801

The Board of Directors through its Employee Leasing Company (ELC) recognizes it is vital to the successful operation of the School that the Superintendent fill positions created by the Board with highly-qualified, competent personnel who meet all current state and federal certification, training, and education requirements.

The Superintendent shall provide the Board through its Employee Leasing Company (ELC) with a list of the proposed staff that shows all current qualifications and licensing.

For the purposes of this Section, *staff* and *staff member* shall mean School employees working at the School.

All staff are subject to a criminal history record check. See Policy 3121.

The Board through its Employee Leasing Company (ELC) may not employ immediate family members of Board members to work in any capacity within the School.

Relatives of staff members may not be employed by the Board or its Employee Leasing Company (ELC).

If a Board Member, through its Employee Leasing Company (ELC) wishes to apply for a position with the School, his/her resignation must be accepted by the Board prior to submission of an application.

A person employed as an administrator is not required to have a School Leader's certificate, issued by the Department of Education, but must confirm that he/she has met, or is in the process of fulfilling, the educational requirements for School Leaders, established by the Michigan Department of Education.

Staff hired to serve as an athletic trainer must be properly licensed by the state or otherwise legally authorized to engage in the practice of athletic training. Staff is prohibited from engaging in the practice of athletic training unless licensed and shall not offer to provide any service(s) that s/he was not qualified to perform by education, training, or experience or otherwise prohibited by law from performing.

Staff hired to coach an interscholastic team/sport must have first aid and safety training as required by State statute. Certification of this requirement must come from the Red Cross or an equivalent agency.

Prior to hiring an applicant, the Superintendent shall obtain from the applicant a signed Consent to Obtain Records (Form 3120-F2 or 3120-F4, as applicable) and shall obtain any records from the applicant's current or immediately-previous employer, including the applicant's personnel file (particularly any records relating to unprofessional conduct in which the applicant may have engaged). Any such records are to be reviewed prior to a recommendation for employment and may be disclosed to those individuals directly involved in evaluating the applicant's qualifications.

### **Requirements for Title I Teachers**

All teachers hired for a Title I supported program must comply with the Michigan Department of Education's requirements for certification adopted under Michigan's approved ESSA plan. The HR Provider and the Superintendent will ensure that the Academy follows any best practice guidance issued by the Michigan Department of Education relating to appropriate staff placement, including Title I teachers.

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Adoption Date: **01.10**

Classification:

Revised Dates: **2/11/19; 9/9/19; 12.21**

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## EMPLOYMENT OF SUBSTITUTES

Reference: MCL 380.1229A, 380.1230, 380.1230a, 380.1230g, 380.1233, 380.1531  
MCL 380.1236, 380.1236a  
AC Rule 390.1105(1), 390.1141(2)

The Board of Directors, through its Employee Leasing Company (ELC), recognizes the need to procure the services of substitutes to continue the operation of the School when regular personnel are absent. Substitutes shall be provided by the Superintendent through its Employee Leasing Company (ELC),.

Substitute personnel are subject to a criminal history record check. See Policy 3121.

The Superintendent, through its Employee Leasing Company (ELC), shall employ substitutes, as required, to replace regular staff members temporarily absent and to fill new positions. Such assignment of substitutes may be terminated when their services are no longer required.

Substitute teachers must possess a valid Michigan professional certificate or a permit, if substitute teaching in a subject for which he/she is not certified, except under the following circumstances:

- A. The Superintendent may also employ a substitute without a valid teaching certificate if the person has at least ninety (90) semester hours of college credit from a college or university.
- B. The Superintendent may hire an individual, who does not hold a valid teaching certificate, to serve in a counseling or speech pathologist role, provided he/she meets all the requirements established by state and federal law and regulations. Policy 3120 and Policy 3121 shall apply, with respect to that individual, in the same manner required for employing a person with a teaching certificate.

The Board, through its Employee Leasing Company (ELC), may enter into a contract with a person or entity (a partnership, nonprofit or Business Corporation, limited liability company, or any other association, corporation, trust, or other legal entity) to furnish substitute teachers to the School, as necessary, to carry out the operations of the School. A contract entered into under this section shall include the following provisions:

- A. Assurance that the person or entity will furnish the School with qualified teachers, in accordance with the School Code and any implementing rules and regulations as specified above.
- B. Assurance that the person or entity will not furnish to the School any teacher who, if employed directly by the School, would be ineligible for employment by the district as a substitute teacher under the School Code.
- C. A description of the level of compensation and fringe benefits to be provided for the employees of the person or entity who are to be assigned to the district as substitute teachers.
- D. A description of the type and amounts of insurance coverage to be secured and maintained by the person or entity and the School.

- E. Assurance that the person or entity, before assigning an individual to serve as a substitute teacher in the district, will comply with, and provide to, the Board the criminal history record information obtained under section 1230 and with the results of the criminal records check under section 1230a of the School Code.

A School that contracts with a person or entity to furnish substitute teachers under this section may purchase liability insurance to indemnify and protect the School and the person or entity against losses or liabilities incurred by the School and person or entity arising out of any claim for personal injury or property damage caused by the district, its officers, employees, or agents. The School may pay premiums for the insurance out of its operating funds.

Adopted 1/11/10  
Revised 9/9/19

## **EMPLOYMENT OF CASUAL RESOURCE PERSONNEL**

The purpose of this policy is to allow the casual employment of personnel in a consulting capacity for administration, in-service, or instruction.

In the general fund of the Board of Directors, money is appropriated annually for special services. This might include resource persons in specialized fields of education, who could offer consulting advice on the administration or instructional processes. The Superintendent shall negotiate a reasonable payment with the resource person(s); however, the funds may not be expended without approval from the Board, based on the present need for the specific special services.

Specialists from industry, business, agriculture, or health occupation fields may be employed in a consulting capacity to assist with program planning, in-services, or directly in the instructional program. Staff members employed by the School may be used as casual resource personnel, outside of their regular assignment, at the discretion of the Superintendent.

The Superintendent shall prepare Administrative Guidelines to ensure proper implementation of this policy.

Adopted 1/11/10  
Revised 9/9/19

## CRIMINAL HISTORY RECORD CHECK

Reference: MCL 380.1230, et. seq., 380.1535, 380.1535a, 380.1809, 28.722

Before the School, through its Employee Leasing Company (ELC), hires any employee (full or part-time) or allows any individual under agreement to continuously and regularly work in the schools, a criminal history records check shall be conducted in accordance with State law.

"The agreement" shall apply to individuals, as well as owners and employees of entities, who contract directly with the Board of Directors or with a third party vendor, management company, or similar contracting entity to provide food, custodial, transportation, counseling or administrative services on more than an intermittent or sporadic basis. It shall also apply to individuals or entities providing instructional services to students or related auxiliary services to special education students.

Prior to allowing an individual, who is subject to the criminal history record check requirement, to work in the School, the School shall submit a fingerprint-based check on the individual, using Michigan State Police (MSP) Form RI-030 (7/2012), regardless of whether the individual will work directly for the School or be contracted through a third-party vendor, management company or similar contracting entity ("Private Contractors"). Except as provided below, the report from the MSP must be received, reviewed and approved by the School prior to the individual commencing work.

Such Private Contractors cannot receive or retain criminal history record information ("CHRI").<sup>1</sup> Where the School will contract with a Private Contractor for the services of an individual, the School will notify the Private Contractor(s), after review of the MSP report, whether the individual has been approved to work in the School. The School may not give any details, including the fact that a criminal history check was run. Notice for approval to work in the School should use the Affidavit of Assignment or similar "red light/green light" procedure.

Should it be necessary to employ a person or contract for a person to maintain continuity of the program prior to receipt of the criminal history report, the Superintendent may contract on a provisional basis until the report is received. Any such provisional hire requires that:

- A. the record check has been requested;
- B. the applicant has signed a disclosure of all convictions and acknowledges that employment may be terminated if there are discrepancies; and
- C. the hiring occurs during the school year or not more than thirty (30) days before the beginning of the school year.

For substitute teachers or substitute bus drivers currently working in another School, public school academy or non-public school in the State, the Superintendent may use a report received from the State Police by such school to confirm the individual has no criminal history. Absent such confirmation, a criminal history record check shall be performed.

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<sup>1</sup> Individuals who submit and receive such criminal history record checks on behalf of the School must be direct employees of the School or, if such access is approved by the Board, ESP personnel who are provided view only access by the Local Agency Security Officer. Notwithstanding this, Information Technology contractors and vendors may be granted access to CHRI subject to successful completion of a national fingerprint-based criminal history record check as detailed in Policy 8321.

Individuals working in multiple Schools/Academies or districts may authorize the release of a prior criminal history records check with another School or district in lieu of an additional check for either direct employment or working regularly and consistently under contract in the schools.

Individuals who previously received a statutorily required criminal background check and who have been continuously employed by a School, Intermediate School District, public school academy or non-public school within the State, with no separation, may have their previous record check sent to the School in lieu of submitting to a new criminal background check. If this method is used, the Superintendent must confirm that the record belongs to that individual and whether there have been any additional convictions by processing the individual's name, sex and date of birth through the Internet Criminal History Access Tool (ICHAT).

"No separation," for purposes of the preceding paragraph, means a lay off or leave of absence of less than twelve (12) months with the same employer; or the employee transfers without a break in service to another School, Intermediate School District, public school academy or non-public school within the State.

All CHRI received from the State Police or produced by the State Police and received by the School from another proper source, will be maintained pursuant to Policy 8321.

When the School receives a report that shows an individual has been convicted of a listed offense under State statutes or any felony, the Superintendent shall take steps to verify that information using public records, in accordance with the procedures provided by the State Department of Education.

Verified convictions may result in termination of employment or rejection of an application. The Superintendent will not hire or continue to employ any individual, either directly or as a contracted employee to work regularly and continuously in the schools, who has been convicted of a "listed" offense as defined in MCL 28.722. The Superintendent will not hire or continue to employ any individual, either directly or as a contracted employee to work regularly and continuously in the schools, who has been convicted of any felony unless both the Superintendent and the Board provide written approval.

The Superintendent must report as directed by and to the State Department of Education the verified information regarding conviction for any listed offense or conviction for any felony and the action taken by the Board of Directors with regard to such conviction. Such report shall be filed within sixty (60) days of receipt of the original report of the conviction.

All those employed by the School, either directly or under contract to regularly and continuously work in the schools prior to January 1, 2006, must undergo a criminal history records check, regardless of whether they have previously had such a check prior to 2006. The Superintendent shall determine a schedule that assures that all such required checks are completed prior to July 1, 2008. Alternatively, substitute teachers within this category may authorize release to the School of a valid criminal history check conducted by another School after January 1, 2006, or the School

The Superintendent may confirm with the Department of Education from results it maintains that the current regular substitute teacher does not have a criminal history.

The Superintendent shall establish the necessary procedures for obtaining from the Criminal Records Division of the State Police any criminal history on the applicant maintained by the

State Police. In addition, the Superintendent shall request the State Police to obtain a criminal history records check from the Federal Bureau of Investigation.

An applicant must submit, at no expense to the School or the Employee Leasing Company (ELC), a set of fingerprints, prepared by an entity approved by the Michigan State Police, as part of his/her employment application or as required by State law for continued employment.

Any employee on staff must provide, at the School's expense, a set of fingerprints, prepared by an entity approved by the Michigan State Police, as part of his/her employment application or as required by State law for continued employment.

#### Confidentiality

All information and records obtained from such criminal background inquiries and disclosures are to be considered confidential and shall not be released or disseminated to those who have not been given access to CHRI by the Superintendent or the Board. Violation of confidentiality is considered a misdemeanor punishable by a fine up to \$10,000.

Any notification received from the Michigan Department of Education or Michigan State Police regarding School employees with criminal convictions shall be exempt from disclosure under the Freedom of Information Act (FOIA) for the first fifteen (15) days until the accuracy of the information can be verified. Thereafter, only information about felony convictions or misdemeanor convictions involving physical or sexual abuse may be disclosed in reference to a Freedom of Information Act request.

CHRI may be released with the written authorization of the individual.

Records may also be released, in accordance with statute, upon the request of a School, Intermediate School District, public school academy or non-public school when the individual is an applicant for employment at such school and there has been no separation from service, as defined in this policy and by statute.

Adopted 1/11/10

Revised 8/18/14; 8/14/17; 1/8/18; 7/9/18; 9/9/19

## CRIMINAL CONVICTION REVIEW

Reference: MCL 28.722, 380.1230 et seq., 308.1535a, 38.74

In an effort to maintain a safe environment for students, staff and visitors, the School will review the criminal records of those individuals who apply to or work for the School or are contracted to work on a regular and continuous basis in the schools.

Individuals convicted of crimes listed in Section 2 of the Sex Offender Registry Act, MCL 28.722, shall not be allowed to work in the School.

Individuals convicted of a felony not listed in the Sex Offender Registry Act may not continue to work in the School, unless or until they have received written approval from both the Superintendent and the Board of Directors. Pending such approval employees shall be placed on administrative leave. Such leave shall be without pay, subject to Board discretion to award pay with reinstatement.

Individuals convicted of a misdemeanor related to sexual abuse, child abuse or controlled substances shall require the written approval of the Superintendent and the Board to continue employment.

All other criminal convictions shall require the written approval from the Superintendent to obtain or maintain employment in the School.

Except for felony convictions, the Superintendent shall determine whether the individual will be allowed to work pending review of the criminal convictions and a determination of whether the individual should be allowed to work in the School.

The Superintendent shall suspend consideration of any applicant and shall determine whether an employee or person contracted to work in the School will be allowed to work while felony charges are pending against the individual.

In making the determination regarding whether to hire an applicant or allow an individual to continue working with pending felony charges or after a conviction, the Superintendent and the Board, through its Employee Leasing Company (ELC), will consider the following factors:

- A. the nature of the offense does relate or is related to children, sex, drugs, or violence, etc.
- B. how long ago did the incident occur
- C. were there repeated incidents
- D. nature of assignment in school (access to children, role model, etc.)
- E. whether any treatment or other rehabilitation has occurred
- F. the nature of the employee's work record since offense (likelihood of repeated misbehavior)

Neither the Board, through its Employee Leasing Company (ELC), nor the Superintendent shall consider criminal charges that did not result in conviction, or pending misdemeanor charges in determining whether to hire or continue the employment of any individual.

In making recommendations to the Board, through its Employee Leasing Company (ELC) on whether to allow individuals with convictions or pending felony charges to work in the School, the Superintendent shall provide written reasons supporting the recommendation.

The Board, through its Employee Leasing Company (ELC) shall provide written reasons supporting its determination on whether to allow an individual with a conviction to work in the School.

The Superintendent shall be responsible for processing the necessary review of criminal convictions, and providing the Board timely notice of its need to act in accordance with this policy.

Adopted 1/11/10  
Revised 9/9/19



# **NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY**

Reference:

M.C.L. 37.2101 et seq., 37.1101 et seq.  
Fourteenth Amendment, U.S. Constitution  
20 U.S.C. Section 1681, Title IX of Education Amendment Act  
20 U.S.C. Section 1701 et seq., Equal Educational Opportunities Act of 1974  
20 U.S.C. Section 7905, Boy Scouts of America Equal Access Act  
42 U.S.C. 6101 et seq., Age Discrimination Act of 1975  
42 U.S.C. 12101 et seq., The Americans with Disabilities Act of 1990, as amended  
34 C.F.R. Part 110 (7/27/93)  
42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act  
42 U.S.C. 2000e et seq., Civil Rights Act of 1964  
29 U.S.C. 701 et seq., Rehabilitation Act of 1973 as amended  
29 C.F.R. Part 1635

The School shall not discriminate in its policies, practices, procedures, or activities on the basis of race, color, national origin, sex (including sexual orientation and gender identity), disability/handicap, age, religion, marital/parental/ family status, military status, ancestry, or genetic information and shall comply with all applicable law with respect to equitable treatment of students, employees, and applicants for employment opportunities.

**Definitions:**

Words used in this policy shall have those meanings defined herein; words not defined herein shall be construed according to their plain and ordinary meanings.

School community means students and Board employees (i.e., administrators, and professional and classified staff), as well as Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

Complainant is the individual who alleges, or is alleged, to have been subjected to unlawful discrimination/retaliation, regardless of whether the person files a formal complaint or is pursuing an informal resolution to the alleged discrimination/retaliation.

Respondent is the individual who has been alleged to have engaged in unlawful discrimination/retaliation, regardless of whether the Reporting Party files a formal complaint or is seeking an informal resolution to the alleged discrimination/retaliation.

Third Parties include, but are not limited to, guests and/or visitors on School property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with, or seeking to do business with, the Board, and other individuals who come in contact with members of the School community at School-related events/activities (whether on or off School property).

Day(s): Unless expressly stated otherwise, the term "day" or "days" as used in this policy means a business day(s) (i.e., a day(s) that the Board office is open for normal operating hours, Monday - Friday, excluding State-recognized holidays).

For purposes of this policy, "military status" refers to a person's status in the uniformed services, which includes the performance of duty, on a voluntary basis, or involuntary basis, in a uniformed service including active duty, active duty for training, initial active duty for training, inactive duty for training, full-time National Guard duty. It also includes the period of time for which a person is absent from employment for

the purpose of an examination to determine the fitness of the person to perform any such duty as listed above.

### **School Compliance Officers**

The Board designates the following individuals to serve as the School's "Compliance Officers" (also known as "Civil Rights Coordinators") (hereinafter referred to as the "COs")

Male/Female Coordinator  
14510 Second Ave.  
Highland Park, MI 48203  
(313) 865-6024

The names, titles, and contact information of these individuals will be published annually on the School's web site.

The COs are responsible for coordinating the School's efforts to comply with applicable Federal and State laws and regulations, including the School's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination/retaliation or denial of equal access. The COs shall also verify that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act (as amended), Title VI and Title VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973 (as amended), and the Age Discrimination in Employment Act of 1975 is provided to staff members and the general public. A copy of each of the Acts and regulations on which this notice is available upon request from the CO.

### **Reports and Complaints of Unlawful Discrimination and Retaliation**

Employees are required to report incidents of unlawful discrimination and/or retaliation to an administrator, supervisor, or other School official so that the Board may address the conduct. Any administrator, supervisor, or other School official who receives such a report shall file it with the CO within two (2) days.

Employees who believe they have been unlawfully discriminated/retaliated against are entitled to utilize the complaint process set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the Complainant's employment. While there are no time limits for initiating complaints under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

The COs will be available during regular school/work hours to discuss concerns related to unlawful discrimination/retaliation. COs shall accept reports of unlawful discrimination/retaliation directly from any member of the School community or Third Party, or received reports that are initially filed with another Employee Leasing Company employee. Upon receipt of a report of alleged discrimination/retaliation, the CO will contact the Complainant and begin either an informal or formal complaint process (depending on the Complainant's request and the nature of the alleged discrimination/retaliation), or the CO will designate a specific individual to conduct such a process. The CO will provide a copy of this policy to the Complainant and the Respondent. In the case of a formal complaint, the CO will prepare recommendations for the School Leader or oversee the preparation of such recommendations by a designee. All members of the School community must report incidents of discrimination/retaliation that are reported to them to the CO within two (2) business days of learning of the incident/conduct.

Any Employee Leasing Company employee who directly observes unlawful discrimination/retaliation is obligated, in accordance with this policy, to report such observations to one of the COs within two (2) business days. Additionally, any Employee Leasing Company employee who observes an act of unlawful discrimination/retaliation is expected to intervene to stop the misconduct, unless circumstances make such an intervention dangerous, in which case the staff member should immediately notify other Employee Leasing Company employees and/or local law enforcement officials, as necessary, to stop the misconduct. Thereafter, the CO or designee must contact the Complainant within two (2) business days to advise of the Board's intent to investigate the wrongdoing.

### **Investigation and Complaint Procedure (See Form 3122 F2)**

Except for sex discrimination and/or Sexual Harassment that is covered by Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities, any employee who alleges to have been subjected to unlawful discrimination or retaliation may seek resolution of the complaint through the procedures

described below. The formal complaint procedures involve an investigation of the individual's claims of discrimination/retaliation and a process for rendering a decision regarding whether the charges are substantiated.

Due to the sensitivity surrounding complaints of unlawful discrimination or retaliation, timelines are flexible for initiating the complaint process; however, individuals are encouraged to file a complaint within thirty (30) days after the conduct occurs. Once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within fifteen (15) business days of the complaint being received).

The procedures set forth below are not intended to interfere with the rights of any individual to pursue a complaint of unlawful discrimination or retaliation with the United States Department of Education Office for Civil Rights or Equal Employment Opportunity Commission ("EEOC").

### **Informal Complaint Procedure**

The goal of the informal complaint procedure is to promptly stop inappropriate behavior and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for an employee who alleges unlawful discrimination or retaliation. This informal procedure is not required as a precursor to the filing of a formal complaint. The informal process is only available in those circumstances where the Complainant and the Respondent mutually agree to participate in it.

The Complainant may proceed immediately to the formal complaint process and individuals who participate in the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process.

All complaints involving an School employee or any other adult member of the School community and a student will be formally investigated.

As an initial course of action, if a Complainant feels comfortable and safe doing so, the individual should tell or otherwise inform the Respondent that the allegedly discriminatory/retaliatory conduct that it is inappropriate and must stop. The Complainant should address the alleged misconduct as soon after it occurs as possible. The COs are available to support and counsel the Complainant when taking this initial step or to intervene on behalf of the individual if requested to do so. A Complainant who is uncomfortable or unwilling to directly approach the Respondent about the inappropriate conduct may file an informal or a formal complaint. In addition, with regard to certain types of unlawful discrimination (e.g., sex discrimination), the CO may advise against the use of the informal complaint process.

A Complainant who alleges unlawful discrimination/retaliation may make an informal complaint, either orally or in writing: (1) to a building administrator; (2) directly to one of the COs; and/or (3) to the Superintendent or other School official.

All informal complaints must be reported to one of the COs who will either facilitate an informal resolution as described below, or appoint another individual to facilitate an informal resolution.

The School's informal complaint procedure is designed to provide the Complainant with a range of options aimed at bringing about a prompt resolution of their concerns. Depending upon the nature of the complaint and the wishes of the Complainant informal resolution may involve, but not be limited to, one or more of the following:

- A. Advising the Complainant about how to communicate his/her concerns to the Respondent.
- B. Distributing a copy of Policy 3122—Non-Discrimination and Equal Employment Opportunity to the individuals in the school building or office where the Respondent works.
- C. If both parties agree, the CO may arrange and facilitate a meeting or mediation between the Complainant and the Respondent to work out a mutual resolution.

While there are no set time limits within which an informal complaint must be resolved, the CO or designee is directed to attempt to resolve all informal complaints within fifteen (15) business days of receiving the informal complaint. If the Complainant is dissatisfied with the informal complaint process, the Complainant

may proceed to file a formal complaint. And, as stated above, either party may request that the informal process be terminated at any time to move to the formal complaint process.

### **Formal Complaint Procedure**

If a complaint is not resolved through the informal complaint process, if one of the parties requested that the informal complaint process be terminated to move to the formal complaint process, or if the Complainant, from the outset, elects to file a formal complaint, or the Compliance Officer(s) determines the allegations are not appropriate for resolution through the informal process, the formal complaint process shall be implemented.

A Complainant may file a formal complaint, either orally or in writing, with a principal, the CO, Superintendent, or other School official. Due to the sensitivity surrounding complaints of unlawful discrimination and retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a formal complaint within thirty (30) days after the conduct occurs. If a Complainant informs a principal, Superintendent, or other School official, either orally or in writing, about any complaint of discrimination/retaliation, that employee must report such information to the CO/designee within two (2) business days.

Throughout the course of the process, the CO should keep the parties reasonably informed of the status of the investigation and the decision-making process.

All formal complaints must include the following information to the extent known: the identity of the Respondent; a detailed description of the facts upon which the complaint is based (i.e., when, where, and what occurred); a list of potential witnesses; and the resolution sought by the Complainant.

If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the CO shall ask for such details in an oral interview. Thereafter, the CO will prepare a written summary of the oral interview, and the Complainant will be asked to verify the accuracy of the reported charge by signing the document.

Upon receiving a formal complaint, the CO will consider whether any action should be taken in the investigatory phase to protect the Complainant from further discrimination or retaliation, including, but not limited to, a change of work assignment or schedule for the Complainant and/or the Respondent. In making such a determination, the CO should consult the Complainant to assess whether the individual agrees with the proposed action. If the Complainant is unwilling to consent to the proposed change, the CO may still take whatever actions deemed appropriate in consultation with the Superintendent.

Within two (2) business days of receiving the complaint, the CO or designee will initiate a formal investigation to determine whether the Complainant has been subjected to unlawful discrimination/retaliation.

Simultaneously, the CO will inform the Respondent that a formal complaint has been received. The Respondent will be informed about the nature of the allegations and provided with a copy of any relevant policies and/or administrative guidelines, including Policy 3122 - Non-Discrimination and Equal Employment Opportunity. The Respondent must also be informed of the opportunity to submit a written response to the formal complaint within five (5) days.

Although certain cases may require additional time, the CO or a designee will attempt to complete an investigation into the allegations of discrimination/retaliation within fifteen (15) business days of receiving the formal complaint. The investigation will include:

- A. Interviews with the Complainant;
- B. Interviews with the Respondent;
- C. Interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations;

- D. Consideration of any documentation or other information presented by the Complainant, Respondent, or any other witness that is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the CO/ designee shall prepare and deliver a written report to the Superintendent that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful discrimination/retaliation as provided in Board policy and State and Federal law as to whether the Respondent has engaged in unlawful harassment/retaliation of the Complainant. The CO's recommendations must be based upon the totality of the circumstances. In determining if discrimination or retaliation occurred, a preponderance of evidence standard will be used. The CO may consult with the Board's legal counsel before finalizing the report to the Superintendent.

Absent extenuating circumstances, within five (5) business days of receiving the report of the CO or the designee, the Superintendent must either issue a written decision regarding whether the charges have been substantiated or request further investigation. A copy of the Superintendent's final decision will be delivered to both the Complainant and the Respondent.

If the Superintendent requests additional investigation, the Superintendent must specify the additional information that is to be gathered, and such additional investigation must be completed within five (5) business days. At the conclusion of the additional investigation, the Superintendent must issue a final written decision as described above.

If the Superintendent determines the Respondent engaged in unlawful discrimination/retaliation toward the Complainant, the Superintendent must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, age-appropriate and effective, and tailored to the specific situation.

A Complainant or Respondent who is dissatisfied with the final decision of the Superintendent may appeal through a signed written statement to the Board within five (5) business days of the party's receipt of the Superintendent's decision.

In an attempt to resolve the complaint, the Board shall meet with the concerned parties and their representatives within twenty (20) business days of the receipt of such an appeal. A copy of the Board's disposition of the appeal shall be sent to each concerned party within ten (10) business days of this meeting. The decision of the Board will be final.

The Board reserves the right to investigate and resolve a complaint or report of unlawful discrimination/retaliation regardless of whether the employee alleging the misconduct pursues the complaint. The Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board or its designee.

The parties may be represented, at their own cost, at any of the above-described meetings/hearings.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights, the filing of charges with local law enforcement, or the filing of a civil action in court. Use of this internal complaint process is not a prerequisite to the pursuit of other remedies.

### **Privacy/Confidentiality**

The School will employ all reasonable efforts to protect the rights of the Complainant, the Respondent(s), and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under the terms of this policy shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. Additionally, the Respondent must be provided the Complainant's identity.

During the course of a formal investigation, the CO or designee will instruct each person who is interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of an investigation is expected not to disclose to third parties any information that is learned or provided during the course of the investigation.

### **Sanctions and Monitoring**

The Board shall vigorously enforce its prohibitions against unlawful discrimination/retaliation by taking appropriate action reasonably calculated to stop and prevent further misconduct. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee. All disciplinary action will be taken in accordance with applicable State law and the terms of the relevant collective bargaining agreement(s). When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter. In those cases where unlawful discrimination/retaliation is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of the relevant collective bargaining agreement(s).

Where the Board becomes aware that a prior remedial action has been taken against an employee, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its recurrence, and remedy its effect.

### **Retaliation**

Retaliation against a person who makes a report or files a complaint alleging unlawful harassment/retaliation or participates as a witness in an investigation is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce or interfere with any individual because the person opposed any act or practice made unlawful by any Federal or State civil rights law, or because that individual made a report, formal complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding, or hearing under those laws and/or this policy, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws and/or this policy.

Retaliation against a person for making a report of discrimination, filing a formal complaint, or participating in an investigation or meeting is a serious violation of this policy that can result in imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Formal complaints alleging retaliation may be filed according to the internal complaint process set forth above.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

### **Education and Training**

In support of this policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Superintendent shall provide appropriate information to all members of the School community related to the implementation of this policy and shall provide training for School students and staff where appropriate. All training, as well as all information provided regarding the Board's policy and discrimination in general, will be age and content appropriate.

### **Retention of Investigatory Records and Materials**

The Compliance Officer(s) is responsible for overseeing retention of all records that must be maintained pursuant to this policy. All individuals charged with conducting investigations under this policy shall retain all documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315) created and/or received as part of an investigation, which may include but not be limited to:

- A. all written reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;
- B. any narratives that memorialize oral reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;
- C. any documentation that memorializes the actions taken by School personnel or individuals contracted or appointed by the Board to fulfill its responsibilities related to the investigation and/or

the School's response to the alleged violation of this policy;

- D. written witness statements;
- E. narratives, notes from, or audio, video, or digital recordings of witness interviews/statements;
- F. e-mails, texts, or social media posts that directly relate to or constitute evidence pertaining to an alleged violation of this policy (i.e., not after-the-fact commentary about or media coverage of the incident);
- G. notes or summaries prepared contemporaneously by the investigator in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.), but not including transitory notes whose content is otherwise memorialized in other documents;
- H. written disciplinary sanctions issued to students or employees and other documentation that memorializes oral disciplinary sanctions issued to students or employees for violations of this policy;
- I. dated written determinations/reports (including summaries of relevant exculpatory and inculpatory evidence) and other documentation that memorializes oral notifications to the parties concerning the outcome of the investigation, including any consequences imposed as a result of a violation of this policy;
- J. documentation of any supportive measures offered and/or provided the Complainant and/or Respondent, including no contact orders issued to both parties, the dates the no contact orders were issued, and the dates the parties acknowledged receipt of the no contact orders;
- K. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects;
- L. copies of the Board policy and/or procedures/guidelines used by the School to conduct the investigation, and any documents used by the School at the time of the alleged violation to communicate the Board's expectations to students and staff with respect to the subject of this policy (e.g., Student Codes of Conduct and/or Employee Handbooks);
- M. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment;
- N. documentation of any training provided to School personnel related to this policy, including but not limited to, notification of the prohibitions and expectations of staff set forth in this policy and the role and responsibility of all School personnel involved in enforcing this policy, including their duty to report alleged violations of this policy and/or conducting an investigation of an alleged violation of this policy; [REMINDER: Documentation of training should be maintained regardless of whether there is an investigation of an alleged violation of this policy. It is best practice to maintain a log of all staff members who participate in a training, along with the date, time and location of the training, and a copy of the materials reviewed and/or presented during the training.]
- O. documentation that any rights or opportunities that the School made available to one party during the investigation were made available to the other party on equal terms;
- P. copies of any notices sent to the alleged Respondent of the allegations constituting a potential violation of this policy;
- Q. copies of any notices sent to the Complainant and the Respondent in advance of any interview, meeting, or hearing;

- R. copies of any documentation or evidence used during informal and formal disciplinary meetings and hearings, including the investigation report, and any written responses submitted by the Complainant or the Respondent.

The documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal (e.g., FERPA, ADA) and/or State law (e.g., R.C. 3319.321) – e.g., student records and confidential medical records.

The documents, ESI, and electronic media (as defined in Policy 8315) created or received as part of an investigation shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, and Policy 8330 for not less than three (3) years, but longer if required by the School's records retention schedule.

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Adoption Date: **01.10**

Classification:

Revised Dates: **10/24/11; 5/13/13; 8/18/14; 2/11/19; 9/9/19; 07.21**

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## **DRUG FREE WORKPLACE**

Reference: MCL 37.1211(a); 20 USC §§ 5812, 7114; 41 USC § 702; 42 USC §§ 12114, 12210; 28 CFR § 35.131; 29 CFR §§ 825.112, 1630.3; Drug and alcohol testing for persons who operate commercial motor vehicles, 49 CFR §§ 382.121, 382.401, 382.601

The use, manufacture, possession, distribution, or dispensation of alcoholic liquor or the illegal use, manufacture, possession, distribution or dispensation of drugs or drug paraphernalia is strictly prohibited on School property, School transportation, or at School-sponsored events. The School shall maintain a drug-free environment at all times, and shall constitute a drug-free workplace.

Staff found in possession of alcohol or illegal drugs (including drug paraphernalia), or found to be under the influence of such substances, shall be subject to employee discipline, up to and including possible termination of employment, in accordance with applicable law, regardless of whether that employee is presently taking leave pursuant to the Family and Medical Leave Act.

The School administration shall establish a drug-free awareness program consistent with this policy and all applicable law. Such a program may include reasonable guidelines and procedures designed to ensure that an individual who has formerly engaged in the illegal use of drugs is no longer engaging in the illegal use of drugs.

Staff shall be provided with a copy of the standards regarding alcoholic liquor and illegal drugs, including drug paraphernalia, and shall be informed that compliance with these standards is mandatory.

If the School operates transportation for students, the School administration shall prepare guidelines regarding alcohol and illegal drug use applicable to transportation employees, and in conformance with applicable law, which may include drug or alcohol testing.

Adopted 1/11/10  
Revised 9/9/19

## **NONDISCRIMINATION BASED ON GENETIC INFORMATION OF THE EMPLOYEE**

Reference: 29 C.F.R. Part 1635  
42 USC 2000ff et seq., The Genetic Information Nondiscrimination Act

The Board of Directors prohibits discrimination on the basis of genetic information in all aspects of employment, including hiring, firing, compensation, job assignments, promotions, layoffs, training, fringe benefits, or any other terms, conditions, or privileges of employment. The Board also does not limit, segregate, or classify employees in any way that would deprive or tend to deprive them of employment opportunities or otherwise adversely affect the status of an employee as an employee, based on genetic information. Harassment of a person because of his/her genetic information is also prohibited. Likewise, retaliation against an applicant or employee for engaging in protected activity is prohibited.

In accordance with the Genetic Information Act (GINA), the Board shall not request, require or purchase genetic information of employees, their family members or applicants for employment. Further, in compliance with this Act, employees are directed not to provide any genetic information, including the individual's family medical history, in response to necessary requests for medical information, with the exception that family medical history may be acquired as part of the certification process for FMLA leave, when an employee is asking for leave to care for an immediate family member with a serious health condition. Applicants for employment are directed not to provide any genetic information, including the individual's family medical history, in response to requests for medical information as part of the School's application process.

The School recognizes that genetic information may be acquired through commercially and publicly available documents like newspapers, books, magazines, periodicals, television shows or the Internet. The School prohibits, however, its employees from searching such sources with the intent of finding or obtaining genetic information, or accessing sources from which they are likely to acquire genetic information.

"Genetic information," as defined by GINA, means information about: (a) an individual's genetic tests; (b) the genetic tests of that individual's family members; (c) the manifestation of disease or disorder in family members of the individual (i.e., family medical history); (d) an individual's request for, or receipt of, genetic services, or the participation in clinical research that includes genetic services by the individual or a family member of the individual; or (e) the genetic information of a fetus carried by an individual or a pregnant woman who is a family member of the individual and the genetic information of an embryo legally held by an individual or family member using assistive reproductive technology.

If the School either legally and/or inadvertently receives genetic information about an employee or applicant for employment from the employee, applicant for employment or a medical provider it shall be treated as a confidential medical record in accordance with law.

The Superintendent shall appoint a compliance officer who shall be responsible for overseeing the School's compliance with Federal regulations and promptly dealing with any inquiries or complaints. S/He shall also verify that proper notice of nondiscrimination for Title II of the Genetic Information Nondiscrimination Act of 2008 is provided to staff members, and that all School requests for health-related information (e.g., to support an employee's request for reasonable accommodation under the ADA or a request for sick leave) is accompanied by a written warning that directs the employee or health care provider not to collect or provide genetic information. The warning shall read as follows:

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II, including the Board of Directors, from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by law. To comply with this law, do not provide any genetic information when responding to this request for medical information (unless the request pertains to a request for FMLA leave for purposes of caring for an immediate family member with a serious health condition). "Genetic information," as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic test, the fact that an individual or an individual's family member sought or received genetic services or participated in clinical research that includes genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

Adopted 6/22/10  
Revised 1/10/12; 9/9/19

## **EMPLOYEE HANDBOOK AND TREATMENT OF SALARIED AND NON-SALARIED EMPLOYEES**

Reference: 29 CFR §§ 541.602, 541.603 [Unpaid disciplinary suspensions must be based on a written policy applicable to all employees. Employers must clearly communicated policy regarding deductions from salary. The best evidence of a clearly communicated policy is a written policy that is distributed to employees at the time of hire, by publishing in an employee handbook, or by publishing on the employer's intranet.]

The Employee Leasing Company shall develop an employee handbook for both salaried and non-salaried employees, and shall submit the handbook for approval by the Board of Directors.

The handbook shall address disciplinary actions that may be taken against employees, including processes for imposing unpaid disciplinary suspensions and terminations, and policies regarding deductions from salary or pay.

The employee handbook shall be distributed to all employees at time of hire.

Adopted 1/11/10

Revised 9/9/19

## **SECTION 504/ADA PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT**

Reference:

29 C.F.R. Part 1630  
29 U.S.C. 794, Section 504 Rehabilitation Act of 1973, as amended,  
34 C.F.R. Part 104  
42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended

The Board of Directors prohibits discrimination against any employee or applicant based upon his/her disability. As such, the Board of Directors will not engage in employment practices or adopt policies that discriminate on the basis of disability, or otherwise discriminate against qualified individuals with disabilities in regard to job application procedures, the hiring, advancement or discharge of employees, employee compensation, job training, or other terms, conditions and privileges of employment. The Board further will not limit, segregate or classify applicants or employees in any way that adversely affects their opportunities or status because of disability. Additionally, the Board of Directors will not participate in any contractual or other relationships that have the effect of subjecting qualified individuals with disabilities who are applicants or employees to discrimination on the basis of disability.

"An individual with a disability" means a person who has, had a record of, or is regarded as having, a physical or mental impairment that substantially limits one or more major life activities. Major life activities are functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, eating, sleeping, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, sitting, reaching, interacting with others, and working.

Major life activities also include the operation of a major bodily function, including, but not limited to, functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, hemic, lymphatic, musculoskeletal and reproductive functions. The operation of a major bodily function includes the operation of an individual organ within a body system.

An impairment that is episodic in nature or in remission is considered a disability if it would substantially limit a major life activity when active.

The determination of whether an impairment substantially limits a major life activity must be made without regard to the ameliorative effects of mitigating measures such as medication, medical supplies, equipment or appliances, low-vision devices (defined as devices that magnify, enhance, or otherwise augment a visual image, but not including ordinary eyeglasses or contact lenses), prosthetics (including limbs and devices), hearing aid(s) and cochlear implant(s) or other implantable hearing devices, mobility devices, oxygen therapy equipment or supplies, use of assistive technology, reasonable accommodations or "auxiliary aides or services," learned behavioral or adaptive neurological modifications, psychotherapy, behavioral therapy, or physical therapy.

A qualified person with a disability means the individual satisfies the requisite skill, experience, education and other job-related requirements of the employment position such individual holds or desires and, with or without reasonable accommodation, can perform the essential functions of the job in question.

The Board of Directors will provide a reasonable accommodation to a qualified individual who has an actual disability or who has a record of a disability, unless the accommodation would impose an undue hardship on the operation of the School's program and/or activities. A reasonable accommodation is not required for an individual who is merely regarded as having a disability.

**Compliance Officer(s)**

The Board designates the following individual(s) to serve as the School's 504 Compliance Officer(s)/ADA Coordinator(s) (hereinafter referred to as the "School Compliance Officer(s)").

Male/Female Coordinator  
14510 Second Ave.  
Highland Park, MI 48203  
(313) 865-6024

The names, titles, and contact information of this/these individual(s) will be published annually on the School's web site.

The Compliance Officer(s) [is] [are] responsible for coordinating the School's efforts to comply with and fulfill its responsibilities under Section 504 and Title II of the Americans with Disabilities Act, as amended ("ADA"). A copy of Section 504 and the ADA, including copies of their implementing regulations, may be obtained from the School Compliance Officer(s).

The Compliance Officer(s) will oversee the investigation of any complaints of discrimination based on disability, which may be filed pursuant to the Board's adopted internal complaint procedure, and will attempt to resolve such complaints. The Board will provide for the prompt and equitable resolution of complaints alleging violations of Section 504/ADA. See below.

### **Training**

The Compliance Officer(s) will also oversee the training of employees in the School so that all employees understand their rights and responsibilities under Section 504 and the ADA, and are informed of the Board's policies, administrative procedures and practices with respect to fully implementing and complying with the requirements of Section 504/ADA.

The Board of Directors will provide in-service training and consultation to staff responsible for the education of persons with disabilities, as necessary and appropriate.

### **Facilities**

No qualified person with a disability will, because the School's facilities are inaccessible to or unusable by persons with disabilities, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity to which Section 504/ADA applies.

For facilities constructed or altered after June 3, 1977, the School will comply with applicable accessibility standards. For those existing facilities constructed prior to June 3, 1977, the School is committed to operating its programs and activities so that they are readily accessible to persons with disabilities.

### **Notice**

Notice of the Board's policy on nondiscrimination in employment practices and the identity of the School's Compliance Officer(s) will be published on the School's website and posted throughout the School, and included in the School's recruitment statements or general information publications.

### **Complaint Procedures**

If a person believes that s/he has been discriminated against on the basis of his/her disability, the person may utilize the following complaint procedures as a means of reaching, at the lowest possible administrative level, a prompt and equitable resolution of the matter.

In accordance with Section 504 of the Rehabilitation Act of 1973 and its implementing regulations ("Section 504"), employees will be notified of their right to file an internal complaint regarding an alleged violation, misinterpretation or misapplication of Section 504. In addition, employees will be notified of their right to file a complaint with the U.S. Department of Education's Office for Civil Rights.

Internal complaints must be put in writing and must identify the specific circumstances or areas of dispute that have given rise to the complaint, and offer possible solutions to the dispute. The complaint must be

filed with an School Compliance Officer within the time limits specified below. The School's Compliance Officer is available to assist individuals in filing a complaint.

Unless expressly stated otherwise, the term "day" or "days" as used in this policy means business day(s) (i.e., a day(s) that the Board office is open for normal operating hours, Monday - Friday, excluding State-recognized holidays).

### **Internal Complaint Procedure**

The following internal complaint procedure is available to employees for the prompt and equitable resolution of complaints alleging discrimination based upon disability. This complaint procedure is not available to unsuccessful applicants. Use of the internal complaint procedure is not a prerequisite to the pursuit of other remedies, including the filing of a complaint with the U.S. Department of Education's Office for Civil Rights.

- A. An employee with a complaint based on alleged discrimination on the basis of disability may first discuss the problem with the School Compliance Officer.
- B. If the informal discussion does not resolve the matter, or if the employee skips Step A, the individual may file a formal written complaint with the School Compliance Officer. The written complaint must contain the name and address of the individual or representative filing the complaint, be signed by the complainant or someone authorized to sign for the complainant, describe the alleged discriminatory action in sufficient detail to inform the School Compliance Officer of the nature and date of the alleged violation, and propose a resolution. The complaint must be filed within thirty (30) days of the circumstances or event giving rise to the complaint, unless the time for filing is extended by the School Compliance Officer for good cause.
- C. The School Compliance Officer will conduct an independent investigation of the matter (which may or may not include a hearing). This complaint procedure contemplates informal, but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to present witnesses and other evidence relevant to the complaint. The School Compliance Officer will provide the complainant with a written disposition of the complaint within ten (10) days. If no decision is rendered within ten (10) days, or the decision is unsatisfactory in the opinion of the complainant, the employee may file, in writing, an appeal with the Superintendent. The School Compliance Officer shall maintain the School's files and records relating to the complaint.
- D. The Superintendent will, within ten (10) days of receiving the written appeal, conduct a hearing with all parties involved in an attempt to resolve the complaint.  
  
The Superintendent will render his/her decision within ten (10) days of the hearing.
- E. The employee may be represented, at his/her own cost, at any of the above-described meetings/hearings.
- F. The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights or the filing of a court case. Use of this internal complaint procedure is not a prerequisite to the pursuit of other remedies.

If it is determined that the Complainant was subjected to unlawful discrimination, the CO must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, age-appropriate and effective, and tailored to the specific situation.

### **OCR Complaint**

At any time, if an employee believes that s/he has been subjected to discrimination based upon his/her disability in violation of Section 504 or the ADA, the individual may file a complaint with the U.S. Department of Education's Office for Civil Rights ("OCR"). The OCR can be reached at:

U.S. 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>

### **Retaliation**

Retaliation against a person who makes a report or files a complaint alleging unlawful harassment/retaliation or participates as a witness in an investigation is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce or interfere with any individual because the person opposed any act or practice made unlawful by any Federal or State civil rights law, or because that individual made a report, formal complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding, or hearing under those laws and/or this policy, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws and/or this policy.

Retaliation against a person for making a report of discrimination, filing a formal complaint, or participating in an investigation or meeting is a serious violation of this policy that can result in imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Formal complaints alleging retaliation may be filed according to the internal complaint process set forth above.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

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Adoption Date: **12.11**

Classification:

Revised Dates: **8/18/14; 9/9/19; 07.21**

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## **ASSIGNMENT AND TRANSFER**

References: M.C.L. 380.1231, 1233, 1233b  
E.S.E.A./N.C.L.B. – 20 U.S.C. 6319

The Board of Directors believes that the appropriate placement of qualified and competent staff is essential to the successful functioning of the School.

The Superintendent shall be responsible for the proper assignment and transfer of all staff members and shall attempt to effect the optimum assignment of the staff in conformance with any applicable contractual or legal requirements, State certification requirements, and Federal requirements. S/He shall establish an audit procedure to ensure that each instructional staff member's teaching certificate is currently in compliance with appropriate State certification criteria and has not been nullified or, if applicable, that the staff member is otherwise qualified to teach as allowed by law.

Adopted 2/11/19  
Revised 9/9/19

## STAFF DISCIPLINE

References: M.C.L. 38.101 et seq., 38.74, 380.1230d, 380.1535a

Whenever it becomes necessary to discipline a member of the staff, the Employee Leasing Company and Superintendent shall utilize related procedures described in the current negotiated agreement, and/or to the extent not inconsistent with the current negotiated agreement, the following principles and procedures.

A teacher may only be discharged, demoted or otherwise disciplined for a reason that is not arbitrary or capricious. In all instances, discipline, discharge and demotion shall occur in accordance with the statutory requirements under the Revised School Code.

The administrator/Superintendent shall conduct an investigation of any alleged act or omission by a teacher that could result in disciplinary action. The teacher shall be provided with oral or written notice of the issue or incident being investigated. The investigation shall include, at a minimum, interviews of appropriate persons and a meeting with the subject teacher and, if requested or if required by the bargaining agreement, his/her designated representative (either another employee or a union representative if part of a bargaining unit) to allow the teacher an opportunity to respond to the complaint. Prior notice of this meeting shall be provided to the teacher for any discipline that may result in a suspension or loss of pay. The meeting shall not proceed without the teacher's designated representative; however, the meeting shall not be unduly delayed to secure the attendance of the teacher's preferred representative.

After completion of the investigation, if discipline is to be imposed, the teacher shall receive written notice of the discipline and this notice shall also be placed in the teacher's file.

Discipline may include, but is not limited to:

- A. written warning;
- B. written reprimand;
- C. suspension (paid or unpaid);
- D. discharge
- E. financial penalty in accordance with Michigan law.

The School does not have to apply discipline in a progressive manner, but, rather, may impose discipline consistent with the seriousness of the teacher's conduct, as determined by the School. Additionally, nothing in this policy limits the School's right to take other appropriate action, such as placing a teacher on administrative leave during the pendency of an investigation or issuing a counseling memorandum, which is considered instructional, not disciplinary.

If it appears that disciplinary action beyond written reprimand may be necessary, the administrator should contact the Employee Leasing Company and Superintendent to discuss the disciplinary action that is to be taken.

Adopted 1/8/18  
Revised 9/9/19

## **TERMINATION AND RESIGNATION**

Reference: MCL 380.1230, et. seq., 380.1535, 380.1535a, 380.1809, 28.722

### ***Termination***

The Superintendent shall be responsible for notifying the Board, through its Employee Leasing Company (ELC), in cases of suspension and/or termination of employment contracts.

Employees and those under agreement to work regularly and continuously in the school, whether part-time or full-time, may not continue employment with the Board if a criminal history records check or other authoritative source reveals a conviction of a "listed" offense under MCL 28.722.

Individuals convicted of a non-listed felony may not continue to work unless both the Superintendent and the Board, through its Employee Leasing Company (ELC), give written approval. Such conviction(s) may subject staff to discharge or demotion. The State Board of Education will be notified of the report of conviction(s) as required by law.

### ***Resignation***

The Superintendent, through its Employee Leasing Company (ELC) shall be responsible for establishing suitable resignation procedures.

Adopted 1/11/10  
Revised 9/9/19

## **EMPLOYEE ABSENCES**

Reference: MCL 37.1211(c) [Policy suggested/referred to but not required]

All employees of the School who have been absent from work for more than five (5) consecutive days because of illness or injury must submit evidence of the ability to return to work.

Adopted 1/11/10  
Revised 9/9/19

## UNREQUESTED LEAVES OF ABSENCE/FITNESS FOR DUTY

Reference: Americans with Disabilities Act of 1990, as amended  
42 USC 12101 et seq.  
29 CFR Part 1630  
29 C.F.R. Part 1635

The policy of the Board of Directors, through the Employee Leasing Company (ELC) is to protect students and employees from staff members unable to perform essential job functions with or without accommodation.

The Superintendent shall develop appropriate procedures to place a staff member on involuntary leave of absence when the staff member is unable to perform assigned duties, considering any legally required accommodation in conformance with state and federal statute.

If the Superintendent believes the staff member is unable to perform essential job functions, the staff member will be offered the opportunity for a meeting to discuss these issues.

If a staff member refuses to attend the meeting, the Board may order the staff member to submit to an appropriate examination by a physician designated and compensated by the Board.

All such requests for examination shall include the following notice to the examiner:

"The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, do not provide any genetic information when responding to this request for medical information. 'Genetic information' as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

If, as a result of such examination, the staff member is found to be unable to perform assigned duties with or without accommodation, the staff member may be placed on leave of absence for a reasonable time to heal or until the staff member is able to perform the essential job function, but only for a period not to exceed one (1) year.

Should a staff member refuse to submit to the examination requested by the Board and the staff member has exercised his/her rights under the provisions hereinabove set forth, such refusal shall subject the staff member to disciplinary action.

Adopted 1/11/10  
Revised 1/10/12; 9/9/19

## CONTROLLED SUBSTANCE AND ALCOHOL POLICY FOR COMMERCIAL MOTOR VEHICLE (CMV) DRIVERS

Reference: 49 CFR 382.101 et. seq.

### Purpose

The Board of Directors believes that the safety of students, while being transported to and from school or School activities, is of utmost importance and is the primary responsibility of the driver of the School vehicle. To fulfill such a responsibility, each driver (and any others who perform safety-sensitive functions with School vehicles) must be mentally and physically alert at all times while on duty.

To that end, the Board has established this policy, which includes an alcohol and controlled substances testing program. The Board expects all Drivers to comply with Board Policy 3122.01 on Drug Free Workplace which prohibits the possession, use, sale, or distribution of alcohol and any controlled substance on school property at all times.

Further, the Board concurs with the Federal requirement that all Drivers should be free of any influence of alcohol or controlled substance while on duty. Therefore, participation in the alcohol and controlled substances testing program is a condition of employment for all Drivers.

### Covered Employees

This policy covers all commercial driver's license (CDL) holders and regular and substitute bus drivers as well as other staff who operate, inspect, service and condition a commercial motor vehicle (CMV) while on duty, regardless of whether they are required to hold a CDL.

This policy also covers other staff members who drive students in or inspect, service, and condition non-CMV District vehicles.

### Definitions

For purposes of this policy and the guidelines associated with this policy, the following definitions shall apply:

- A. The term *alcohol* means the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols, including methyl or isopropyl alcohol. This term is a volume breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test as described herein.
- B. The term *controlled substance* includes any illegal drug, the possession or use of which is unlawful pursuant to Federal, State and local laws and regulations, and any drug being used illegally (such as a prescription drug illegally obtained or used for unintended purposes or in a quantity not prescribed. The term does not include any legally obtained prescription drug used for its intended purpose and in its prescribed quantity unless such use impairs the individual's ability to safely perform safety-sensitive functions.

This term includes, but is not limited to, marijuana metabolites, cocaine metabolites, amphetamines, opiate metabolites, phencyclidine (PCP).

- C. The term *controlled substance abuse* includes excessive use of alcohol and/or prescribed drugs not used for prescribed purposes, in a prescribed manner, or in the prescribed quantity.
- D. The term *safety-sensitive functions* includes waiting to be dispatched, inspecting equipment, servicing, driving, loading or unloading School vehicles, as well as repairing, obtaining assistance, or remaining in attendance upon a disabled School vehicle. This term further includes any period in which an individual is actually performing, ready to perform, or immediately available to perform any safety-sensitive function.
- E. The term *CDL license holder* means all *Driver* CDL holders and regular and substitute bus drivers who operate a commercial motor vehicle while on duty, as well as other staff members who operate, inspect, service and condition a commercial motor vehicle (CMV) while on duty, regardless of whether they are required to hold a CDL.

This policy also covers other staff members who drive students in or inspect, service, and condition non-CMV School vehicles.

- F. The term *while on duty* means all time from the time the Driver begins to work or is required to be in readiness for work until the time s/he is relieved from work and all responsibility for performing work.

### Procedures

The Employee Leasing Company shall establish a drug and alcohol testing program whereby each Driver is tested for the presence of alcohol in his or her system and for the presence of the following controlled substances:

- A. marijuana;
- B. cocaine;
- C. opiates;
- D. amphetamines; and/or
- E. phencyclidine (PCP).

The alcohol and controlled substances tests are to be conducted in accordance with Federal and State regulations a.) prior to employment (controlled substances only), b.) reasonable suspicion, c.) upon return to duty after any alcohol or drug rehabilitation, d.) after any accident, e.) on a random basis, and f.) on a follow-up basis.

Any staff member who tests positive as defined in the guidelines shall be:

- A. immediately prohibited from driving any School vehicle or conducting a safety sensitive function;

- B. evaluated by a substance abuse professional;
- C. provided information regarding drug/alcohol counseling; or referred to the School's Employee Assistance Program;
- D. subject to discipline, up to and including discharge, in accordance with School guidelines.

No staff member who has tested positive for alcohol or a controlled substance may be returned to a safety sensitive position without having been evaluated by a qualified substance abuse professional (SAP), completed any required treatment program, and passed a retest. Return to a safety sensitive position is solely at the School's discretion.

Prior to the beginning of the testing program, the Employee Leasing Company shall provide training for all employees, including Drivers and their supervisors about:

- A. the dangers of illegal drug use and controlled substance and alcohol abuse;
- B. indicators of probable alcohol misuse and controlled substance abuse;
- C. Board Policy 3122.01 Drug-Free Workplace, Policy 3161 Involuntary Leaves of Absence, and Policy 3170 Substance Abuse
- D. the sanctions that may be imposed for violations of Policy 3122.01.

The Employee Leasing Company shall arrange for periodic retraining of supervisors and staff members as necessary. The Employee Leasing Company shall provide a copy of this policy and testing guidelines to all Drivers and will include available resources to assist employees with problems related to the use of alcohol and controlled substances.

The Employee Leasing Company shall submit, for Board approval, a contract with a certified laboratory to provide the following services:

- A. tests of all first and second test urine samples;
- B. clear and consistent communication with the Superintendent's Medical Review Officer (MRO);
- C. methodology and procedures for conducting random tests for controlled substances and alcohol; and
- D. preparation and submission of all required reports to the Superintendent's MRO, and to Federal and State governments.

The Employee Leasing Company shall also select the agency or persons to conduct the alcohol breathalyzer tests, the Employee Leasing Company's MRO, and the drug collection site(s), in accordance with the requirements of the law.

Adopted 8/12/13  
Revised 9/9/19



## **SUBSTANCE ABUSE**

Reference: Rehabilitation Act of 1973, 29USC 794

The Board of Directors, through its Employee Leasing Company (ELC), recognizes alcoholism and drug abuse as treatable illnesses. When such illnesses impair the performance of staff members, the Board and its Employee Leasing Company (ELC), recognizes the Superintendent's responsibility to assist in a manner recommended by appropriate specialists in the treatment of those illnesses.

The Superintendent and its Employee Leasing Company (ELC) will extend to a staff member, having an illness or other problem relating to the use of alcohol or other drugs, the same careful consideration and offer of assistance, which are presently extended to staff members having any other illness.

No staff member will have his/her job security or promotion opportunities jeopardized by his/her request for counseling or referral assistance.

Staff members, who suspect they may have an alcohol or other drug abuse problem, are encouraged to seek counseling and information, on a confidential basis, through the resources available for such service.

In administering its Substance Abuse policy, the Superintendent and its Employee Leasing Company (ELC) will comply with all applicable state and federal laws and regulations.

Adopted 1/11/10  
Revised 9/9/19

## STAFF ETHICS

Reference: MCL 750.520b, 750.520c, 750.520d, 750.520e

An effective educational program requires the services of individuals with integrity, high ideals, and human understanding. To maintain and promote these essentials, the Board of Directors and its Employee Leasing Company (ELC) expects all staff members to maintain high standards, both in their working relationships and in the performance of their professional duties, by adhering to the following:

- A. recognize basic dignity of all individuals with whom they interact in the performance of duties;
- B. represent their qualifications accurately;
- C. exercise due care to protect the mental and physical safety of students, colleagues, and subordinates;
- D. seek and apply the knowledge and skills appropriate to assigned responsibilities;
- E. keep in confidence legally confidential information they may have or learn;
- F. ensure their actions, or those of another on their behalf, are not made with specific intent of advancing private economic interests;
- G. avoid accepting anything of value offered by another for the purpose of influencing judgment;
- H. refrain from using position or public property, or permitting another person to use an employee's position or public property, for partisan political or religious purposes. This will in no way limit constitutionally or legally protected rights as a citizen.

In keeping with the ethical responsibilities of the staff, the Board of Directors, through its Employee Leasing Company (ELC), requires that staff not engage in any romantic or sexual relationship of any kind with students of this School, regardless of their age, unless the staff member and student are legally married to each other. Staff should not provide alcohol, drugs, cigarettes, or any other contraband to a student.

Adopted 1/11/10  
Revised 9/9/19

## STUDENT SUPERVISION AND WELFARE

Reference: MCL 722.621 et seq., 750.520b, 750.520c, 750.520d, 750.520e

Staff members are frequently confronted with situations that could result in liability to the School and personal liability to the staff member. The Board of Directors, through its Employee Leasing Company (ELC), shall direct the preparation of guidelines that would minimize that possibility.

The Superintendent shall maintain and enforce the following standards:

- A. Each staff member shall maintain a standard of care for supervision, control, and protection of students commensurate with assigned duties and responsibilities.
- B. Each staff member should not volunteer to assume responsibility for duties he/she cannot reasonably perform. Such assumption carries the same responsibilities as assigned duties.
- C. Each staff member shall provide proper instruction in the safety matters presented in assigned course guides.
- D. Each staff member shall immediately report to the Superintendent any accident or safety hazard he/she detects.
- E. Each staff member shall immediately report to the Superintendent any knowledge of threats of violence by students.
- F. Each staff member shall not send students on any personal errands.
- G. A staff member shall not associate or fraternize with students at any time in a manner which may give the appearance of impropriety, including, but not limited to, the creation or participation in any situation or activity which could be considered abusive or sexually suggestive or involve harmful substances such as illegal drugs, alcohol, or tobacco. Any sexual or other inappropriate conduct with a student by any staff member will subject the offender to potential criminal prosecution and disciplinary action by the Board up to and including termination of employment.

This provision should not prevent a staff member from associating with students in private for legitimate or proper reasons. However, dating and/or having a romantic and/or sexual relationship with any student, regardless of the student's age or consent, are absolutely prohibited, unless the staff member and student are legally married to each other.

- H. A staff member shall not transport students in a private vehicle without the approval of the Superintendent.
- I. A student shall not be required to perform work or services that may be detrimental to his/her health.

- J. If a student approaches a staff member to seek advice or to ask questions regarding a personal problem related to sexual behavior, substance abuse, mental or physical health, and/or family relationships, the staff member may attempt to assist the student by facilitating contact with certified or licensed individuals in the Academy or community who specialize in the assessment, diagnosis, and treatment of the student's problem. Under no circumstances should a staff member attempt, unless properly licensed and authorized to do so, to counsel, assess, diagnose, or treat the student's problem or behavior, nor should such staff member inappropriately disclose personally identifiable information concerning the student to third persons not specifically authorized by law.
- K. Staff members shall only engage in electronic communication with students via email, texting, social media and/or online networking media, such as Facebook, Twitter, YouTube, MySpace, Skype, blogs, etc., when such communication is directly related to curricular matters or co-curricular/extracurricular events or activities with prior approval of the Superintendent.
- L. Staff members are prohibited from electronically transmitting any personally identifiable image of a student(s), including video, photographs, streaming video, etc. via email, text message, or through the use of social media and/or online networking media, such as Facebook, Twitter, YouTube, MySpace, Skype, blogs, etc., unless such transmission has been made as part of a pre-approved curricular matter or co-curricular/extracurricular event or activity such as an Academy-sponsored publication or production in accordance with Policy 5722.

Other than directory information described in Policy 8330, most information concerning a child in school is confidential under Federal and State laws. Any staff member who shares confidential information with another person not authorized to receive the information may be subject to discipline or civil liability. This includes, but is not limited to, information concerning assessments, grades, behavior, family background, and alleged child abuse.

Pursuant to the laws of the State and Board Policy 8462, each staff member shall immediately report any sign of suspected child abuse or neglect to the proper legal authorities.

Adopted 1/11/10  
Revised 10/24/11; 9/9/19

## **STAFF GIFTS**

The Board of Directors considers the presentation of gifts to staff members by students and their parents an undesirable practice because it tends to embarrass students with limited means and gives the appearance of currying favor.

Based on the foregoing premise, the policy of the Board directs that staff members may accept gifts of nominal value from students or parents.

Individual gifts from the staff member to each student are strongly discouraged. If a staff member wishes to give gifts, he/she may give a gift to the whole class (e.g., library books, magazine subscriptions, educational games, or other educational resources for the class).

Adopted 1/11/10  
Revised 9/9/19

## USE OF TOBACCO BY STAFF

Reference: MCL 333.12601 et seq.

The Board of Directors recognizes the use of tobacco presents a health hazard that can have serious consequences both for the user and the nonuser and is, therefore, of concern to the Board.

In order to protect students and employees who choose not to use tobacco from an environment noxious to them and potentially damaging to their Health, the Board prohibits the use of tobacco on School premises; in School vehicles; in all School buildings owned, leased, and/or operated by the School; and at all School-related activities.

The Board prohibits the use of tobacco product by staff members in school buildings, on school property (owned or leased), on school buses, and at any school-related event.

For purposes of this policy,

- A. "tobacco product" means a preparation of tobacco to be inhaled, chewed, or placed in a person's mouth.
- B. "use of a tobacco product" means any of the following:
  - 1. the carrying by a person of a lighted cigar, cigarette, pipe, or other lighted smoking device
  - 2. the inhaling or chewing of a tobacco product
  - 3. the placing of a tobacco product within a person's mouth
  - 4. and/or the smoking of electronic, "vapor," or other substitute forms of cigarettes, clove cigarettes or other lighted smoking devices for burning tobacco or any other substance.

Adopted 1/11/10  
Revised 10/24/11; 9/9/19

## **WEAPONS**

The Board of Directors prohibits any Board Member or staff member, whether employed by the Board or Employee Leasing Company, from possessing, storing, making, or using a weapon, in any setting under the control and/or supervision of the School, for the purpose of School activities (approved and authorized by the School), including, but not limited to, the following:

- A. activities or events held on/in property leased, owned, or contracted by the School,
- B. activities or events sponsored by the School, including athletic events, and
- C. activities or events involving the use of a School vehicle.

The term *weapon* means any object capable of inflicting serious bodily harm or property damage, endangering the health and safety of persons. Such weapons include, but are not limited to, the following: firearms; guns of any type (including spring, air and gas-powered guns, loaded or unloaded) that will expel a BB, pellet, or paintballs; knives; razors; clubs; electric weapons; metallic knuckles; martial arts weapons; ammunition; and explosives or any other weapons described in 18 USC 921.

The Employee Leasing Company shall report a staff member who violates this policy to law enforcement officials. The staff member will also be subject to disciplinary action up to, and including, termination.

Staff members shall immediately report knowledge of dangerous weapons and/or threats of violence by students, staff members, or visitors to the Employee Leasing Company.

Failure to report such information may subject the staff member to disciplinary action up to, and including, termination.

Adopted 1/11/10  
Revised 1/11/16; 9/9/19

## TEACHER EVALUATION

Reference: MCL 380.1249 (as amended)

The Board of Directors shall ensure that its Superintendent establishes and implements a rigorous, transparent, and fair performance evaluation system that does all of the following:

- A. Evaluates the employee's job performance at least annually in a year-end evaluation, while providing timely and constructive feedback. Teachers rated highly effective on 3 consecutive year-end evaluations may be evaluated every other year, at the Superintendent's and Building Administrator's discretion.
- B. Establishes clear approaches to measuring student growth and provides professional staff with relevant data on student growth. The yearend evaluation of student growth shall be based on the Fall to Spring and Spring State student growth data, or all available student growth data if less than 3 years is available.
- C. Evaluates an employee's job performance, using rating categories of highly effective, effective, minimally effective and ineffective, which take into account data on student growth as a significant factor in the evaluation in accordance with State law student growth and assessment data. For the 2016 – 2017, 2017 – 2018 and 2018-2019 school years twenty-five (25) percent of the annual year-end evaluation shall be based on student growth and assessment data. Beginning with the 2019-2020 school year, forty (40) percent, or as directed by MDE, of the annual year-end evaluation shall be based on student growth and assessment data.

For these purposes, student growth shall be measured by the following:

1. Beginning with the 2016 - 2017 school year, the portion of a teacher's annual year-end evaluation that is not based on student growth and assessment data shall be based primarily on a teacher's performance as measured by the Superintendent and/or Building Administrator as described below.
2. Beginning with the 2018 - 2019 school year, for core content areas in grades and subjects in which state assessments are administered, fifty (50) percent of student growth must be measured using the state assessments, and the portion of student growth not measured using state assessments must be measured using multiple research-based growth measures or alternative assessments that are rigorous. Student growth also may be measured by student learning objectives or nationally normed or locally adopted assessments that are aligned to state standards, or based on achievement of individualized education program goals.
3. The portion of a teacher's evaluation that is not measured using student growth and assessment data or using the evaluation tool developed or adopted by the Superintendent shall incorporate criteria enumerated in section M.C.L. 380.1248(1)(b)(i) to (iii) that are not otherwise evaluated under the tool.



- D. uses the evaluations, at a minimum, to inform decisions regarding all of the following:
1. the effectiveness of employees, so that they are given ample opportunities for improvement
  2. promotion, retention, and development of employees, including providing relevant coaching, instruction support, or professional development
  3. removing ineffective employees after they have had ample opportunities to improve, and providing that these decisions are made using rigorous standards and streamlined, transparent, and fair procedures

- E. provides a mid-year progress report for every teacher who has received a rating of minimally effective or ineffective on the last most recent annual year-end evaluation

This mid-year report shall not replace the annual year-end evaluation. The mid-year report shall:

1. be based, at least in part, on student achievement;
2. be aligned with the teacher's individualized development plan;
3. include specific performance goals and any recommended training for the remainder of the school year, as well as written improvement plan developed in consultation with the teacher that incorporates the goals and training.

- F. includes classroom observations in accordance with the following:

1. must include review of the lesson plan, State curriculum standards being taught and student engagement in the lesson
2. must include multiple observations unless the teacher has received an effective or higher rating on the last two (2) yearend evaluations
3. observations need not be for an entire class period
4. at least one (1) observation must be unscheduled;
5. the school administrator responsible for the teacher's performance evaluation shall conduct at least one (1) of the observations;

Other observations may be conducted by other observers who are trained in the use of the evaluation tool as described below. These other observers may be teacher leaders.

6. the Superintendent and/or Building Administrator shall ensure that, within thirty (30) days after each observation, the teacher is provided with feedback from the observation.

- G. For the purposes of conducting annual year-end evaluations under the performance evaluation system, the Superintendent will adopt and implement one (1) or more of the evaluation tools for teachers that are included on the list established and maintained by the Michigan Department of Education ("MDE").
- H. The Board will post on its public website all of the following information about the measures it uses for its performance evaluation system for teachers:
1. The research base for the evaluation framework, instrument, and process or, if the Superintendent adapts or modifies an evaluation tool from the MDE list, the research base for the listed evaluation tool and an assurance that the adaptations or modifications do not compromise the validity of that research base.
  2. The identity and qualifications of the author or authors or, if the Educational Service Provider adapts or modifies an evaluation tool from the MDE list, the identity and qualifications of a person with expertise in teacher evaluations who has reviewed the adapted or modified evaluation tool.
  3. Either evidence of reliability, validity, and efficacy or a plan for developing that evidence or, if the Educational Service Provider adapts or modifies an evaluation tool from the MDE list, an assurance that the adaptations or modifications do not compromise the reliability, validity, or efficacy of the evaluation tool or the evaluation process.
  4. The evaluation frameworks and rubrics with detailed descriptors for each performance level on key summative indicators.
  5. A description of the processes for conducting classroom observations, collecting evidence, conducting evaluation conferences, developing performance ratings, and developing performance improvement plans.
  6. A description of the plan for providing evaluators and observers with training.
- I. The Superintendent and/or Building Administrator will provide training to teachers on the evaluation tool(s) used by the Superintendent in its performance evaluation system and how each evaluation tool is used. This training may be provided by the Superintendent and/or Building Administrator or by a consortium consisting of 2 or more public school academies.

The Superintendent and/or Building Administrator will ensure that training is provided to all evaluators and observers. The training shall be provided by an individual who has expertise in the evaluation tool or tools used by the Superintendent and/or Building Administrator, which may include either a consultant on that evaluation tool or framework or an individual who has been trained to train others in the use of the evaluation tool or tools. The Superintendent and/or Building Administrator may provide the training in the use of the evaluation tool or tools if the trainer has expertise in the evaluation tool or tools.

The staff evaluation program shall aim at the early identification of specific areas in which the individual professional staff member needs help so that appropriate assistance may be provided or arranged for. A supervisor offering suggestions for improvement to a professional staff member shall not release that professional staff member from the responsibility to improve. If a professional staff member, after receiving a reasonable degree of assistance, fails to perform his/her assigned responsibilities in a satisfactory manner, dismissal, or non-renewal procedures may be invoked. A teacher rated as "ineffective" on three (3) consecutive year-end evaluations must be dismissed from employment as a teacher with the Board. In such an instance, all relevant evaluation documents may be used in the proceedings.

Beginning with the 2018 - 2019 school year, the Board shall not assign a student to be taught in the same subject area for two (2) consecutive years by a teacher who has been rated as ineffective on his/her two (2) most recent annual year-end evaluations. If the Board is unable to comply with this and plans to assign a student to be taught in the same subject area for two (2) consecutive years by a teacher who has been rated as ineffective on his/her two (2) most recent annual year-end evaluations, the Board will notify the student's parent or legal guardian in writing not later than July 15 immediately preceding the beginning of the school year for which the student is assigned to the teacher, that the Board is unable to comply and that the student has been assigned to be taught in the same subject area for a second consecutive year by a teacher who has been rated as ineffective on his/her two (2) most recent annual year-end evaluations. The notification shall include an explanation of why the Board is unable to comply.

Adopted 10/24/11  
Revised 1/12/15; 6/8/15; 9/12/16; 01/09/17; 9/9/19

## OUTSIDE ACTIVITIES OF STAFF

Reference: MCL 15.321 et seq., 15.401 et seq., 380.1805 (1)

The policy of the Board of Directors that staff members and any employees of the Employee Leasing Company (LEC) shall avoid situations in which their personal interests, activities, and associations may conflict with the interests of the School. If such situations occur, the Superintendent shall evaluate the impact of such interest, activity, or association upon the staff member's responsibilities and shall take appropriate action as necessary.

- A. Staff members should not give work time to an outside interest, activity, or association without valid reason to be excused from assigned duties.
- B. Staff members shall not use School property or classroom time to solicit or accept customers for private enterprises without Board approval.
- C. Staff members shall not engage in business transactions on behalf of personal or private enterprise in which he/she may profit by virtue of his/her official position or authority - or benefit financially from confidential information the employee has obtained, or may obtain, by reason of his/her position or authority.
- D. Staff members shall not campaign while on School property on behalf of any political issue or candidate for local, state, or national office.
- E. Staff members may not accept fees for tutoring, when such tutoring is conducted during the normal work day.
- F. Staff members may not accept fees for tutoring, private lessons, or other activities related to their professional duties for students currently enrolled in one (1) or more of their classes or on their case load.

### *Research and Publishing*

Staff members are encouraged to contribute articles to professional publications and to engage in approved professional research. Materials that might be considered for publication and/or production, which identify the School in any manner, shall be cleared with the Board prior to publication and/or production.

Publications and productions shall be subject to the following copyright provisions:

- A. Rights to copyrights or patents of books, materials, devices, etc. developed by staff members on their own time will be relinquished by the Board upon request of the staff member, with the following provisions:
  - 1. the books, materials, devices, etc. were prepared without the use of School data, facilities, and/or equipment;
  - 2. the School is granted the privilege of purchasing the materials or products free of any copyright or royalty charges;
  - 3. the staff member does not become involved in any way in the selling of the product to the School.

The final decision rests with the Board regarding whether materials were produced independently of any work assignment and/or School equipment, facilities, data, or equipment were not used.

The Superintendent shall notify the Board of staff members who desire to publish or produce materials on their own time. The notification shall occur prior to the time such work is started, so proper procedures can be established to assure the protection of both the School's and the staff member's interests.

- B. All books, materials, devices, or products that result from the paid work time and/or prescribed duties of staff members shall remain the property of the School. The School shall retain all rights and privileges pertaining to ownership. In the event any of these products have commercial possibilities, the Board may secure copyrights, patents, etc. to ensure ownership of the product by the School.

The Board may negotiate with appropriate agencies for the production and distribution of products with commercial appeal. Such negotiations shall ensure fair and appropriate compensation, including sharing of royalties, for the staff member(s) who developed the products.

Adopted 1/11/10  
Revised 9/9/19

## **PROFESSIONAL MEETINGS**

The Board of Directors encourages staff members to take advantage of opportunities to develop and increase their competencies, beyond those attained through the performance of their assigned duties, through attendance at professional meetings.

For purposes of this policy, a *professional meeting* shall be defined as any meeting related to the activities, duties, or responsibilities of staff members, as determined by the Superintendent.

The Superintendent shall prepare Administrative Guidelines to implement this policy.

Adopted 1/11/10

Revised 9/9/19

## **FREEDOM OF SPEECH IN NONINSTRUCTIONAL SETTINGS**

The Board of Directors and its Employee Leasing Company (ELC), acknowledges the right of staff members, as citizens in a democratic society, to speak out on issues of public concern. When those issues are related to the School, however, the staff member's expression must be balanced against the interests of this School.

To avoid situations in which the staff member's expression could conflict with the School's interests, the staff member should ensure the following:

- A. refrain from expressions that would disrupt harmony among co-workers or interfere with the maintenance of discipline by School officials;
- B. abstain from making threats or abusive or personally-defamatory comments about co-workers, administrators, or officials of the School;
- C. refrain from making public expressions that he/she knows to be false or made without regard for truth or accuracy.

Adopted 1/11/10  
Revised 9/9/19

## **ANTI-HARASSMENT**

Reference:

Titles VI and VII of the Civil Rights Act of 1964, 42 U.S.C. 2000d et seq.  
20 U.S.C. 1400 ET SEQ., The Individuals with Disabilities Education improvement Act of 2004 (IDEIA)  
29 USC 621 et seq., Age Discrimination in Employment Act of 1967  
29 U.S.C. 6101, The Age Discrimination Act of 1975  
42 USC 2000e et seq.  
42 USC 1983  
42 USC 2000ff et seq., The Genetic Information Nondiscrimination Act  
29 C.F.R. Part 1635  
Title IX of the Educational Amendments of 1972, 20 USC 1681 et seq. 29 U.S.C. 794, Rehabilitation Act of 1973, as amended  
42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended  
The Handicappers' Civil Rights Act, MCL 37.1101 et seq.  
The Elliott-Larsen Civil Rights Act, MCL 37.2101, et seq.  
Policies on Bullying, Michigan State Board of Education, 7-19-01  
Model Anti-bullying Policy, Michigan State Board of Education, 09-2006  
National School Boards Association Inquiry and Analysis – May 2008

### **General Policy Statement**

It is the policy of the Board of Directors to maintain an education and work environment that is free from all forms of unlawful harassment, including sexual harassment. This commitment applies to all School operations, programs, and activities. All students, administrators, teachers, staff, and all other School personnel share responsibility for avoiding, discouraging, and reporting any form of unlawful harassment. This policy applies to unlawful conduct occurring on School property, or at another location if such conduct occurs during an activity sponsored by the Board.

The Board will vigorously enforce its prohibition against discriminatory harassment based on race, color, national origin, sex (including sexual orientation and gender identity), disability, age, religion, height, weight, marital or family status, military status, ancestry, or genetic information (collectively, "Protected Classes") that are protected by Federal civil rights laws (hereinafter referred to as "unlawful harassment"), and encourages those within the School community as well as Third Parties, who feel aggrieved to seek assistance to rectify such problems. The Board will investigate or cause to be investigated all allegations of harassment and in those cases where unlawful harassment is substantiated, the Board will take or cause to be taken immediate steps to end the harassment, prevent its reoccurrence, and remedy its effects. Individuals who are found to have engaged in unlawful harassment will be subject to appropriate disciplinary action either from the Board or by recommendation of the Board to the Educational Service Provider.

### **Other Violations of the Anti-Harassment Policy**

The Board will also take immediate steps to impose disciplinary action on individuals engaging in any of the following prohibited acts:

- A. Retaliating against a person who has made a report or filed a complaint alleging unlawful harassment, or who has participated as a witness in a harassment investigation.
- B. Filing a malicious or knowingly false report or complaint of unlawful harassment.
- C. Disregarding, failing to investigate adequately, or delaying investigation of allegations of harassment, when responsibility for reporting and/or investigating unlawful harassment charges



comprises part of one's supervisory duties.

### **Definitions**

Words used in this policy shall have those meanings defined herein; words not defined herein shall be construed according to their plain and ordinary meanings.

School community means students and Board employees (i.e., administrators, and professional and classified staff), as well as Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

Complainant is the individual who alleges, or is alleged, to have been subjected to unlawful discrimination/retaliation, regardless of whether the person files a formal complaint or is pursuing an informal resolution to the alleged discrimination/retaliation.

Respondent is the individual who has been alleged to have engaged in unlawful discrimination/retaliation, regardless of whether the Reporting Party files a formal complaint or is seeking an informal resolution to the alleged discrimination/retaliation.

Third Parties include, but are not limited to, guests and/or visitors on School property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with, or seeking to do business with, the Board, and other individuals who come in contact with members of the School community at School-related events/activities (whether on or off School property).

Day(s): Unless expressly stated otherwise, the term "day" or "days" as used in this policy means a business day(s) (i.e., a day(s) that the Board office is open for normal operating hours, Monday - Friday, excluding State-recognized holidays).

### **Bullying**

Bullying rises to the level of unlawful harassment when one or more persons systematically and chronically inflict physical hurt or psychological distress on one (1) or more students or employees and that bullying is based upon one (1) or more Protected Classes, that is, characteristics that are protected by Federal civil rights laws. It is defined as any unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by an adult or student, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational or work environment; cause discomfort or humiliation; or unreasonably interfere with the individual's school or work performance or participation; and may involve:

- A. teasing;
- B. threats;
- C. intimidation;
- D. stalking;
- E. cyberstalking;
- F. cyberbullying;
- G. physical violence;
- H. theft;
- I. sexual, religious, or racial harassment;

- J. public humiliation; or
- K. destruction of property.

### **Harassment**

"Harassment" means any threatening, insulting, or dehumanizing gesture, use of technology, or written, verbal or physical conduct directed against a student or School employee that:

- 1. places a student or School employee in reasonable fear of harm to his/her person or damage to his/her property;
- 2. has the effect of substantially interfering with a student's educational performance, opportunities, or benefits, or an employee's work performance; or
- 3. has the effect of substantially disrupting the orderly operation of the School.

### **Sexual Harassment**

For purposes of this policy and consistent with Title VII of the Civil Rights Act of 1964 "sexual harassment" is defined as:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

- A. Submission to such conduct is made either implicitly or explicitly a term or condition of an individual's employment, or status in a class, educational program, or activity;
- B. Submission or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual;
- C. Such conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity.

Sexual harassment may involve the behavior of a person of any gender against a person of the same or another gender.

Sexual Harassment covered by Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities is not included in this policy. Allegations of such conduct shall be addressed solely by Policy 2266.

Prohibited acts that constitute sexual harassment under this policy may take a variety of forms. Examples of the kinds of conduct that may constitute sexual harassment include, but are not limited to:

- A. Unwelcome sexual propositions, invitations, solicitations, and flirtations.
- B. Unwanted physical and/or sexual contact.
- C. Threats or insinuations that a person's employment, wages, academic grade, promotion, classroom work or assignments, academic status, participation in athletics or extra-curricular programs, activities, or events, or other conditions of employment or education may be adversely affected by not submitting to sexual advances.
- D. Unwelcome verbal expressions, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, profanity, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene

telephone calls.

- E. Sexually suggestive objects, pictures, graffiti, videos, posters, audio recordings or literature, placed in the work or educational environment, that may reasonably embarrass or offend individuals.
- F. Unwelcome and inappropriate touching, patting, or pinching; obscene gestures.
- G. Asking about, or telling about, sexual fantasies, sexual preferences, or sexual activities;
- H. Speculations about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history;
- I. Giving unwelcome personal gifts such as lingerie that suggest the desire for a romantic relationship;
- J. Leering or staring at someone in a sexual way, such as staring at a person's breasts, buttocks, or groin;
- K. A pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliation to another.
- L. In the context of employees, consensual sexual relationships where such relationship leads to favoritism of a subordinate employee with whom the superior is sexually involved and where such favoritism adversely affects other employees or otherwise creates a hostile work environment.
- M. Inappropriate boundary invasions by an School employee or other adult member of the School community into a student's personal space and personal life.
- N. Verbal, nonverbal or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature.

Not all behavior with sexual connotations constitutes unlawful sexual harassment. Sex-based or gender-based conduct must be sufficiently severe, pervasive, and persistent such that it adversely affects, limits, or denies an individual's employment or education, or such that it creates a hostile or abusive employment or educational environment.

### **Race/Color Harassment**

Prohibited racial harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's race or color and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's race or color, such as racial slurs, nicknames implying stereotypes, epithets, and/or negative references relative to racial customs.

### **Religious (Creed) Harassment**

Prohibited religious harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's religion or creed and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's religious tradition, clothing, or surnames, and/or involves religious slurs.

### **National Origin Harassment**

Prohibited national origin/ancestry harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's national origin or ancestry and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating,

hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's national origin or ancestry, such as negative comments regarding customs, manner of speaking, language, surnames, or ethnic slurs.

### **Disability Harassment**

Prohibited disability harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's disability and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's disability, such as negative comments about speech patterns, movement, physical impairments or defects/appearances, or the like. Such harassment may further occur where conduct is directed at or pertains to a person's genetic information.

### **Anti-Harassment Compliance Officers**

The following individual(s) shall serve as the School's Anti-Harassment Compliance Officer(s) (hereinafter, "the Compliance Officer(s)"):

Male/Female Coordinator  
248-313-2000  
3170 Old Farm Lane  
Commerce Township, MI 48390

The names, titles, and contact information of these individuals will be published annually on the School's web site.

The Compliance Officer(s) are responsible for coordinating the School's efforts to comply with applicable Federal and State laws and regulations, including the School's duty to address in a prompt and equitable manner any inquiries or complaints regarding harassment.

The Compliance Officer(s) will be available during regular school/work hours to discuss concerns related to unlawful harassment, to assist students, other members of the School community, and third parties who seek support or advice when informing another individual about "unwelcome" conduct, or to intercede informally on behalf of the individual in those instances where concerns have not resulted in the filing of a formal complaint and where all parties are in agreement to participate in an informal process.

Compliance Officers shall accept reports of unlawful harassment directly from any member of the School community or a Third Party or receive reports that are initially filed with an administrator, supervisor, or other School official. Upon receipt of a report of alleged harassment, the Compliance Officer(s) will contact the Complainant and begin either an informal or formal complaint process (depending on the request of the Complainant or the nature of the alleged harassment), or the Compliance Officer(s) will designate a specific individual to conduct such a process. The Compliance Officer(s) will provide a copy of this policy to the Complainant and Respondent. In the case of a formal complaint, the Compliance Officer(s) will prepare recommendations for the Superintendent or will oversee the preparation of such recommendations by a designee. All Employee Leasing Company employees must report incidents of harassment that are reported to them to the Compliance Officer within two (2) days of learning of the incident.

Any Employee Leasing Company employee who directly observes unlawful harassment is obligated, in accordance with this policy, to report such observations to the Compliance Officer(s) within two (2) days. Additionally, any Employee Leasing Company employee who observes an act of unlawful harassment is expected to intervene to stop the harassment, unless circumstances make such an intervention dangerous, in which case the staff member should immediately notify other Employee Leasing Company employees and/or local law enforcement officials, as necessary, to stop the harassment. Thereafter, the Compliance Officer(s) or designee must contact the Complainant, if age eighteen (18) or older, or Complainant's parents/guardians if the Complainant is under the age eighteen (18), within two (2) days to advise of the Board's intent to investigate the alleged wrongdoing.

### **Reports and Complaints of Harassing Conduct**

Members of the School community along with Third Parties are encouraged to promptly report incidents of harassing conduct to the School's Anti-Harassment Compliance Officer so that the School's Anti-Harassment Compliance Officer may address the conduct before it becomes severe, pervasive, or persistent. Any administrator, supervisor, or other School official who receives such a report shall file it with the Compliance Officer within two (2) days of receiving the report of harassment.

Members of the School community and Third Parties who believe they have been unlawfully harassed by another member of the School community or a Third Party are entitled to utilize the Board's complaint process that is set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the Complainant's employment or participation in educational or extra-curricular programs. While there are no time limits for initiating complaints of harassment under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

If, during an investigation of alleged bullying, aggressive behavior and/or harassment in accordance with Policy 5517.01 – Bullying and Other Forms of Aggressive Behavior, the Superintendent believes that the reported misconduct may have created a hostile work environment and may have constituted unlawful discriminatory harassment based on a Protected Class, the Superintendent will report the act of bullying, aggressive behavior and/or harassment to the Compliance Officer(s) who shall investigate the allegation in accordance with this policy. If the alleged harassment involves Sexual Harassment as defined by Policy 2266, the matter will be handled in accordance with the grievance process and procedures outlined in Policy 2266. While the Compliance Officer investigates the allegation, the Superintendent shall suspend the Policy 5517.01 investigation to await the Compliance Officer's written report or the determination of responsibility pursuant to Policy 2266. The Compliance Officer shall keep the Superintendent informed of the status of the 1662 investigation and provide with a copy of the resulting written report. Likewise, the Title IX Coordinator will provide the Superintendent with the determination of responsibility that results from the Policy 2266 grievance process.

#### **Investigation and Complaint Procedure (See Form 3362 F1)**

Except for Sexual Harassment that is covered by Policy 2266 - Nondiscrimination on the Basis of Sex in Education Program or Activities, any employee or other member of the School community or Third Party (e.g., visitor to the School) who believes that they have been subjected to unlawful harassment may seek resolution of the complaint through the procedures described below. The formal complaint process involves an investigation of the Complainant's claims of harassment or retaliation and a process for rendering a decision regarding whether the charges are substantiated.

Due to the sensitivity surrounding complaints of unlawful harassment, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) days after the conduct occurs while the facts are known and potential witnesses are available. Once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within fifteen (15) business days of the complaint being received).

The procedures set forth below are not intended to interfere with the rights of any individual to pursue a complaint of unlawful harassment or retaliation with the United States Department of Education Office for Civil Rights and/or Equal Employment Opportunity Commission ("EEOC").

#### **Informal Complaint Procedure**

The goal of the informal complaint procedure is to promptly stop inappropriate behavior and to facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for a student, other member of the School community, or Third Party who alleges unlawful harassment or retaliation. This informal procedure is not required as a precursor to the filing of a formal complaint. The informal process is only available in those circumstances where the Complainant and the Respondent mutually agree to participate in it.

The Complainant may proceed immediately to the formal complaint process and individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process.

All complaints involving an Employee Leasing Company employee, any other adult member of the School community, or a Third Party and a student will be formally investigated.

As an initial course of action, if a Complainant feels comfortable and safe in doing so, the individual should tell or otherwise inform the Respondent that the alleged harassing conduct is unwelcome and must stop. The Complainant should address the allegedly harassing conduct as soon after it occurs as possible. The Compliance Officers are available to support and counsel individuals when taking this initial step or to intervene on behalf of the individual if requested to do so. A Complainant who is uncomfortable or unwilling to directly approach the Respondent about the alleged inappropriate conduct may file an informal or a formal complaint. In addition, with regard to certain types of unlawful harassment, such as sexual harassment, the Compliance Officer may advise against the use of the informal complaint process.

A Complainant may make an informal complaint, either orally or in writing: (1) to a teacher, other employee, or building administrator; (2) directly to one of the Compliance Officers; and/or (3) to the Employee Leasing Company.

All informal complaints must be reported to one of the Compliance Officers who will either facilitate an informal resolution as described below, or appoint another individual to facilitate an informal resolution.

The Board's informal complaint procedure is designed to provide employees, other members of the School community, or third parties who believe they are being unlawfully harassed with a range of options designed to bring about a resolution of their concerns. Depending upon the nature of the complaint and the wishes of the Complainant, informal resolution may involve, but not be limited to, one or more of the following:

- A. Advising the Complainant about how to communicate the unwelcome nature of the behavior to the Respondent.
- B. Distributing a copy of this policy as a reminder to the individuals in the school building or office where the Respondent works or attends.
- C. If both parties agree, the Compliance Officer may arrange and facilitate a meeting or mediation between the Complainant and the Respondent to work out a mutual resolution.

While there are no set time limits within which an informal complaint must be resolved, the Compliance Officer/designee is directed to attempt to resolve all informal complaints within fifteen (15) business days of receiving the informal complaint. If the Complainant is dissatisfied with the informal complaint process, the Complainant may proceed to file a formal complaint. And, as stated above, either party may request that the informal process be terminated at any time to move to the formal complaint process.

### **Formal Complaint Procedure**

If a complaint is not resolved through the informal complaint process, if one of the parties has requested that the informal complaint process be terminated to move to the formal complaint process, or the Complainant, from the outset, elects to file a formal complaint, or the CO determines the allegations are not appropriate for resolution through the informal process, the formal complaint process shall be implemented.

The Complainant may file a formal complaint, either orally or in writing, with a teacher, Superintendent, the Compliance Officer, Employee Leasing Company, or other School official. Due to the sensitivity surrounding complaints of unlawful harassment and retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a formal complaint within thirty (30) days after the conduct occurs while the facts are known and potential witnesses are available. If a Complainant informs a teacher, Superintendent, Employee Leasing Company, or other School official, either orally or in writing, about any complaint of harassment or retaliation, that employee must report such information to the Compliance Officer/designee within two (2) business days.

Throughout the course of the process, the Compliance Officer should keep the parties reasonably informed of the status of the investigation and the decision making process.

All formal complaints must include the following information to the extent known: the identity of the Respondent; a detailed description of the facts upon which the complaint is based (i.e., when, where, and what occurred); a list of potential witnesses; and the resolution sought by the Complainant.

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

Upon receiving a formal complaint, the Compliance Officer will consider whether any action should be taken in the investigatory phase to protect the Complainant from further harassment or retaliation, including, but not limited to, a change of work assignment or schedule for the Complainant and/or the Respondent. In making such a determination, the Compliance Officer should consult the Complainant to assess whether the individual agrees with the proposed action. If the Complainant is unwilling to consent to the proposed change, the Compliance Officer may still take whatever actions deemed appropriate in consultation with the Employee Leasing Company.

Within two (2) business days of receiving the complaint, the Compliance Officer/designee will initiate a formal investigation to determine whether the Complainant has been subjected to offensive conduct/harassment/retaliation. The Principal will not conduct an investigation unless directed to do so by the Compliance Officer.

Simultaneously, the Compliance Officer will inform the Respondent that a formal complaint has been received. The Respondent will be informed about the nature of the allegations and provided with a copy of any relevant policies and/or Administrative Guidelines, including the Board's Anti-Harassment Policy. The Respondent must also be informed of the opportunity to submit a written response to the formal complaint within five (5) days.

Although certain cases may require additional time, the Compliance Officer/designee will attempt to complete an investigation into the allegations of harassment/retaliation within fifteen (15) business days of receiving the formal complaint. The investigation will include:

- A. interviews with the Complainant;
- B. interviews with the Respondent;
- C. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations;
- D. consideration of any documentation or other information presented by the Complainant, Respondent, or any other witness that is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the Compliance Officer/designee shall prepare and deliver a written report to the Employee Leasing Company that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful harassment as provided in Board policy and State and Federal law as to whether the Respondent engaged in unlawful harassment/retaliation of the Complainant. The Compliance Officer's recommendations must be based upon the totality of the circumstances. In determining if discriminatory harassment or retaliation occurred, a preponderance of evidence standard will be used. The Compliance Officer may consult with the Board's legal counsel before finalizing the report to the Employee Leasing Company.

Absent extenuating circumstances, within five (5) business days of receiving the report of the Compliance Officer/designee, the Employee Leasing Company must either issue a final decision regarding whether the complaint of harassment has been substantiated or request further investigation. A copy of the Employee Leasing Company's written decision will be delivered to both the Complainant and the Respondent.

If the Employee Leasing Company requests additional investigation, the Employee Leasing Company must specify the additional information that is to be gathered, and such additional investigation must be completed within five (5) business days. At the conclusion of the additional investigation, the Employee Leasing Company must issue a written decision as described above.

The decision of the Employee Leasing Company shall be final.

The Board reserves the right to investigate and resolve a complaint or report of unlawful harassment/retaliation regardless of whether the member of the School community or Third Party alleging

the unlawful harassment/retaliation pursues the complaint. The Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board or its designee.

The parties may be represented, at their own cost, at any of the above-described meetings/hearings.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights, the filing of charges with local law enforcement, or the filing of a civil action in court. Use of this internal complaint process is not a prerequisite to the pursuit of other remedies.

### **Privacy/Confidentiality**

The School will employ all reasonable efforts to protect the rights of the Complainant, the Respondent, and the witnesses as much as possible, consistent with the Employee Leasing Company's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under the terms of this policy and related administrative guidelines shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. Additionally, the Respondent must be provided the Complainant's identity.

During the course of a formal investigation, the Compliance Officer/ designee will instruct all members of the School community and third parties who are interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of a harassment investigation is expected not to disclose any information that is learned or provided during the course of the investigation.

### **Sanctions and Monitoring**

The Board shall vigorously enforce its prohibitions against unlawful harassment/retaliation by taking appropriate action reasonably calculated to stop the harassment and prevent further such harassment. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law and the terms of the relevant collective bargaining agreement(s). When imposing discipline, the School Leader shall consider the totality of the circumstances involved in the matter, including the ages and maturity levels of those involved. In those cases where unlawful harassment is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of the relevant collective bargaining agreement(s).

Where the Board becomes aware that a prior remedial action has been taken against a member of the School community, all subsequent sanctions imposed by the shall be reasonably calculated to end such conduct, prevent its recurrence, and remedy its effects

### **Retaliation**

Retaliation against a person who makes a report or files a complaint alleging unlawful harassment/retaliation or participates as a witness in an investigation is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce or interfere with any individual because the person opposed any act or practice made unlawful by any Federal or State civil rights law, or because that individual made a report, formal complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding, or hearing under those laws and/or this policy, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws and/or this policy.

Retaliation against a person for making a report of discrimination, filing a formal complaint, or participating in an investigation or meeting is a serious violation of this policy that can result in imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Formal complaints alleging retaliation may be filed according to the internal complaint process set forth above.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.



### **Allegations Constituting Criminal Conduct: Child Abuse/Sexual Misconduct**

State law requires any School teacher or School employee who knows or suspects that a child under the age of eighteen (18) or that a person with a disability receiving services as a student from the School regardless of age has suffered or faces a threat of suffering a physical or mental wound, disability or condition of a nature that reasonably indicates abuse or neglect of a child to immediately report that knowledge or suspicion to the county children's services agency. If, during the course of a harassment investigation, the Compliance Officer or a designee has reason to believe or suspect that the alleged conduct reasonably indicates abuse or neglect of the Complainant, a report of such knowledge must be made in accordance with State law and Board Policy.

Any reports made to a county children's services agency or to local law enforcement shall not terminate the Compliance Officer or a designee's obligation and responsibility to continue to investigate a complaint of harassment. While the Compliance Officer or a designee may work cooperatively with outside agencies to conduct concurrent investigations, in no event shall the harassment investigation be inhibited by the involvement of outside agencies without good cause after consultation with the Employee Leasing Company.

### **Education and Training**

In support of this Anti-Harassment Policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Board shall provide appropriate information to all members of the School community related to the implementation of this policy and shall provide training for School students and staff where appropriate. All training, as well as all information provided regarding the Board's policy and harassment in general, will be age and content appropriate.

### **Retention of Investigatory Records and Materials**

The Compliance Officer(s) is responsible for overseeing retention of all records that must be maintained pursuant to this policy. All individuals charged with conducting investigations under this policy shall retain all documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315) created and/or received as part of an investigation, which may include but not be limited to:

- A. all written reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;
- B. any narratives that memorialize oral reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;
- C. any documentation that memorializes the actions taken by School personnel or individuals contracted or appointed by the Board to fulfill its responsibilities related to the investigation and/or the School's response to the alleged violation of this policy;
- D. written witness statements;
- E. narratives, notes from, or audio, video, or digital recordings of witness interviews/statements;
- F. e-mails, texts, or social media posts that directly relate to or constitute evidence pertaining to an alleged violation of this policy (i.e., not after-the-fact commentary about or media coverage of the incident);
- G. notes or summaries prepared contemporaneously by the investigator in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.), but not including transitory notes whose content is otherwise memorialized in other documents;
- H. written disciplinary sanctions issued to students or employees and other documentation that memorializes oral disciplinary sanctions issued to students or employees for violations of this policy;

- I. dated written determinations/reports (including summaries of relevant exculpatory and inculpatory evidence) and other documentation that memorializes oral notifications to the parties concerning the outcome of the investigation, including any consequences imposed as a result of a violation of this policy;
- J. documentation of any supportive measures offered and/or provided to the Complainant and/or the Respondent, including no contact orders issued to both parties, the dates the no contact orders were issued, and the dates the parties acknowledged receipt of the no contact orders;
- K. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects;
- L. copies of the Board policy and/or procedures/guidelines used by the School to conduct the investigation, and any documents used by the School at the time of the alleged violation to communicate the Board's expectations to students and staff with respect to the subject of this policy (e.g., Student Code of Conduct and/or Employee Handbooks);
- M. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment;
- N. documentation of any training provided to School personnel related to this policy, including but not limited to, notification of the prohibitions and expectations of staff set forth in this policy and the role and responsibility of all School personnel involved in enforcing this policy, including their duty to report alleged violations of this policy and/or conducting an investigation of an alleged violation of this policy; [REMINDER: Documentation of training should be maintained regardless of whether there is an investigation of an alleged violation of this policy. It is best practice to maintain a log of all staff members who participate in a training, along with the date, time and location of the training, and a copy of the materials reviewed and/or presented during the training.]
- O. documentation that any rights or opportunities that the School made available to one party during the investigation were made available to the other party on equal terms;
- P. copies of any notices sent to the alleged perpetrator/responding party of the allegations constituting a potential violation of this policy;
- Q. copies of any notices sent to the Complainant and the Respondent in advance of any interview, meeting, or hearing;
- R. copies of any documentation or evidence used during informal and formal disciplinary meetings and hearings, including the investigation report, and any written responses submitted by the Complainant or the Respondent.

The documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal (e.g., FERPA, ADA) and/or State law (e.g., R.C. 3319.321) – e.g., student records and confidential medical records.

The documents, ESI, and electronic media (as defined in Policy 8315) created or received as part of an investigation shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, and Policy 8330 for not less than three (3) years, but longer if required by the School's records retention schedule.

Adoption Date: **01.10**

Classification:

Revised Dates: **6/22/10; 1/13/14; 2/11/19; 9/9/19; 07.21**

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## **THREATENING BEHAVIOR TOWARD STAFF MEMBERS**

The Board directs the Superintendent and its Employee Leasing Company (ELC) to create a work environment free of threatening speech or actions.

*Threatening behavior* is defined as behavior consisting of any words or deeds that intimidates a staff member or causes anxiety concerning his/her physical and/or psychological well-being. Such behavior is strictly forbidden. Any student, parent, visitor, staff member, or agent of this Board found to have threatened a member of the staff will be subject to discipline, exclusion, and prohibited from school property/activities on and off school premises and may be reported to the authorities.

The Superintendent shall implement guidelines to establish procedures for prompt, effective action on any reported incidents and for notification of students, parents, employees, and others regarding this policy.

Adopted 1/11/10  
Revised 9/9/19

## WORKPLACE SAFETY

All members of the staff are responsible for maintaining a safe work environment and participating in investigations as necessary. Reasonable action will be taken to ensure persons involved in an investigation do not suffer any form of retaliation, because of their good faith participation. Steps to avoid retaliation may include placing a party to the investigation on administrative leave or other reasonable action. Additional steps may be taken to address workplace safety issues.

The Board desires to create and maintain an environment free from disruptive, threatening, and violent behavior. The Board will not tolerate inappropriate or intimidating behavior within the workplace.

The Board directs the Superintendent and the Employee Leasing company (ELC) to respond appropriately to every reported incident of disruptive, threatening, or violent behavior.

Examples of inappropriate behavior by staff members include, but are not limited to, the following:

- A. Behavior that distracts, interferes with, or prevents normal work functions or activities. This behavior includes, but is not limited to the following: yelling; using profanity or vulgarity; verbally abusing others; making inappropriate demands for time and attention; making unreasonable demands for action (e.g., demanding an immediate appointment or a response to a complaint on the spot); or refusing a reasonable request for identification.
- B. Behavior that includes physical actions, short of actual contact/injury (e.g., moving closer aggressively), and/or oral or written threats against a person or property, whether in person, over the telephone, or through other means of communication.
- C. Behavior that includes physical assault, with or without weapons; behavior that a reasonable person would interpret as being violent (e.g., throwing things, pounding on a desk or door, or destroying property); and behavior that involves specific threats to inflict physical harm.
- D. Behavior that interferes with an individual's ability or a group's capacity to effectively function in the educational/work environment.

### *Reporting*

When appropriate, administrative representatives will report complaints under this policy to the local law enforcement agencies. All reports or complaints under this policy will be investigated and include confidentiality when possible. Once an investigation is complete, a recommendation for handling the complaint will be submitted to the Superintendent for disposition. Behaviors prohibited under criminal law shall be reported to proper authorities, and the Board shall be informed.

*Protective Orders*

Members of the staff who have obtained a protective order should supply a copy of the order to the Superintendent and the Employee Leasing Company (ELC). Other parties may also be informed when deemed necessary for the safety of the School personnel.

*Discipline/Corrective Steps*

Staff who violate this policy may be subject to discipline, up to, and including, discharge.

Adopted 1/11/10

Revised 9/9/19

## **GROUP HEALTH PLANS**

The Board of Directors, through its Employee Leasing Company (ELC), shall have the discretion to establish and maintain group health plans for the benefit of eligible employees. These group health plans may provide health benefits through insurance or otherwise as permitted by law.

Adopted 1/11/10  
Revised 9/9/19

## PRIVACY PROTECTIONS OF FULLY INSURED GROUP HEALTH PLANS

Reference: 29 C.F.R. Part 1635  
42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act  
45 C.F.R. 160.102(a), 164.530(g), 164.530(h), 164.530(j), 164.530(k), 164.404  
45 C.F.R. 164.406, 164.408, 164.502, 164.520(a)

The Board of Directors, through the Employee Leasing Company (ELC), provides coverage to eligible employees under fully insured group health plans. The Board has established the following fully insured group health plans:

- A. Medical Plan
- B. Prescription Drug Plan
- C. Dental Plan
- D. Vision Plan

The Board and the Employee Leasing Company (ELC) acknowledges that these group health plans are required to comply with the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule as amended by Title I of the Genetic Information Nondiscrimination Act (GINA). Fully insured group health plans generally are exempt from many of the requirements imposed upon self-funded group health plans.

The Board also acknowledges that these fully insured group health plans are required to comply with the HIPAA Security Rule. The group health plans, working together with the insurer, will ensure the confidentiality, integrity, and availability of the group health plans' electronic Protected Health Information in accordance with the HIPAA Security Rule.

The Board hereby appoints the Superintendent to serve as the Security Official of the group health plans. The Board delegates authority to the Security Official to perform an information technology risk analysis and to develop risk management procedures, if necessary.

The Security Official shall review the insurer's internal policies and procedures implementing various security measures required by the HIPAA Security Rule with respect to electronic Protected Health Information. All of the group health plans' functions are carried out by the insurer and the insurer owns and controls all of the equipment and media used to create, maintain, receive, and transmit electronic Protected Health Information relating to the group health plans. Accordingly, the insurer is in the best position to implement the technical, physical, and administrative safeguards required by the HIPAA Security Rule. The Security Official may elect to utilize, as administrative guidelines, the insurer's own policies addressing security measures for the group health plans' electronic Protected Health Information, as appropriate.

The fully insured group health plans established by the Board and the Employee Leasing Company (ELC) shall assure the following:

- A. Refrain from taking any retaliatory action against any individual exercising any right under the plan; filing a complaint with Health and Human Services; participating in any proceeding under Part C of Title XI of the Social Security Act;



or opposing any act or practice made unlawful by the Privacy Rule, provided the individual has a good faith belief that the practice opposed is unlawful.

- B. Abstain from imposing a requirement that participants waive their rights under the Privacy Rule as a condition of the provision of payment, enrollment in a health plan, or eligibility of benefits.
- C. If the plan document is amended in accordance with the Privacy Rule, retain a copy of the plan document as amended for six (6) years from the date of its amendment or the date when it last was in effect, whichever is later.
- D. Provide notification to affected individuals, the Secretary of the U.S. Department of Health and Human Services, and the media (when required), if the plan or one of its business associates discovers a breach of unsecured protected health information, in accordance with the requirements of HIPAA and its implementing regulations.

Fully insured group health plans established by the Board shall not create or receive protected health information, except for:

- A. Summary health information. Summary health information is de-identified information that summarizes claims history, claims expenses, or type of claims experienced by health plan participants.
- B. Information on whether an individual is participating in a group health plan, or is enrolled in or has disenrolled from a health insurance issuer or HMO offered by the plan.
- C. Information disclosed to the plan under a signed authorization that meets the requirements of the Privacy Rule.

Adopted 1/11/10  
Revised 6/22/10; 8/18/14; 9/9/19

## PATIENT PROTECTION AND AFFORDABLE CARE ACT

Reference: 29 U.S.C. 218B  
26 U.S.C. 4980H

The Board of Directors acknowledges that the Patient Protection and Affordable Care Act ("ACA") imposes certain obligations upon the Academy. Such obligations may include the following:

- A. The Academy shall notify new employees of health insurance options available through the Health Insurance Marketplace within fourteen (14) days of an employee's employment start date. Sample form notices are available from the U.S. Department of Labor at:

<http://www.dol.gov/ebsa/healthreform/regulations/coverageoptionsnotice.html>

- B. Employees of the Academy have the option to enroll in the Health Insurance Marketplace. If a full-time employee (as defined by the ACA) of the Academy enrolls in the Health Insurance Marketplace and receives a subsidy, then the Academy may be liable for a penalty.

In event that the Academy concludes that it is fiscally-wise to incur the potential penalty in lieu of providing affordable, minimum value coverage to all full-time employees, the Academy shall incur the potential penalty.

Adopted 01/09/17  
Revised 9/9/19

## **FAMILY & MEDICAL LEAVES OF ABSENCE ("FMLA")**

Reference: 29 USC 2601 et seq.  
29 C.F.R. Part 825  
P.L. 110-181, Sec. 585 – National Defense Authorization Act (January 28, 2008)  
P.L. 111-84, Sec. 565 – National Defense Authorization Act (October 28, 2009)

In accordance with Federal law, the Board of Directors, through its Employee Leasing Company, shall provide up to twelve (12) weeks of unpaid FMLA leave in any twelve (12) month period to eligible staff members for the following reasons:

- A-1. the birth of a child and/or the care of a newborn child within one (1) year of the child's birth
- B-1. the placement of a child with the staff member by way of adoption or foster care and/or to care for the child within one (1) year of the child's arrival
- C-1. the staff member is needed to care for a spouse, parent or dependent child if such individual has a serious health condition, or
- D-1. the staff member's own serious health condition prevents him/her from performing the functions of his/her position

### Employee Entitlement to Service Member FMLA

#### Leave Entitlement

Service member FMLA provides eligible employees unpaid leave for one, or for a combination, of the following reasons:

- A-2. A "qualifying exigency" arising out of a covered family member's (spouse, son, daughter, or parent) covered active duty or call to covered active duty in the United States Armed Forces including the National Guard and Reserves. Qualifying exigencies, as defined by Federal regulations, include: 1) short-notice deployment; 2) military events and related activities; 3) childcare and school activities; 4) financial and legal arrangements; 5) counseling; 6) rest and recuperation (maximum fifteen (15) calendar days); 7) post-deployment activities; 8) caring for a military member's parent who is incapable of self-care when the care is necessitated by the member's covered active duty; and 9) additional activities not encompassed in the other categories, but agreed to by the employer and employee. (See AG 3430.01C). Covered active duty means deployment with the Armed Forces to a foreign country.
- B-2. To care for a covered family member, including next of kin as provided in the statute, who has incurred an injury or illness or aggravation of a pre-existing illness or injury while in the line of duty while on covered active duty in the United States Armed Forces, including the National Guard and Reserves, provided that such injury or illness may render the family member medically unfit to perform duties of the member's office, grade, rank, or rating. Covered active duty means deployment with the Armed Forces to a foreign country. This leave is also available to care for veterans of the United States Armed Forces, including the National Guard and Reserves,

provided the veteran was a service member at any time within the five (5) years prior to the start of the treatment, recuperation or therapy. In accordance with applicable regulations, a veteran's serious injury or illness incurred or aggravated in the line of active duty can also be manifested by: 1) a physical or mental condition with a VA Service Disability Rating of 50% or greater and is the condition precipitating the need for leave; or 2) a physical or mental condition that substantially impairs the ability to secure or substantially follow a gainful occupation, or would do so absent treatment; or 3) an injury, including psychological, for which the veteran has been enrolled in the Dept. of V.A. Program of Comprehensive Assistance for Family Care Givers.

#### Duration of Service Member FMLA

- A. When leave is due to a "Qualifying Exigency": An eligible employee may take up to twelve (12) work weeks of leave during any twelve (12) month period. Such leave shall be counted with regular FMLA leave time in calculating the twelve (12) weeks of allowable leave.
- B. When leave is to care for an injured or ill service member: An eligible employee may take up to twenty-six (26) work weeks of leave during a single twelve (12) month period to care for the service member who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness. This is a one-time benefit per service member. Leave to care for an injured or ill service member, when combined with other FMLA-qualifying leave, may not exceed twenty-six (26) weeks in a single twelve (12) month period.
- C. Service Member FMLA runs concurrent with other leave entitlements provided under Federal, State, and local law.

#### General FMLA Provisions

Professional staff members are "eligible" if they have worked for the Board for at least twelve (12) months, and for at least 1,250 hours over the twelve (12) months prior to the leave request. Service time may be aggregated when the break in service is less than seven (7) years for military obligation or subject to recall under a collective bargaining agreement. All full-time professional staff members are deemed to meet the 1,250-hour requirement. All periods of absence from work due to or necessitated by USERRA-covered service is counted in determining an employee's eligibility for FMLA leave.

Twelve (12) month period for determining hours worked and use of leave is defined as the twelve (12) month period measured forward from the date the staff member's first FMLA leave begins (i.e., the "leave year" is specific to each individual staff member.

For Service Member FMLA leave, the use of the twenty-six (26) weeks of leave will be measured forward from the first date on which the employee takes leave.

Serious health condition is defined as an illness, injury, impairment, or physical or mental condition that involves:

- A. inpatient care, including any period of incapacity or any subsequent treatment in connection with such inpatient care; or

- B. continuing treatment by a healthcare provider, including:
1. a period of incapacity of more than three (3) consecutive full calendar days and any subsequent treatment or period of incapacity relating to the same condition, that also involves either in person treatment two (2) or more times by a healthcare provider within thirty (30) days of the first date of incapacity absent extenuating circumstances beyond the employee's control, or in person treatment by a healthcare provider on at least one (1) occasion which results in a regimen of continuing treatment under the supervision of a healthcare provider;  
  
The first visit to the health care provider must occur within seven (7) days of the first date of incapacity.
  2. any incapacity due to pregnancy or for prenatal care;
  3. any period of incapacity or treatment for such incapacity due to a chronic serious health condition;
  4. a period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective;
  5. any period of absence to receive multiple treatments by a healthcare provider either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three (3) consecutive days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), kidney disease (dialysis);
- C. conditions for which cosmetic treatment are administered are not "serious health conditions" unless inpatient hospital care is required or complications develop. Ordinarily, unless complications arise, the common cold, the flu, ear aches, upset stomachs, minor ulcers, headaches other than migraines, routine dental or orthodontia problems, periodontal disease, etc., are conditions that do not meet this definition and do not qualify for FMLA leave.

Whenever the leave is foreseeable, the staff member shall provide the Superintendent with thirty (30) day's notice. If there is insufficient time to provide such notice because of unforeseeable events, the staff member shall provide such notice as possible and practical, generally not later than the next business day after the employee realizes the need for leave. Failure to follow the leave notice requirements may result in delay of obtaining the leave. Employees will still be required to comply with the absence reporting procedures at their buildings.

When planning medical treatment, the staff member must consult with the Superintendent and make a reasonable effort to schedule the leave so as not to unduly disrupt the regular operation of the School, subject to the approval of the healthcare provider.

The staff member may request to substitute any of his/her earned or accrued paid vacation leave, personal leave or family leave (per the applicable collective bargaining agreement) for

unpaid FMLA leave provided for the birth, adoption or foster care placement of a child, or qualifying exigency for a Service Member Family Leave (see A-1, B-1, and A-2 on page one).

The staff member may request to substitute any of his/her earned or accrued paid vacation, personal leave or sick leave (per the applicable collective bargaining agreement) for unpaid FMLA leave provided for the staff member's own serious health condition or to care for a spouse, parent or dependent child with a serious health condition (see C-1 and D-1 on page one and B-2 on page two).

If the staff member has not earned or accrued adequate paid leave to encompass the entire twelve (12) or twenty-six (26) week period of FMLA leave ~~the~~ any additional weeks of leave to obtain the twelve (12) weeks of FMLA leave or twenty-six (26) weeks of Service Member Family Leave, the staff member is entitled to shall be unpaid. Whenever a staff member uses paid leave in substitution for unpaid FMLA or twenty-six (26) week maximum leave allowance provided by this policy, as the paid leave and FMLA leave will run concurrently.

The Superintendent and the Employee Leasing Company may allow a staff member to take FMLA leave intermittently or on a reduced-leave schedule for the birth, adoption or foster care placement of a child (see A-1 and B-1 on page one). A staff member may take FMLA leave on an intermittent or reduced-leave schedule when medically necessary for his/her own serious health condition or to care for a spouse, parent or dependent child with a serious health condition (see C-1 and D-1 on page one). The taking of such leave results in the total reduction of the twelve (12) weeks only by the amount of leave actually taken. Leave will be accounted for in increments no greater than the smallest increment used for other similar leaves, but in no event greater than one (1) hour increments. Leave entitlement will not be reduced by more than the amount of leave actually taken.

If the intermittent or reduced-leave schedule is foreseeable based on planned medical treatment, the Superintendent and the Employee Leasing Company (ELC) may require the staff member to transfer temporarily to an available alternative position which better accommodates recurring periods of leave. The alternative position shall have equivalent pay and benefits but not necessarily equivalent duties. Instructional staff members (i.e. individuals whose principal function is to teach and instruct students in a class, a small group, or an individual setting) who request intermittent leave or a reduced-leave schedule which would exceed twenty percent (20%) of the total number of working days over the period of anticipated leave must elect either to:

- A. take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or
- B. transfer temporarily to an available alternative position offered by the Superintendent and the Employee Leasing Company (ELC) for which the instructional staff member is qualified, and that has equivalent pay and benefits and that better accommodates the recurring periods of leave than the staff member's regular position.

The Superintendent and the Employee Leasing Company (ELC) will notify the staff member when the School intends to designate leave as FMLA-qualifying. Such notice may be given orally or in writing. When verbal notice is given, it will be followed by written notice within ten (10) business days. In the case of intermittent or reduced-leave schedule leave, only one (1) such notice is required unless the circumstances regarding the leave have changed. If the Superintendent and the Employee Leasing Company (ELC) does not have sufficient information about the reason for an employee's use of paid leave, the Superintendent may

inquire further to ascertain whether the paid leave is FMLA-qualifying. Once the Superintendent learns that a paid leave is for an FMLA leave-qualifying reason, the Superintendent will promptly notify the staff member that the paid leave will count toward the staff member's twelve (12) week FMLA-leave entitlement.

In cases in which the Board employs both spouses, the total amount of FMLA leave is twelve (12) weeks for the couple, except when the leave is due to the serious health condition of either spouse or a child, or twenty-six (26) weeks of FMLA leave for Service Member Leave.

When FMLA leave is taken for the staff member's own serious health condition or to care for a spouse, parent or dependent child with a serious health condition (see C-1 and D-1 on page one), the staff member must provide medical certification from the healthcare provider of the eligible staff member or his/her immediate family member). When the staff member requests qualifying Service Member Leave, s/he must provide certification of a qualifying exigency or of the service member's serious illness. For service member leave, any certification permitted under 29 C.F.R. 825.310 shall be allowed.

The staff member may either:

- A. submit the completed medical certification to the Superintendent; or
- B. direct the healthcare provider to transfer the completed medical certification directly to the Superintendent, which will generally require the staff member to furnish the healthcare provider with a HIPAA-compliant authorization.

In the event the staff member fails to provide medical certification, any leave taken by the employee will not qualify for FMLA Leave/Service Member Family Leave.

When the need for FMLA leave is foreseeable and at least thirty (30) days notice has been provided, the staff member must provide the medical certification before the leave begins. When this is not possible, the employee must provide the requested certification to the Superintendent within fifteen (15) calendar days after the staff member requests FMLA leave unless it is not practicable under the circumstances to do so despite the staff member's diligent and good faith efforts.

Any dispute over eligibility for FMLA leave shall be discussed between the employee and Superintendent. The School shall be responsible for maintaining a record of those communications.

The Board through its Employee Leasing Company (ELC) reserves the right to obtain, at its expense, the opinion of a second healthcare provider and, in the event of conflict, the opinion of a third healthcare provider whose decision shall be binding and final. The staff member may either:

- A. submit the opinion of the second healthcare provider, and the opinion of the third healthcare provider if applicable, to the Superintendent or
- B. direct the second or third healthcare provider to transfer his/her opinion directly to the Superintendent, which will generally require the staff member to furnish the healthcare provider with a HIPAA-compliant authorization.

In the event the staff member fails to provide the medical opinion of the second or third healthcare provider, if applicable, any leave taken by the employee will not qualify for FMLA leave.

A staff member who takes leave for his/her own serious health condition prior to returning to work, must provide the Superintendent and the Employee Leasing Company (ELC) with a statement from his/her healthcare provider that s/he is able to resume work.

Upon return from any FMLA leave, the Board will restore the staff member to his/her former position or to a position with equivalent employment benefits, pay and conditions of employment. During FMLA leave, the Board shall maintain the staff member's current coverage under the Board's or the Employee Leasing Company's (ELC) group health insurance program on the same conditions as coverage would have been provided if the staff member had been continuously working during the leave period. If the staff member was paying all or part of the premium payments prior to going on FMLA leave, the staff member must continue to pay his/her share during the leave.

Any leave or return from leave during the last five (5) weeks of an academic term shall be reviewed individually by the Superintendent and the Employee Leasing Company (ELC) to minimize disruption to the students' program. Special rules under the FMLA may apply for instructional staff.

The staff member shall not accrue any sick leave, vacation, or other benefits during a period of unpaid FMLA leave.

The use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of the staff member's leave.

If the staff member fails to return to work at the end of the leave for reasons other than the continuation, recurrence, or onset of a serious health condition of the staff member or of the staff member's immediate family member, or for circumstances beyond the control of the staff member, the staff member shall reimburse the Board through its Employee Leasing Company (ELC) for the health insurance premiums paid by the Board during the unpaid FMLA leave period.

A staff member who fraudulently obtains FMLA leave is not protected by this policy's job restoration or maintenance of health benefits provisions.

The Superintendent and the Employee Leasing Company (ELC) shall prepare any guidelines that are appropriate for this policy and ensure that the policy is posted properly.

In any areas where discretion is allowed in the implementation of this policy or its guidelines for implementation, such discretion shall be exercised in a non-discriminatory manner. Similarly situated persons shall be treated similarly.

The Superintendent and the Employee Leasing Company (ELC) shall provide a copy of the policy to all staff members, and retain a record of how and when the policy was distributed. A notice of Rights and Obligations shall also be provided each time an employee requests FMLA leave or the School has sufficient information to believe that the employee may qualify for FMLA leave.



The approval, denial and administration of leave under this policy will be governed by the Family Medical Leave Act of 1993, as amended, and its published regulations, as applied and interpreted by the Superintendent.

Adopted 1/11/10  
Revised 6/22/1; 1/13/14; 9/9/19

## MILITARY LEAVE

Reference: 38 USC 4301-4333  
MCL 32.271, 32.273

The Board of Directors, through the Employee Leasing Company (ELC), provides military leave, reemployment, and other rights as established by the Federal Uniformed Services Employment and Reemployment Rights Act (USERRA) and State law. To qualify:

- A. the employee (or an appropriate officer in the uniformed service in which the employee's military service is performed) gave advance written or verbal notice of his/her military duty unless excused;
- B. the cumulative length of all periods of military service with the employer do not exceed five (5) years, except as provided under State statute;
- C. the employee timely reports to work after the period of military service ends;
- D. the employee has not separated from service with any disqualifying, or other than honorable, conditions.

The Superintendent and the Employee Leasing Company (ELC) shall post notices of employees' right under USERRA at conspicuous locations within the School.

Employees may contact the U.S. Department of Labor or the Michigan Department of Military and Veteran's Affairs to obtain more information regarding their rights under these statutes.

This policy is intended to comply with and explain the service person's rights under USERRA. To the extent there is any conflict, the USERRA and State law regulations prevail.

Adopted 1/11/10  
Revised 9/9/19

## **JOB RELATED EXPENSES**

Reference: MCL 380.1254; MCL 388.1764b

The Board of Directors, Superintendent, and Accountant shall pay the actual and necessary pre-approved expenses of staff in the discharge of official duties or in the performance of functions as authorized by the administration or Board. The expenditure shall be a public record and shall be made available upon request.

The validity of payments for job-related expenses shall be determined by Superintendent and Accountant.

The following categories of expenses shall not be reimbursable:

- Expenses of attending a community or School-related event, if the individual attends as a private citizen;
- Entertainment expenses; and
- The purchase of alcoholic beverages.

A voucher detailing the amount and nature of each expense must be submitted to Superintendent for approval prior to reimbursement.

Adopted 1/11/10  
Revised 9/9/19

## 5000 STUDENTS

<b>5111</b>	<b>Admission of Students</b>	<b>LR</b>
<b>5111.01</b>	<b>Homeless Students</b>	<b>LR</b>
<b>5111.02</b>	<b>Educational Opportunity for Military Children</b>	<b>LR</b>
<b>5111.03</b>	<b>Children and Youth in Foster Care</b>	<b>LR</b>
5112	Entrance Age	LC
<b>5114</b>	<b>Foreign and Foreign-Exchange Students</b>	<b>LR</b>
5130	Withdrawal from the Academy	LC
5136	Personal Communication Devices	BP
5200	Attendance	LC
5215	Missing and Absent Children	LC
5223	Absences for Religious Instruction	LC
5230	Late Arrival and Early Dismissal	BP
<b>5310</b>	<b>Health Services</b>	<b>LR</b>
5320	Immunization	LC
<b>5330</b>	<b>Use of Medications</b>	<b>LR</b>
<b>5330.01</b>	<b>Epinephrine Auto-Injectors</b>	<b>LR</b>
5331	Students with Special Dietary Needs	BP
5340	Student Accidents	BP
<b>5340.01</b>	<b>Concussions and Athletic Activities</b>	<b>LR</b>
5341	Emergency Medical Authorization	LC
<b>5342</b>	<b>Do Not Resuscitate Orders (DNR) for Minor Students</b>	<b>LR</b>
<b>5343</b>	<b>Physician Order for Scope of Treatment (POST)</b>	<b>LR</b>
5350	Student Suicide	LC
5410	Promotion, Placement, and Retention	BP
5420	Reporting Student Progress	BP
5421	Grading	BP

5451	Student Recognition	BP
5500	Student Conduct	LC
5510	Students-Sex Offender Registry; Criminal Convictions	BP
5511	Dress and Grooming	BP
5512	Use of Tobacco by Students	LC
5513	Care of Academy Property	BP
5516	Student Hazing	LC
<b>5517</b>	<b>Anti-Harassment</b>	<b>LR</b>
<b>5517.01</b>	<b>Bullying</b>	<b>LR</b>
5520	Disorderly Conduct	BP
<b>5530</b>	<b>Drug Free Environment</b>	<b>LR</b>
<b>5532</b>	<b>Performance-Enhancing Drugs/Compounds</b>	<b>LR</b>
5540	Interrogation of Students	LC
5600	Student Discipline	LC
<b>5610</b>	<b>Emergency Removal, Suspension, and Expulsion of Students</b>	<b>LR</b>
<b>5611</b>	<b>Due Process Rights</b>	<b>LR</b>
<b>5630.01</b>	<b>Student Seclusion and Restraint</b>	<b>LR</b>
5710	Student Grievance	BP
5722	Academy-Sponsored Publications and Productions	LC
<b>5771</b>	<b>Search and Seizure</b>	<b>LR</b>
<b>5772</b>	<b>Possession of Weapons</b>	<b>LR</b>
<b>5780</b>	<b>Student/Parent Rights</b>	<b>LR</b>
5820	Student Government	BP
5830	Student Fund-Raising	LC
5850	Social Events	BP

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Classification:

Revised Dates: **6/22/10; 10/24/11; 1/10/12; 8/13/12; 8/12/13; 1/13/14; 8/18/14; 1/12/15; 6/8/15; 1/11/16; 9/12/16; 6/28/17; 8/14/17; 1/8/18;**

**7/9/18; 2/11/19; 6/24/19; 9/9/19; 2/10/20; 5/26/20; 8/10/20; 01/11/2021;  
7/12/21; 06.22**

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## **ADMISSION OF STUDENTS**

Reference: MCL 380.502(3)(e)(iii); MCL 380.504

The Board of Directors will allow students who reside in Michigan, regardless of their citizenship or immigration status to enroll in the School in accordance with limits established by the Board of Directors. The Board shall meaningfully communicate material information about enrollment requirements and procedures with parents, including parents who have limited proficiency in English. Access to information regarding enrollment requirements and procedures shall be available on the School's web site. Because space is limited, each student must enroll each year. Preferences will be in writing and given:

- A. pupils who were enrolled in the School in the immediately preceding school year;
- B. siblings of enrolled students;

When maximum enrollment for a grade has been reached, applicants shall be placed on a waiting list and admitted on the basis of a lottery system.

The Educational Service Provider shall develop Administrative Guidelines for the proper implementation of this policy. Any such denial shall be reported to the Board at its next regular meeting.

Adopted 1/11/10

Revised 9/12/16; 7/9/18; 9/9/19

## HOMELESS STUDENTS

References: 42 U.S.C. 11431 et seq. (McKinney - Vento Homeless Act)

### Definitions

Children who are identified as meeting the Federal definition of "homeless" will be provided a free appropriate public education (FAPE) in the same manner as all other students of the School. To that end, homeless students will not be stigmatized or segregated on the basis of their status as homeless. The School shall establish safeguards that protect homeless students from discrimination on the basis of their homelessness. The School shall regularly review and revise its policies, including school discipline policies that may impact homeless students, including those who may be a member of any of the Protected Classes (Policy 2260).

Homeless children and youth are defined as individuals who lack a fixed, regular, and adequate nighttime residence, and include children and youth who meet any of the following criteria:

- A. share the housing of other persons due to loss of housing, economic hardship, or similar reason
- B. live in motels, hotels, trailer parks, or camping grounds due to a lack of alternative adequate accommodations
- C. live in emergency or transitional shelters
- D. are abandoned in hospitals
- E. have a primary night time residence that is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings, or
- F. live in a car, park, public space, abandoned building, substandard housing<sup>1</sup>, bus or train station, or similar setting

Pursuant to the McKinney-Vento Act, an unaccompanied youth includes a homeless child or youth not in the physical custody of a parent or guardian.

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<sup>1</sup> According to nonregulatory guidance from the U.S. Department of Education (ED), standards for adequate housing may vary by locality. Please see ED guidance for factors to consider when determining whether a child or youth is living in "substandard housing." *Education for Homeless Children and Youth Programs, Non-Regulatory Guidance, U.S. Department of Education (ED), Title VII-B of the McKinney-Vento Homeless Assistance Act, as amended by the Every Student Succeeds Act*, at A-3 (July 27, 2016).



### Services to Homeless Children and Youth

The School will provide services to homeless students that are comparable to other students in the School, including:

- A. transportation services;
- B. public preschool programs and other educational programs and services for which the homeless student meets eligibility criteria including:
  - 1. programs for children with disabilities;
  - 2. programs for English Learners (ELs) (i.e., students with Limited English Proficiency (LEP));
  - 3. programs in career and technical education;
  - 4. programs for gifted and talented students;
  - 5. school nutrition programs; and
  - 6. before - and after-school programs.

The Board will appoint a Liaison for Homeless Children who will perform the duties as assigned by the Superintendent. Additionally, the Liaison will coordinate and collaborate with the State Coordinator for the Education of Homeless Children and Youth as well as with community and school personnel responsible for the provision of education and related services to homeless children and youths. For more information on the role of the Liaison, refer to AG 5111.01.

### School Stability

Maintaining a stable school environment is crucial to a homeless student's success in school. To ensure stability, the School must make school placement determinations based on the "best interest" of the homeless child or youth based on student-centered factors. The School must:

- A. continue the student's education in the school of origin for the duration of homelessness when a family becomes homeless between academic years or during an academic year; and for the remainder of the academic year even if the child or youth becomes permanently housed during an academic year; or
- B. enroll the student in any public school that non-homeless students who live in the attendance area in which the child or youth is actually living are eligible to attend.

When determining a child or youth's best interest, the School must assume that keeping the homeless student in the school of origin is in that student's best interest, except when doing so is contrary to the request of the student's parent or guardian, or the student if he or she is an unaccompanied youth. The school of origin is the school the student attended or enrolled in when permanently housed, including a public preschool. The school of origin also includes

the designated receiving school at the next level for feeder school patterns, when the student completes the final grade level at the school of origin.

When determining the student's best interest, the School must also consider student-centered factors, including the impact of mobility on achievement, education, health, and safety of homeless students and give priority to the request of the student's parent or guardian, or youth (if an unaccompanied youth). The School also considers the school placement of siblings when making this determination.

If the School finds that it is not in the student's best interest to attend the school of origin or the school requested by the parent or guardian, or unaccompanied youth, the School must provide the individual with a written explanation and reason for the determination in a manner and form understandable to the parent, guardian or unaccompanied youth. This written explanation will include appeal rights and be provided in a timely manner.

### Immediate Enrollment

The School has an obligation to remove barriers to the enrollment and retention of homeless students. A school chosen on the basis of a best interest determination must immediately enroll the homeless student, even if the student does not have the documentation typically necessary for enrollment, such as immunization and other required health records, proof of residency, proof of guardianship, birth certificate or previous academic records. The homeless student must also be enrolled immediately regardless of whether the student missed application or enrollment deadlines during the period of homelessness or has outstanding fines or fees.

The enrolling school must immediately contact the school last attended by the homeless student to obtain relevant academic or other records. If the student needs immunization or other health records, the enrolling school must immediately refer the parent, guardian or unaccompanied youth to the local liaison, who will help obtain the immunizations, screenings or other required health records. Records usually maintained by the school must be kept so that they are available in a timely fashion if the child enters a new school or School. These records include immunization or other required health records, academic records, birth certificates, guardianship records, and evaluations for special services or programs. Procedures for inter-State records transfer between schools should be taken into account in order to facilitate immediate enrollment.

In addition, the School will also make sure that, once identified for services, the homeless student is attending classes and not facing barriers to accessing academic and extracurricular activities, including magnet school, summer school, career and technical education, advanced placement, online learning, and charter school programs (if available). Additionally, the School should consider giving homeless children and youth's priority if there is a waitlist for these schools, programs, and activities.

### Transportation

The School provides homeless students with transportation services that are comparable to those available to non-homeless students. The School also provides or arranges for transportation to and from the school of origin at the parent or guardian's request, or the liaison's request in the case of an unaccompanied youth. Transportation is arranged promptly to allow for immediate enrollment and will not create barriers to a homeless student's attendance, retention, and success. The following procedures also apply subject to a determination of the student's best interest:

- A. If the homeless student moves but continues to live within the area covered by the School's charter the School is considered the school of origin and the school of residence and, therefore, transportation will be provided or arranged for the student's transportation to or from the school of origin by the School.
- B. If the homeless student moves to an area outside of the School's charter, though continuing his/her education at the school of origin, the School and the public school district in which the student resides must agree upon a method to apportion responsibility and costs for transportation to the school of origin. If the School and the public school district cannot agree upon such a method, the responsibility and costs will be shared equally.
- C. When the student obtains permanent housing, transportation shall be provided to and from the school of origin until the end of the school year.

The School determines the mode of transportation in consultation with the parent or guardian and based on the best interest of the student.

In accordance with Federal law, the above transportation requirements still apply during the resolution of any dispute. The School will work with the State to resolve transportation disputes with other Academies. If the disputing School is in another State, the School will turn to the State for assistance as Federal guidance says that both States should try to arrange an agreement for the Academies.

#### Dispute Resolution

Homeless families and youths have the right to challenge placement and enrollment decisions. If a dispute arises between a school and a parent, guardian or unaccompanied youth regarding eligibility, school selection, or enrollment of a homeless student, the School must follow its dispute resolution procedures, consistent with the State's procedures. If such a dispute occurs, the School will immediately enroll the homeless student in the school in which enrollment is sought pending final resolution of the dispute, including all appeals. The student will receive all services for which they are eligible until all disputes and appeals are resolved.

Pursuant to State, School and Board of Directors policies, the School will provide the parent, guardian or unaccompanied youth with a written explanation of all decisions regarding school selection and enrollment made by the School or State, along with a written explanation of appeal rights.

The School's notice and written explanation about the reason for its decision will include, at a minimum, an explanation of how the school reached its decision regarding eligibility, school selection, or enrollment, including 1) a description of the proposed or refused action by the school, 2) an explanation of why the action is proposed or refused, 3) a description of other options the school considered and why those options were rejected, 4) a description of any other relevant factors to the school's decision and information related to the eligibility or best interest determination such as the facts, witnesses, and evidence relied upon and their sources, and 5) an appropriate timeline to ensure deadlines are not missed. The School must also include contact information for the Liaison and the State Coordinator, and a brief description of their roles. The School will also refer the parent, guardian or unaccompanied youth to the Liaison, who will carry out the dispute resolution process.

The School ensures that all decisions and notices are drafted in a language and format appropriate for low-literacy, limited vision readers, and individuals with disabilities. For children and youth and/or parents or guardians who are English learners or whose dominant language is not English, the School will provide translation and interpretation services in connection with all phases of the dispute resolution process pursuant to federal laws. The School will also provide electronic notices via email if the parent, guardian or unaccompanied youth has access to email followed by a written notice provided in person or sent by mail.

### Homeless Children in Preschool

Homeless preschool-aged children and their families shall be provided equal access to the educational services for which they are eligible, including preschool programs, including Head Start programs, administered by the School. Additionally, the homeless child must remain in the public preschool of origin, unless a determination is made that it is not in the child's best interest. When making such a decision on the student's best interest, the School takes into account the same factors as it does for any student, regardless of age. It also considers preschool age specific factors, such as 1) the child's attachment to preschool teachers and staff; 2) the impact of school climate on the child, including school safety; the quality and availability of services to meet the child's needs, including health, developmental, and social-emotional needs; and 3) travel time to and from school.

The School must also provide transportation services to the school of origin for a homeless child attending preschool. It is the School's responsibility to provide the child with transportation to the school of origin even if the homeless preschooler who is enrolled in a public preschool in the School moves to another School that does not provide widely available or universal preschool.

### Public Notice

In addition to notifying the parent or guardian of the homeless student or the unaccompanied youth of the applicable rights described above, the School shall post public notice of educational rights of children and youth experiencing homelessness in each school. In addition, the School shall post public notice of the McKinney-Vento rights in places that homeless populations frequent, such as shelters, soup kitchens, and libraries in a manner and form understandable to the parents and guardians and unaccompanied youths.

### Records

The local liaison will assist the homeless students and their parent(s) or guardian(s) or unaccompanied homeless students in their efforts to provide documentation to meet State and local requirements for entry into school.

All records for homeless students shall be maintained, subject to the protections of the Family Educational Rights and Privacy Act (FERPA) and Policy 8330, and in such a manner so that they are available in a timely fashion and can be transferred promptly to the appropriate parties, as required. Pursuant to the McKinney-Vento Act, information regarding a homeless student's living situation is not considered directory information and must be provided the same protections as other non-directory personally identifiable information (PII) contained in student education records under FERPA. The School shall incorporate practices to protect student privacy as described in AG 5111.01, AG 8330, and in accordance with the provisions of the Violence Against Women Act (VAWA) and the Family Violence Prevention and Services Act (FVPSA).

No Board policy, administrative procedure, or practice will be interpreted or applied in such a way as to inhibit the enrollment, attendance, or school success of homeless children.

Adopted 1/11/10  
Revised 8/14/17; 1/8/18; 9/9/19

## **EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN**

Reference: Interstate Compact on Educational Opportunity for Military Children  
MCL 3.1041

Children of an active duty member of the United States armed services shall be entitled to all of the rights and protections afforded under the Interstate Compact on Educational Opportunity for Military Children (Compact).

The intent of this policy is to minimize the potential challenges to educational success for children of military families because of frequent moves and deployment of their parents by:

- A. facilitating the timely enrollment and placement of children of military families in educational and other school programs and activities;
- B. facilitating the on-time graduation of children of military families; and
- C. providing for the uniform collection and sharing of information between and among schools and military families.

The Superintendent shall maintain guidelines for implementation of this policy which are consistent with the Compact and State law.

The guidelines shall apply to children of military families within the state as well as between member states.

Adopted 10/24/11  
Revised 9/9/19

## CHILDREN AND YOUTH IN FOSTER CARE

References: 45 C.F.R. 1355.20

The Board of Directors recognizes the importance of educational stability for children and youth in foster care. Further, the Board recognizes these children and youth as a vulnerable subgroup of students in need of safeguards and supports in order to facilitate a successful transition through elementary and secondary education and into college and/or careers. To that end, the School will collaborate with the Michigan Department of Education (MDE), other School's, and the appropriate child welfare agencies to provide educational stability for children and youth in foster care.

### Definitions

Children who meet the Federal definition of "in foster care" will be provided a free appropriate public education (FAPE) in the same manner as all other students of the School. To that end, students in foster care will not be stigmatized or segregated on the basis of their status. The School shall establish safeguards that protect foster care students from discrimination on the basis of their foster care status or other of the recognized Protected Classes (Policy 2260). The School shall regularly review and revise its policies, including School discipline policies that may impact students in foster care.

Consistent with the Fostering Connections Act, "foster care" means 24-hour substitute care for children placed away from their parents or guardians and for whom the child welfare agency has placement and care responsibility. This includes, but is not limited to, placements in:

- A. foster family homes;
- B. foster homes of relatives;
- C. group homes;
- D. emergency shelters;
- E. residential facilities;
- F. child care institutions; and
- G. preadoptive homes.

A child is in foster care in accordance with this definition regardless of whether the foster care facility is licensed and payments are made by the State, tribal or local agency for the care of the child, whether adoption subsidy payments are being made prior to the finalization of an adoption, or whether there is Federal matching of any payments that are made. (45 C.F.R. 1355.20 (a)).

### School Stability

The School shall remove barriers to the enrollment and retention of children and youth in foster care in the Academy. Foster care students shall be enrolled immediately, even if they do not have the necessary enrollment documentation such as immunization and health

records, proof of residency or guardianship, birth certificate, School records, and other documentation.

The School shall meet the Title I requirements for educational stability for children and youth in foster care, including those awaiting foster care placement. The School shall identify which students are in foster care and shall collaborate with State and tribal child welfare agencies to provide educational stability for these children and youth. School staff will work closely with child welfare agency personnel to develop and implement processes and procedures that include these enrollment safeguards:

- A. a child/youth in foster care shall remain in his/her School of origin, unless it is determined that remaining in the School of origin is not in that child's best interest;
- B. if it is not in the child's best interest to stay in his/her School of origin, the child shall be immediately enrolled in the determined new School even if the child is unable to produce records normally required for enrollment; and
- C. the new (enrolling) School shall immediately contact the School of origin to obtain relevant academic and other records, including the student's Individualized Education Program (IEP) if applicable. (ESEA Section 1111(g)(1)(E)(i)-(iii)).

#### School of Origin

The School of origin is the School in which a student is enrolled at the time of placement in foster care. If a student's foster care placement changes, the School of origin would then be considered the School in which the child is enrolled at the time of the placement change. A student in foster care shall remain in his/her School of origin, if it is determined to be in the student's best interest, for the duration of the student's placement in foster care.

When a student exits foster care, the School will continue to prioritize the student's educational stability in determining placement, supports, and services deemed to be in the child's best interests.

A student who has exited foster care shall be permitted to remain in the School of origin until the end of the School year.

#### Best Interest Determination

In making the best interest determination, the School will follow the guidelines established by MDE and the State or tribal custodial agencies. The School shall utilize the prescribed process in conjunction with local custodial agencies in making best interest determinations, and shall make such determination within five (5) School days of the child's placement in foster care or change in child's living arrangement. Once a determination is made the School shall provide the decision in writing to all relevant parties, in collaboration with the appropriate custodial agency. When making decisions regarding educational placement of students with disabilities under IDEA and Section 504, the School shall provide all required special educational and related services and supports provided in the least restrictive placement where the child's unique needs, as described in the student's IEP or Section 504 plan, can be met.



If there is a dispute regarding whether the educational placement of a child in foster care is in the best interest of that child, the dispute resolution process established by the Michigan Department of Education (MDE) shall be used.

The School's representatives shall collaborate fully in this process, considering relevant information regarding academic programming and related service needs of the child, and advocating for what the School believes is in the best interest of the child.

To the extent feasible and appropriate, the child will remain in his/her School of origin while disputes are being resolved in order to minimize disruption and reduce the possible number of moves between academies. (ESEA Section 1111(g)(1)(E)(i)).

Since the custodial agency holds ultimate legal responsibility for making the best interest determination for the foster child in their care, if the dispute cannot be resolved, the custodial agency will make the final determination. Such final determination will be made within five (5) School days of the child's placement in foster care or change in the child's living arrangement.

All notifications and reports regarding foster care placement, changes in School enrollment, transportation services, and changes in the child's living arrangements shall be provided to the affected parties, in writing, in accordance with the forms, procedures, and requirements of the MDE and the State or tribal custodial agencies.

#### Local Point of Contact

The Superintendent shall designate and make public a local point of contact who will perform the duties as assigned by the Superintendent. The point of contact shall serve as a liaison to coordinate with child protection agencies, lead the development of a process for making the best determination for a student, facilitate the transfer of records, and oversee the enrollment and regular School attendance of students in foster care.

#### Records

The School shall provide privacy protections for children and families and shall facilitate appropriate data-sharing pertaining to children in foster care between child welfare and educational agencies, in accordance with the Family Educational Rights and Privacy Act (FERPA) and Policy 8330 – Student Records.

#### Services to Children and Youth in Foster Care

Foster care children and their families shall be provided equal access to the educational services for which they are eligible comparable to other students in the School including:

- A. educational services for which the student in foster care meets eligibility criteria including services provided under Title I of the Elementary and Secondary Education Act or similar State and local programs, educational programs for children with disabilities, and educational programs for students with limited English proficiency;
- B. preschool programs;
- C. programs in vocational and technical education;

- D. programs for gifted and talented students;
- E. School nutrition programs; and
- F. before and after School programs.

### Transportation Services

The School must ensure that transportation is provided for children in foster care consistent with the procedures developed by the School in collaboration with the State or local child welfare agency. These requirements apply whether or not the LEA already provides transportation for children who are not in foster care.

In order for a student in foster care in his/her School of origin, when in his/her best interest, transportation services shall be provided, arranged, and funded for the duration of the child's placement in foster care. The School's transportation services will provide that:

- A. Children in foster care needing transportation to their academies of origin will promptly receive that transportation in a cost effective manner and in accordance with Section 475(4)(A) of the Social Security Act; and
- B. If there are additional costs incurred in providing transportation to the School of origin, the School shall provide such transportation if 1) the local child welfare agency agrees to reimburse the School for the cost of such transportation; 2) the School agrees to pay for the cost; or 3) the School and the local child welfare agency agree to share the cost. (ESEA 1112(c)(5)(B)).

Additional costs incurred in providing transportation to the School of origin should reflect the difference between what the School would otherwise spend to transport a student to his/her assigned School and the cost of transporting the foster care student to the School of origin. The School will collaborate with the State Education Agency (SEA), other LEAs, and child welfare agencies to pursue possible funding sources and arrangements to deal with transportation costs.

Since foster care placements may occur across School, county, or State boundary lines, coordination among multiple agencies may be necessary. The School will work with appropriate State and local agencies to address such placement and transportation issues that arise. The School shall provide or arrange for adequate and appropriate transportation to and from the School of origin while any disputes are being resolved.

No Board policy, administrative procedure, or practice will be interpreted or applied in such a way as to inhibit the enrollment, attendance, or School success of children and youth in foster care.

Adopted 8/14/17  
Revised 9/9/19

## ENTRANCE AGE

Reference: M.C.L. 380.1147, 380.1561, 388.1606, 388.1705 & 1705c  
IDEA, Part B; 34 CFR Part 300  
Dear Colleague Letter, Feb. 29, 2012, U.S.D.O.E., Office of Special Education  
and Rehabilitative Services  
A.C. Rule 340.1754

The Board shall establish student entrance age requirements which are consistent with Michigan Law and sound educational practices which ensure equitable treatment.

A child who turns six (6) years of age before December 1st must be enrolled on the first school day of the school year in which the child's sixth birthday occurs, and a child who turns six (6) years of age on or after December 1st must be enrolled on the first school day of the school year following the school year in which the child's sixth birthday occurs.

A. Prekindergarten

A child is eligible for entrance into the School's prekindergarten program if s/he attains the age of four (4) on or before December 1st of the year in which s/he applies for entrance and has not yet attained the age at which s/he will be admitted to kindergarten. Children attending prekindergarten shall be charged tuition in accordance with Board policy.

B. Kindergarten

A child who is at least five (5) years of age on or before September 1 of the school year of enrollment thereafter is eligible for entrance to the kindergarten program for that school year. The child may not be placed in an alternative program without permission of the parent.

C. Early Entrance

A child who is a resident but not yet five (5) years of age on or before September 1<sup>st</sup> for the applicable school year will be admitted to kindergarten under the following circumstances:

1. the child will have attained the age of five (5) by December 1st of the school year of enrollment and either;
2. the parent or guardian provides written notice to the School by June 1st prior to the school year of enrollment of intent to enroll the child for that school year.

The School may make a recommendation to the parent or guardian that the child is not ready to start kindergarten due to age or other factors, but the decision whether to enroll the child will remain with the parent or guardian.

The School must allow early entry by nonresident Schools of Choice students, provided the parent/guardian notifies the School by the applicable notification date above (C. 2. or 3.) of the intent to participate in the early enrollment option and timely applies for and is selected under the School's Schools of Choice program.

The School shall notify the Department of Education by December 31<sup>st</sup> of each school year of the number of students enrolled under the Early Entrance exception for that school year.

D. Preschool Children with Disabilities

Compensatory education programs may be provided for children with disabilities of preschool age, if they have been certified in accordance with the rules of the State and are not part of the School's special education program.

All such programs must comply with any applicable State and Federal requirements, such as least restrictive environment.

E. Preschool – Disadvantaged Children

Readiness and compensatory education programs may be provided for disadvantaged children of preschool age, if they have been certified in accordance with the rules and requirements of the State, such as the Great Start Readiness Program.

All such programs must comply with any applicable State and Federal requirements.

Adopted 1/13/14

Revised 8/18/14; 6/8/15; 9/9/19

## **FOREIGN STUDENTS ON VISA**

Reference: MCL 380.1147, MSA 15.41147  
Foreign Students Enrolled in Public School Districts, Mich. Dept. Educ. Pub., 3/17/06

The Board of Directors recognizes the positive cultural benefits to the students, staff, and the community in meeting students from other countries and in having foreign students as members of the student body of this School.

In accordance with other admissions policies, the Board will permit the admission of foreign students and foreign-exchange students (from recognized and approved student exchange programs) who are residing within the State of Michigan.

Adopted 1/11/10  
Revised 9/9/19

## **WITHDRAWAL FROM THE SCHOOL**

Reference: MCL 380.1561, 388.1705

Although Michigan law requires attendance of each student until sixteen (16) years of age, the Board of Directors affirms that the best interests of both students and the community are served when they complete the educational program that equips them with skills and increases their chances for a successful and fulfilling life.

Whenever a student wishes to withdraw from the School, the Board directs that efforts be made to determine the underlying reason for the desire to withdraw. The Board further directs that the resources of the School be used to assist the student in reaching his/her career goals while remaining in the School.

No student under the age of eighteen (18) will be permitted to withdraw without the written consent of a parent or the approval of the Board of Directors

The Superintendent shall develop Administrative Guidelines for withdrawal from the School to accomplish the following:

- A. make counseling services available to any student who wishes to withdraw;
- B. make every effort to satisfy the student's future educational needs;
- C. help the student define his/her own educational goals and help plan the realization of those goals;
- D. inform the student of the G.E.D.;
- E. assure the timely return of all School-owned supplies and equipment in the possession of the student.

Adopted 1/11/10  
Revised 9/9/19

## **WIRELESS COMMUNICATION DEVICES**

Students may use wireless communication devices (WCDs) before and after school, during after school activities (e.g. extra curricular activities), and at school-related functions. Use of WCDs, except approved laptops and PDAs, at any other time is prohibited and they must be powered completely off and concealed and secured in hall lockers (but not locker room lockers) or vehicles, or stored out of sight.

A "wireless communication device" is a device that emits an audible signal, vibrates, displays a message, or otherwise summons or delivers a communication to the possessor. The following devices are examples of WCDs: cellular and wireless telephones, pagers/beepers, personal digital assistants (PDAs), BlackBerrys/Smartphones, Wi-Fi-enabled or broadband access devices, two-way radios or video broadcasting devices, laptops, and other devices that allow a person to record and/or transmit, on either a real time or delayed basis, sound, video or still images, text, or other information. Students may not use WCDs on school property or at a school-sponsored activity to access and/or view Internet websites that are otherwise blocked to students at school. Students may use WCDs while riding to and from school on a school bus or other vehicle provided by the Board or on a school bus or Board-provided vehicle during school-sponsored activities, at the discretion of the bus driver, sponsor/advisor/coach. Distracting behavior that creates an unsafe environment will not be tolerated."

Also, during after school activities when directed by the administrator or sponsor, WCDs shall be powered completely off (not just placed into vibrate or silent mode) and stored out of sight.

Students are prohibited from using WCDs to capture, record or transmit the words (i.e. audio) and/or images (i.e., pictures/video) of any student, staff member or other person in the school or while attending a school-related activity, without express prior notice and explicit consent for the capture, recording or transmission of such words or images. Using a WCD to take or transmit audio and/or pictures/video of an individual without his/her consent is considered an invasion of privacy and is not permitted, unless authorized by the building principal. Students who violate this provision and/or use a WCD to violate the privacy rights of another person shall have their WCD confiscated and held until the end of the school year.

"Sexting" is prohibited at any time on school property or at school functions. Sexting is the electronic transmission of sexual messages or pictures, usually through cell phone text messaging. Such conduct not only is potentially dangerous for the involved students, but can lead to unwanted exposure of the messages and images to others, and could result in criminal violations related to the transmission or possession of child pornography. Such conduct will be subject to discipline and possible confiscation of the WCD.

The use of WCDs that contain built-in cameras (i.e. devices that take still or motion pictures, whether in a digital or other format) is prohibited in locker rooms, classrooms, bathrooms and/or swimming pool.

No expectation of confidentiality will exist in the use of WCDs on school premises/property.

Students are prohibited from using a WCD in any way that might reasonably create in the mind of another person an impression of being threatened, humiliated, harassed, embarrassed or intimidated. See Policy 5517.01 – Bullying and Other Forms of Aggressive Behavior.

Students are also prohibited from using a WCD to capture and/or transmit test information or any other information in a manner constituting fraud, theft, cheating, or academic dishonesty. Likewise, students are prohibited from using their WCDs to receive such information.

Possession of a WCD by a student is a privilege that may be forfeited by any student who fails to abide by the terms of this policy, or otherwise engages in misuse of this privilege.

Violations of this policy may result in disciplinary action and/or confiscation of the WCD. The building principal may also refer the matter to law enforcement if the violation involves an illegal activity (e.g. child pornography). Discipline will be imposed on an escalating scale ranging from a warning to an expulsion based on the number of previous violations and/or the nature of or circumstances surrounding a particular violation. If the WCD is confiscated, it will be released/returned to the student's parent/guardian after the student complies with any other disciplinary consequences that are imposed. Any WCD confiscated by School staff will be marked in a removable manner with the student's name and held in a secure location in the building's central office until it is retrieved by the parent/guardian. WCDs in School custody will not be searched or otherwise tampered with unless school officials reasonably suspect that the search is required to discover evidence of a violation of the law or other school rules. Any search will be conducted in accordance with Policy 5771 – Search and Seizure. If multiple offenses occur, a student may lose his/her privilege to bring a WCD to school for a designated length of time or on a permanent basis.

A person who discovers a student in possession of or using a WCD in violation of this policy is required to report the violation to the building principal.

Students are personally and solely responsible for the care and security of their WCDs. The Board assumes no responsibility for theft, loss, damage, or vandalism to WCDs brought onto its property, or the unauthorized use of such devices.

Parents/Guardians are advised that the best way to get in touch with their child during the school day is by calling the school office.

Students may use school phones to contact parents/guardians during the school day.

Adopted 1/11/10  
Revised 6/22/10; 9/9/19



## ATTENDANCE

Reference: MCL 380.1561, 380.1561(3a-3c), 380.1586(3)  
Pupil Accounting Manual 2019-2020, Michigan Department of Education

The Board of Directors shall enforce the regular attendance of students. The Board recognizes that the students' presence in the classroom enables them to participate in instruction, class discussions, and related learning activities. As such, regular attendance and classroom participation are integral to instilling incentives for students to excel.

Attendance shall be required of all students during the days and hours the School is in session.

A student may be considered a full-time equivalent student provided the student is enrolled in at least six (6) units of instruction (courses), as defined by State law, per school year.

The School shall require a written statement, explaining the cause for any absence, from the parent/guardian of each student or from an adult student who has been absent. The Superintendent is authorized to verify such statements and to investigate the cause of each absence.

The Board considers the following factors to be reasonable excuses for time missed:

- A. illness;
- B. recovery from accident;
- C. required court attendance;
- D. professional appointments;
- E. death in the immediate family;
- F. observation or celebration of a bona fide religious holiday; or
- G. such other good cause acceptable to the Superintendent.

Attendance need not always be within the School facilities, but a student will be considered in attendance if present at any place where school is in session, by authority of the Board.

The Superintendent shall develop Administrative Guidelines for the attendance of students to complete the following:

- A. ensure a school session in conformity with the requirements of the law;
- B. ensure the student absent for any excusable reason has an opportunity to make up the work missed;
- C. ensure the student is not given a failing grade or his/her credit unconditionally revoked where lack of attendance is the sole or primary determining factor, but allow reduction in grade or denial of credit, if the student does not make appropriate use of make-up sessions provided by the instructor or administrator;

- D. govern the keeping of attendance records in accordance with the rules of the State Board of Education and the Michigan Department of Education Pupil Accounting Manual, including a written electronic attendance procedure, if applicable;
- E. identify the habitual truant, investigate the cause(s) of his/her behavior, and consider modification of his/her educational program to meet particular needs and interests;
- F. ensure any student with a specifically identifiable physical or mental impairment, who exceeds (or may exceed) the School's limit on excused absence, is referred for evaluation for eligibility either under the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act of 1973.

Such guidelines should provide that a student's grade in any course is based on his/her performance in the instructional setting and is not reduced for reasons of conduct. If a student violates the attendance or other rules of the School, he/she should be disciplined appropriately for the misconduct, but his/her grades should be based upon what the student can demonstrate he/she has learned.

Adopted 1/11/10  
Revised 9/9/19; 5/26/20

## **MISSING AND ABSENT CHILDREN**

Reference: MCL 380.1134, 1135

It is the intent of this Board of Directors to cooperate with local, state, and national efforts to decrease the number of missing children.

The Superintendent is instructed to promulgate Administrative Guidelines regarding admittance to the School of a student(s) who lacks records. This guideline should provide for notification of the police upon application of the student to the School.

Adopted 1/11/10

Revised 9/9/19

## **ABSENCES FOR RELIGIOUS INSTRUCTION**

Reference: MCL 380.1561(3c)  
AC Rule R340.71, R340.74

The Board of Directors desires to cooperate with those parents who wish to provide for religious instruction for their children. However, the Board recognizes its responsibility to enforce the attendance requirements of the State.

Given a signed request from a student's parent, the Board will allow exceptions to the student's continuous attendance for religious instruction outside the School building for no more than two (2) class hours per week and for attendance at confirmation classes, provided the child is twelve (12) or thirteen (13) years of age and the instructional period is no longer than five (5) months in either of those years.

A student must be properly registered for religious instruction, and a copy of such registration must be filed with the Superintendent.

The time of release for religious instruction shall be arranged by the Superintendent, in keeping with the regulations of the State Board of Education. The Superintendent will also assure the appropriate continuance of the instructional program in the School during such release times.

No solicitation for attendance at religious instruction shall be permitted on School premises. Members of the staff shall neither encourage nor discourage participation in any program of religious instruction.

Adopted 1/11/10  
Revised 9/9/19

## **LATE ARRIVAL AND EARLY DISMISSAL**

It is necessary that a student be in attendance throughout the school day to benefit fully from the educational program of the School.

However, the Board of Directors recognizes that compelling circumstances occasionally require that a student be late to school or dismissed before the end of the school day.

As agent responsible for the education of the children of this School, the Superintendent shall require that the School be notified in advance of such absences by personal request of the student's parent stating the reason for the tardiness or early dismissal. Justifiable reasons shall be determined by the Superintendent.

If one parent has been awarded custody of the student by the courts, the custodial parent shall provide the School with a copy of the custody order and inform the School in writing of any limitations in the rights of the non-custodial parent. Absent such notice, the School will presume that the student may be released into the care of either parent.

No student who has a medical disability that may be incapacitating will be released without a person to accompany him/her. No student shall be released to anyone who has not been authorized such custody in writing by the parents.

Presentation of photo identification is required of anyone authorized such custody. (See Form 5230 F1)

The Superintendent shall develop Administrative Guidelines to ensure the proper implementation of this policy.

Adopted 1/11/10  
Revised 9/9/19; 2/10/20

## HEALTH SERVICES

Reference: 20 USC 1232(h)

In compliance with law, the Board of Directors may require students to submit to periodic health examinations for the following purposes:

- A. to protect the School community from the spread of communicable disease;
- B. to determine that each student's participation in health, safety, and physical education courses meets his/her individual needs;
- C. to ensure that the learning potential of each child is not lessened by a remediable, physical disability.

The School shall specify the need for services which may include, but not be limited to the following:

- A. student physical examinations;
- B. athlete physical examinations;
- C. tests for communicable disease;
- D. vision screenings;
- E. audiometric screenings;

Any health services program shall also include instruction to staff members on the observance of students for conditions that indicate physical defect or disability.

The Superintendent shall directly notify the parents of students, at least annually, at the beginning of the school year, of the specific or approximate dates during the school year when any non-emergency, invasive physical examination or screening is scheduled or expected to be scheduled for students - if the examination or screening is required as a condition of attendance, administered by the School and scheduled by the School in advance, and not necessary to protect the immediate health and safety of a specific student or other students.

The term "invasive physical examination" means any medical examination that involves the exposure of private body parts or any act during such examination that includes incision, insertion, or injection into the body, but does not include a hearing, vision or scoliosis screening.

Adopted 1/11/10  
Revised 9/9/19

## IMMUNIZATION

Reference: MCL 333.9201 et seq., 380.1177, 380.1177a  
AC 325.176

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

However, students who do not meet the immunization requirements shall be admitted in accordance with Administrative Guidelines. Transfer students shall not be admitted without proof of immunization as required by the State.

There are three (3) circumstances in which a required vaccine may be waived or delayed:

- A. A valid medical contraindication exists to receiving the vaccine. The child's physician must certify the contraindication.
- B. The parent(s)/guardian(s) hold religious or philosophical beliefs against receiving a vaccination. Any parent or guardian who wants to claim a nonmedical waiver must receive education regarding the benefits of vaccination and the risks of disease from a county health department before obtaining the certified nonmedical waiver form through the Local Health Department, and present same to the appropriate School personnel.
- C. The child has received at least one (1) dose of each immunizing agent and the next dose(s) are not due yet.

When the School provides information on immunizations, infectious disease, medications, or other school health issues to parents and guardians of pupils in at least grades 6, 9, and 12, then with that information the Board is required to include information about meningococcal meningitis and the vaccine for meningococcal meningitis as well as about the human papillomavirus and the vaccine for human papillomavirus. The information shall include at least the causes and symptoms of meningococcal meningitis, how it is spread, and the risks associated with human papillomavirus. In addition, the information shall include sources where parents and guardians may obtain additional information about both diseases and where they may obtain the associated vaccinations.

The Superintendent shall develop Administrative Guidelines to ensure the proper implementation of this policy.

Adopted 1/11/10  
Revised 6/8/15; 9/9/19

## USE OF MEDICATIONS

Reference: MCL 37.1211(a); 20 USC §§ 5812, 7114; 41 USC § 702; 42 USC §§ 12114, 12210; 28 CFR § 35.131; 29 CFR §§ 825.112, 1630.3; 49 CFR §§ 382.121, 382.401, 382.601

Neither the Board of Directors nor the Superintendent shall be responsible for the diagnosis and treatment of student illness. The administration of prescribed medication and/or medically-prescribed treatments to a student during school hours will be permitted only when failure to do so would jeopardize the health of the student, the student would not be able to attend school if the medication or treatment were not made available during school hours, or the child is disabled and requires medication to benefit from his/her educational program.

For purposes of this policy, *medication* shall include all medicines including those prescribed by a physician and any non-prescribed (over-the-counter) drugs, preparations, and/or remedies and performance-enhancing drugs as defined in AG 2431C. *Treatment* refers both to the manner in which a medication is administered and to health-care procedures that require special training, such as catheterization.

Before any medication or treatment may be administered to any student during school hours, the Board shall require the written prescription from the child's physician, accompanied by the written authorization of the parent. These documents shall be kept on file in the administrative offices. No student is allowed to provide or sell any type of over-the-counter medication to another student. Violations of this rule will be considered violations of Policy 5530 - Drug Free Environment and of the Student Discipline Code/Code of Conduct.

Only medication in its original container that is labeled with the date (if a prescription), the student's name, and exact dosage may be administered. Parents, or students authorized in writing by their physician and parents, may administer medication or treatment.

Staff members are to administer medication or treatment only in the presence of another adult, except in the case of an emergency that threatens the life or health of the student. Staff licensed as professional registered nurses are exempt from this requirement.

All staff authorized to administer medication or treatment will receive training on appropriate procedures for administering the medication or treatment. This training shall be provided by qualified individuals with knowledge of the School's policy and procedures and knowledge of the administration of medications or treatment.

All medication shall be kept in a locked storage case in the School's office.

The Board shall permit only trained staff to administer any medication requiring intravenous or intramuscular injection or the insertion of a device into the body when both the medication and the procedure are prescribed by a physician.

Students who may require the administration of an emergency medication may have such medication in accord with the Administrative Guidelines.

Students may possess and self-administer a metered dose or dry powder inhaler for relief of asthma (or before exercise to prevent onset of asthma symptoms), while at the School, on School-sponsored transportation, or at any School-sponsored activity in accordance with the Administrative Guidelines, if all of the following conditions are met:



- A. There is written approval from the student's physician or other health care provider and the student's parent/guardian (if student is under eighteen (18) to possess and use the inhaler (Form 5330 F1c)

And

- B. The building administrator has received a copy of the written approvals from the physician and the parent/guardian.

And

- C. There is on file at the student's School a written emergency care plan prepared by a licensed physician in collaboration with the student and his/her parent/legal guardian. The plan shall contain specific instructions on the student's needs including what to do in the event of an emergency.

Students with a need for emergency medication may also be allowed to self possess and self administer such medication, provided that they meet the same conditions established above. Students who are prescribed epinephrine to treat anaphylaxis shall be allowed to self possess and administer the medication if they meet the conditions stated above.

Students shall be permitted to possess and self-administer U.S. Food and Drug Administration (FDA) approved, over-the-counter topical products while on school property or at a school-sponsored event provided the student has submitted prior written approval of his/her parent/guardian to the Superintendent or other chief administrator of the student's school.

This policy and the Administrative Guidelines developed to establish appropriate procedures shall be implemented in such a manner to comply with School's obligations and the student's needs under any Individualized Education Plan, Section 504 Plan, or other legally required accommodation for individuals with disabilities.

The Superintendent shall prepare Administrative Guidelines to ensure the proper implementation of this policy.

Adopted 1/11/10  
Revised 2/11/19; 9/9/19

## **EPINEPHRINE AUTO-INJECTORS**

Reference: M.C.L. 380.1178, 380.1179, 380.1179A  
Michigan Department of Education, Model Policy and Guidelines for Administering Medications to Pupils at School

Students who are prescribed epinephrine to treat anaphylaxis shall be allowed to self-possess and self-administer the medication if they meet the conditions as stated in Policy 5330.

Commencing with the 2014-15 school year, the School shall have at least two (2) epinephrine auto-injectors (Epi-Pens) available at the school site. It shall be the responsibility of the Superintendent to be sure that the supply of Epi-Pens is maintained at the appropriate level and they have not expired. The Superintendent shall also be responsible for coordinating the training of employees to administer Epi-Pen injections and to maintain the list of employees authorized to administer such injections.

### Individuals Qualified to Administer

Only a licensed, registered professional nurse employed or contracted by the School or a school employee who has successfully passed the required training shall be allowed to possess and administer Epi-Pen injections to students. The persons authorized to use the School maintained Epi-Pens will be maintained in each school by the Principal, and shall be available on an electronically accessible site for employees' reference.

Each school shall have at least one person trained in the appropriate use and administration of an Epi-Pen injection. In each school with ten (10) or more combined instructional and administrative staff, at least two (2) employees at that site shall be appropriately trained in the use of an Epi-Pen.

Training of employees on the appropriate use and administration of an Epi-Pen injection shall be done in accordance with any guidelines provided by the Michigan Department of Education, and shall be conducted under the supervision of a licensed registered professional nurse. The training shall include an evaluation by the nurse of the employees' understanding of the protocols for administering an Epi-Pen injection.

### Students to Whom Injections May Be Administered

A licensed, registered, professional nurse or trained and authorized employees under this policy may administer Epi-Pen injections to 1) any student who has a prescription on file with the School, in accordance with the directives in such prescription, and 2) any individual on school grounds who is believed to be having an anaphylactic reaction.

### Reporting of Injections

Any person who administers an Epi-Pen injection to a student shall promptly notify the student's parent/guardian and 911, who shall be responsible for promptly notifying the student's parent/guardian that an injection has been administered.

All Epi-Pen injections by employees to students shall be reported in writing to Superintendent. The report shall include whether the school's or student's Epi-Pen was used, and whether the student was previously known to be subject to severe allergic reaction (anaphylaxis).

The Superintendent shall at least annually report to the Department of Education, in the form and manner determined by the Department, information on the number of injections provided to students, the number of injections with School Epi-Pens and the number of incidents where students were not known to be subject to severe allergic reactions.

Adopted 8/18/14  
Revised 9/9/19

## **STUDENTS WITH SPECIAL DIETARY NEEDS**

The Board of Directors believes all students shall have the opportunity to participate fully in all School programs and activities, although necessary accommodations may be required.

In some cases, a student's disability may prevent him/her from eating meals prepared for the general School population.

Substitutions to the regular meal will be made for students unable to eat meals at school because of their disabilities, when that need is certified in writing by a physician. Meal service shall be provided in the most integrated setting appropriate to the needs of the student with this disability.

The licensed physician's statement shall specifically describe the following:

- A. the nature of the student's disability;
- B. the reason the disability prevents the student from eating the regular school meals;
- C. foods to be omitted from the student's diet;
- D. the specific diet prescription along with the substitution(s) needed.

In compliance with USDA Child Nutrition Division guidelines, the School will provide substitute meals to food-allergic students based upon the physician's signed statement.

The Board recognizes students with documented life-threatening food allergies are considered disabled and are covered by The Disabilities Act and Public Law 93-112 and Section 504 of The Rehabilitation Act of 1973. A clearly-defined "504 Accommodation Plan" shall be developed and implemented for all such identified students making necessary accommodations are made to ensure full participation of the identified student in student activities. This plan shall be signed by the appropriate staff, the parent/guardian of the student, and the student's physician.

The Superintendent shall prepare Administrative Guidelines for the care of food-allergic students. Such guidelines shall include, but not be limited to, strategies for identifying students at risk for life-threatening allergic reactions; means to manage the student's allergy including avoidance measures; designation of typical symptoms; and dosing instructions for medications.

Adopted 1/11/10  
Revised 9/9/19

## **STUDENT ACCIDENTS**

The Board of Directors believes that School personnel have certain responsibilities in case of accidents that occur in school. Such responsibilities include administering first aid by persons trained to do so, summoning medical assistance, notifying administrative personnel, notifying parents, and filing accident reports.

Staff members should administer first aid within the limits of their knowledge of recommended practices. All staff should make an effort to increase their understanding of the proper steps to be taken in the event of an accident. The staff member in charge must submit an accident report on any student accident.

The Superintendent shall prepare Administrative Guidelines to assure the prompt reporting of all student accidents.

Adopted 1/11/10  
Revised 9/9/19

## **CONCUSSIONS AND ATHLETIC ACTIVITIES**

Reference: M.C.L. 333.9155 – 333.9156

To provide for the safety of student athletes, all athletic programs of the School shall comply either with the concussion protocols of the Michigan High School Athletic Association, or the protocols set forth in AG 5340.01, which shall meet all the requirements of state law and Department of Community Health guidelines regarding concussion awareness training and protection for youth athletes. The School shall comply with whichever standards are more protective.

Adopted 8/12/13

Revised 9/9/19

## **EMERGENCY MEDICAL AUTHORIZATION**

The Superintendent will distribute the Emergency Medical Authorization Form annually to parents or guardians of all students. If an emergency medical treatment for a student is necessary, the School will adhere to the instructions on the authorization form.

The Emergency Medical Authorization Form will be kept in a separate, easily accessible file in the School office during the year.

Any time a student or a group of students is taken out of the School to participate in a school event, the staff in charge of the event must take the Emergency Medical Forms for those students. This includes, and is not limited to, students involved in music trips, athletic trips, field trips, and academic contests. This does not include student spectators at events.

The Superintendent shall develop Administrative Guidelines to ensure the prompt return of said form by parents or guardians and the implementation of other provisions of this policy. Whenever it is necessary for staff members to use emergency procedures in order to care properly for a student, they are to follow the procedures described in this policy and in Policy 5342 related to Do Not Resuscitate Orders.

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Adoption Date: **01.10**

Classification:

Revised Dates: **9/9/19; 07.21**

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## **DO NOT RESUSCITATE ORDERS (DNR) FOR MINOR STUDENTS**

Reference:

M.C.L. 333.1051, et. seq.  
M.C.L. 380.1180

After April 4, 2021, if a parent or legal guardian who is legally authorized to execute a "Do Not Resuscitate" order ("DNR Order") for a student provides Academy administration with a copy of a duly executed DNR Order compliant with the law and in substantially the same form as dictated by statute, Academy administration shall proceed as follows.

If the administrator who receives a copy of a DNR Order from a parent or legal guardian of a student is not the Superintendent, the administrator shall immediately provide the Superintendent with the DNR Order.

The Superintendent shall ensure that all of the following conditions are met:

- A. The copy of the DNR Order must be placed in a file created specifically for a copy of a DNR Order or the revocation of a DNR Order in a manner and location to be determined by the Superintendent, regardless of whether the order pertains to a student with an individualized education program.
- B. If the Academy received a copy of a DNR Order for a student during the immediately preceding school year, the Superintendent, or his/her designee, must inquire of the student's parent or legal guardian at the beginning of each school year subsequent to which the DNR Order was in effect to determine if the order is still in effect.
- C. The Superintendent, or his/her designee, must provide actual notice of the DNR Order to each teacher or other academy employee who provides instructional or noninstructional services directly to the student.

If an administrator received actual notice of a revocation of a DNR Order, s/he shall immediately provide the revocation to the Superintendent and the Superintendent, or his/her designee shall immediately place the revocation in the file created per the instruction and provide actual notice of the revocation to each teacher or other academy employee who provides instructional or noninstructional service directly to the student.

The Board shall ensure that timely and appropriate training regarding compliance with the DNR Order is provided to each teacher or other academy employee who provides services to a student with a DNR Order, according to his/her level of responsibility.

An individual who determines that a minor student, while located at the academy, is wearing a do-not-resuscitate identification bracelet or an individual who has actual notice of valid DNR Order related to the minor student shall not attempt to resuscitate the minor student before an appropriate health professional arrives to assist.



Adoption Date: **07.21**  
Classification: **Legally Required**  
Revised Dates: ;

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## **PHYSICIAN ORDER FOR SCOPE OF TREATMENT (POST)**

Reference:

M.C.L. 380.1181

An administrator who receives a copy of a physician order for scope of treatment ("POST") form from a parent or legal guardian of a student enrolled in the Academy shall immediately provide the form to the Superintendent.

- A. The Superintendent shall ensure that all of the following conditions are met:
  - 1. The copy of the POST form must be placed in a file created specifically for a copy of a POST form or the revocation of a POST form, in a manner and location to be determined by the Superintendent or his/her designee, regardless of whether the form pertains to a student with an individualized education program.
  - 2. If the Academy received a copy of a POST form for a student during the immediately preceding school year, the Superintendent, or his/her designee, must inquire of the student's parent or legal guardian at the beginning of each school year subsequent to which the POST form was in effect to determine if the order is still in effect and request an updated copy of the form, if applicable.
  - 3. The Superintendent, or his/her designee, must provide actual notice of the POST form described in this subsection to each teacher or other academy employee who provides instructional or noninstructional services directly to the student.
- B. If an administrator receives actual notice of a revocation of a POST form, s/he shall immediately provide the revocation to the Superintendent and the Superintendent or his/her designee shall immediately place the revocation in the file described under subsection (1)(a) and shall provide actual notice of the revocation to each teacher or other academy employee who provides instructional or noninstructional services directly to the student, regardless of whether the revocation pertains to a student with an individualized education program.
- C. The Board shall ensure that timely and appropriate training regarding compliance with the POST form is provided to each teacher or other academy employee who provides services to a student with a POST form, according to his/her level of responsibility.

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Adoption Date: **07.21**  
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Revised Dates: ;

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## STUDENT SUICIDE

Reference: MCL 380.1171  
Kelson v City of Springfield, 767 F2d 651 (9th Cir. 1985)

The Board of Directors recognizes that depression and self-destruction are problems of increasing severity among children and adolescents. A student who suffers the psychological disability of depression cannot benefit fully from the educational program of the schools, and a student who has attempted self-destruction poses a danger both to himself/herself and to other students.

All school personnel should be alert to the student who exhibits signs of unusual depression or who threatens or attempts suicide. Any such signs or the report of such signs from another student or staff member should be taken with the utmost seriousness.

The Superintendent shall develop and implement Administrative Guidelines whereby members of the professional staff understand how to use an intervention procedure which includes the following:

- Step 1 – Stabilization
- Step 2 – Assessment of the Risk
- Step 3 – Use of Appropriate Risk Procedures
- Step 4 – Communication with Appropriate Parties
- Step 5 – Follow-Up

The Superintendent shall implement instruction for students on the dangers of depression and suicide through age appropriate programs. Such instruction shall focus on:

- A. awareness of the risks and warning signs;
- B. access to appropriate prevention services; and
- C. prevention of suicidal behaviors among students.

Parents/Guardians shall be notified of any suicide prevention instruction provided their children at a particular building.

Throughout any intervention, it is essential that Board policies and School guidelines regarding confidentiality be observed at all times.

Adopted 1/11/10  
Revised 9/9/19

## **PROMOTION, PLACEMENT, AND RETENTION**

The Board of Directors recognizes the personal, social, physical, and educational growth of children vary, so they should be placed in the educational setting most appropriate to their needs at the various stages of their growth.

It shall be the policy of the Board for each student to be moved forward through the grades in a continuous pattern of achievement and growth in harmony with his/her own development.

A student will be promoted to the next grade level when he/she has

- A. achieved the instructional objectives set for the present grade, in the opinion of the professional staff;
- B. demonstrated the degree of social, emotional, and physical maturation necessary for successful learning in the next grade.

The Superintendent shall develop Administrative Guidelines for promotion, placement, and retention of students that accomplish the following:

- A. ensure students who are falling seriously behind their peers, or who may not be promoted, receive the special assistance needed to achieve the academic outcomes of the School's core curriculum;
- B. require the recommendation of the relevant staff members for promotion, placement, or retention;
- C. require School staff to inform parents, well in advance, regarding the possibility of retention of a student at the present grade level;
- D. ensure efforts are made to remediate the student's difficulties before he/she is retained;
- E. assign to the Superintendent the final responsibility for determining the promotion, placement, or retention of each student.

Adopted 1/11/10  
Revised 9/9/19

## **REPORTING STUDENT PROGRESS**

The Board of Directors believes that the cooperation of the School and home is a vital ingredient to the growth and education of the whole child. The Board recognizes its responsibility to keep parents informed of student welfare and progress in school.

The Board directs the establishment of a system of reporting student progress that includes written reports, parent conferences with teachers and requires all appropriate staff members to comply with such a system as part of their professional responsibility.

The Superintendent shall develop Administrative Guidelines for reporting student progress to parents to achieve the following:

- A. ensure both student and parent receive ample warning of a pending grade of "failure" (F) or a grade that would adversely affect the student's status;
- B. require parent-teacher conferences to be scheduled at times and in places that ensure the greatest degree of convenience to and participation by parents;
- C. specify the time period for report cards to be issued (e.g., every 6 weeks).

Adopted 1/11/10  
Revised 9/9/19

## GRADING

The Board of Directors recognizes its responsibility for providing a system of grading student achievement to help the student, teachers, and parents judge properly how well the student is achieving the expected learning outcomes for his/her grade and the goals of the School's program.

The Board believes the School's grading system should be a reliable system that ensures each student's grades signify accurately his/her degree of accomplishment of those expected learning outcomes stated for each program at every grade level, kindergarten through twelfth.

The Board directs the Superintendent to develop Administrative Guidelines for grading that includes the following:

- A. develop clear, consistent criteria and standards;
- B. in each course of program, help each student understand what behavior and/or achievement is needed to earn each grade and what will result in a failing grade;
- C. provide for a pass/fail grade in appropriate programs;
- D. allow and encourage students to assess both their own achievements and their areas of difficulty.

The grading system should not inhibit the professional staff member from learning the strengths and weaknesses of each student on an individual basis.

The grading system should be subject to continual review by staff, students, and parents. Revisions should be made only when such changes will assure a clearer, more valid, and/or more reliable system of grading.

The teacher responsible for a student's instruction in a particular course or program shall determine the student's grade. That grade may not be changed without the permission of the Superintendent.

Adopted 1/11/10  
Revised 9/9/19

## **STUDENT RECOGNITION**

The Board of Directors values excellence and wishes to instill in students the desire to do their best in all things. It is the policy of this Board, therefore, to recognize outstanding accomplishment in the curricular, co-curricular, and extra-curricular areas.

The Board authorizes the Superintendent to develop a plan for recognizing outstanding student achievement based on well-defined, consistent criteria and standards.

Adopted 1/11/10

Revised 9/9/19

## **STUDENT CONDUCT**

Reference: MCL 380.1311, 380.1312

Respect for the law and for those persons in authority shall be expected of all students. Respect includes conformity to School rules and general provisions of law regarding minors. Respect for the rights of others, consideration of their privileges, and cooperative citizenship are also expected of all members of the School community.

Respect for real and personal property; pride in one's work; achievement within the range of one's ability; and exemplary personal standards of courtesy, decency, and honesty shall be maintained in this School.

The Superintendent shall establish Administrative Guidelines to carry out Board policy and philosophy and shall hold all School personnel, students, and parents responsible for the conduct of students in the School, on School vehicles, and at School-related events.

Student conduct shall be governed by the rules and provisions of the Student Code of Conduct. This Code of Conduct shall be reviewed annually.

Adopted 1/11/10  
Revised 9/9/19



## **STUDENTS – SEX OFFENDER REGISTRY; CRIMINAL CONVICTIONS**

Reference: MCL 28.721 et al.

Students who are convicted of criminal conduct which requires their listing on the State's Sexual Offender Registry, shall be prohibited from participating in:

- A. all extracurricular activities;
- B. all in-school activities which deal with younger students, such as tutoring, classroom assistance, coaching, etc.;
- C. after school social activities, such as attendance at school-sponsored clubs, dances, athletic events, musical or theatrical performances, or outside clubs or activities, which meet on school property, such as Girl or Boy Scouts, non-school athletics or religious and/or political groups.
- D. activities as designated in writing by the Superintendent

Any exceptions to the above exclusions must be approved by the Superintendent.

Any exceptions must be confirmed in writing by the authorizing individual, and must specifically state any requirements for participation, such as parental or adult supervision. The writing shall be provided to the parent and student. Exceptions may be revoked at any time, with cause.

The Superintendent may also adjust the student's classes and schedule to provide for adequate supervision and student safety during the school day.

Additional restrictions on in-school activity and student contacts may be implemented by the building's principal with approval from the Superintendent. Such restrictions shall be based on student/school safety and/or maintaining an appropriate educational environment. Restrictions will be in writing and provided to the student, parents/guardian and those staff with a need to know.

Such students shall only be on school premises as necessary for normal instructional purposes, or as permitted under any exceptions granted by the School. Students shall not arrive earlier than necessary and shall leave promptly upon completion of their approved attendance.

Students who have been convicted of a crime shall be reviewed by the School administration for possible limitation of school related activities consistent with the nature of the crime and the interest of the School in maintaining school safety.

Adopted 2/8/10  
Revised 10/24/11; 8/13/12; 9/9/19

## **DRESS AND GROOMING**

The Board of Directors recognizes each student's mode of dress and grooming is a manifestation of personal style and individual preference. The Board will not interfere with the right of students and their parents to make decisions regarding their appearance, except when their choices interfere with the educational program of the School.

Accordingly, the Superintendent shall establish such grooming guidelines as are necessary to promote discipline, maintain order, secure the safety of students, and provide a healthy environment conducive to academic purposes. Such guidelines shall prohibit student dress or grooming practices that have the following characteristics:

- A. are contrary to the required School uniform;
- B. present a hazard to the health or safety of the student or to others in the School;
- C. interfere with school work, create disorder, or disrupt the educational program;
- D. cause excessive wear or damage to School property;
- E. prevent the student from achieving educational objectives because of blocked vision or restricted movement.

Such guidelines shall establish the dress requirements for members of the athletic teams, bands, and other School groups when representing the School at a public event.

The Superintendent shall develop Administrative Guidelines to implement this policy to

- A. designate the Superintendent as the arbitrator of student dress and grooming in his/her building;
- B. instruct staff members to demonstrate, by example and precept, desirable values such as personal neatness, cleanliness, propriety, modesty, and good sense in attire and appearance.

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Adoption Date: **01.10**  
Classification: **Best Practice**  
Revised Dates: **9/9/19; 06.22**

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## USE OF TOBACCO BY STUDENTS

Reference: MCL 333.12601 et seq.  
MCL 750.473

The Board of Directors recognizes that the use of tobacco presents a health hazard which can have serious consequences both for the user and the nonuser and is, therefore, of concern to the Board.

In order to protect students and employees who choose not to use tobacco from an environment noxious to them and potentially damaging to their health, the Board prohibits the use of tobacco on school premises, in school vehicles, and in all school buildings owned and/or operated by the School.

The Board prohibits the use or possession of tobacco product by students in school buildings, on school property (owned or leased), on school buses, and at any school-related event.

For purposes of this policy,

- A. "tobacco product" means a preparation of tobacco to be inhaled, chewed, or placed in a person's mouth.
- B. "use of a tobacco product" means any of the following:
  - 1. the carrying by a person of a lighted cigar, cigarette, pipe, or other lighted smoking device
  - 2. the inhaling or chewing of a tobacco product
  - 3. the placing of a tobacco product within a person's mouth
  - 4. and/or the smoking of electronic, "vapor," or other substitute forms of cigarettes, clove cigarettes or other lighted smoking devices for burning tobacco or any other substance.

The term "tobacco" includes any product that contains tobacco, is derived from tobacco, contains nicotine, or e-cigarettes and other electronic smoking devices (including but not limited to "JUUL's"), but does not include any cessation product approved by the United States Food and Drug Administration for use as a medical treatment to reduce or eliminate nicotine or tobacco dependence.

In order to protect students and staff who choose not to use tobacco from an environment noxious to them, the Board prohibits the possession, consumption, purchase or attempt to purchase and/or use of tobacco or tobacco substitute products by students at all times on Board premises, in Board-owned vehicles, within any indoor facility owned or leased or contracted for by the Board, and/or used to provide education or library services to children, and at all Board-sponsored events.

This prohibition extends to any Board-owned and/or operated vehicles used to transport students and to all other Board-owned and/or operated vehicles. Such prohibition also applies to:

- A. school grounds,

- B. athletic facilities, and
- C. any school -related event.

Advertising/Promotion

In accordance with Policy 9700.01, tobacco advertising is prohibited on school grounds, in all school-sponsored publications, and at all school-sponsored events.

Tobacco promotional items that promote the use of tobacco products, including clothing, bags, lighters, and other personal articles are not permitted on school grounds, in school vehicles, or at school-sponsored events.

Notification

Students will be provided notice of this policy through student handbooks.

Adopted 10/24/11  
Revised 9/9/19; 2/10/20

## **CARE OF SCHOOL PROPERTY**

Reference: MCL 600.2913

Basic to the philosophy of the Board of Directors is a respect for the rights of others. Students are urged to respect the belongings of others, including School property. Each student should realize that vandalism to School property is costly to repair and is directly related to increased costs at the School.

Attempts should be made to teach students respect for property through the care of textbooks and the use of School materials and equipment.

In accordance with law, students who cause damage to School property shall be subject to disciplinary measures, and their parents shall be financially liable for such damage to the extent of the law.

The Board authorizes the imposition of fines for the loss, damage, or destruction of School equipment, apparatus, musical instruments, library materials, or textbooks and for damage to the building.

The Superintendent may report to the appropriate authorities any student whose damage of School property has been serious or chronic in nature.

In no case shall such referral to juvenile authorities be made without prior notification to the student's parent.

The Superintendent shall develop Administrative Guidelines to implement this policy.

Adopted 1/11/10  
Revised 9/9/19

## STUDENT HAZING

The Board of Directors believes hazing activities of any type are inconsistent with the educational process and prohibits all such activities at any time in school facilities, on school property, and at any School-sponsored event.

For purposes of this policy, hazing shall be defined as performing any act or coercing another, including the victim, to perform any act of initiation into any class, group, or organization that causes, or creates a risk of causing, mental, emotional, or physical harm. Permission, consent, or assumption of risk by an individual subjected to hazing does not lessen the prohibitions contained in this policy.

Hazing involves conduct such as, but not limited to the following:

- A. illegal activity, such as drinking or drugs;
- B. physical punishment or infliction of pain;
- C. intentional humiliation or embarrassment;
- D. dangerous activity;
- E. activity likely to cause mental or psychological stress;
- F. forced detention or kidnapping; and/or
- G. undressing or otherwise exposing the person being hazed.

NOTE: If the school club or organization does not have an official and approved initiation procedure, and if no school staff is involved in the activity, there is a significant likelihood that the activity may result in violation of this policy. Michigan law also makes hazing a crime, punishable by fine and/or imprisonment.

Administrators, faculty members, and other employees of the School shall be alert particularly to possible situations, circumstances, or events that might include hazing. If hazing or planned hazing is discovered, the students involved shall be informed by the discoverer regarding the prohibitions contained in this policy and shall be ordered to end all hazing activities immediately. All hazing incidents shall be reported immediately to the Superintendent. Students, administrators, faculty members, and other employees who fail to abide by this policy may be subject to disciplinary action and may be held personally liable for civil or criminal penalties.

The Superintendent shall distribute this policy to all students and School employees, and shall incorporate it into building, staff, and student handbooks. It shall also be the subject of discussion at employee staff meetings or in-service programs.

Adopted 1/11/10  
Revised 9/9/19

## **ANTI-HARASSMENT**

Reference:

Titles VI and VII of the Civil Rights Act of 1964, 42 USC 2000d et seq.  
20 U.S.C. 1400 ET SEQ., The Individuals with Disabilities Education improvement Act of 2004 (IDEIA)  
20 U.S.C. 1681 et seq.  
29 U.S.C. 794, Rehabilitation Act of 1973, as amended  
29 U.S.C. 6101, the Age Discrimination Act of 1975  
42 U.S.C. 2000d et seq.  
42 USC 2000e et seq.  
42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended  
42 USC 1983  
42 USC 2000ff et seq., The Genetic Information Nondiscrimination Act  
29 C.F.R. Part 1635  
Title IX of the Educational Amendments of 1972, 20 USC 1681 et seq.  
Section 504 of the Rehabilitation Act of 1973, 29 USC 794  
The Americans with Disabilities Act of 1990, 42 USC 12101 et seq.  
The Handicappers' Civil Rights Act, MCL 37.1101 et seq.  
The Elliott-Larsen Civil Rights Act, MCL 37.2101, et seq.  
Policies on Bullying, Michigan State Board of Education, 7-19-01  
Model Anti-Bullying Policy, Michigan State Board of Education, 09-2006  
National School Boards Association Inquiry and Analysis – May 2008

### **General Policy Statement**

It is the policy of the Board of Directors to maintain an education and work environment that is free from all forms of unlawful harassment, including sexual harassment. This commitment applies to all School operations, programs, and activities. All students, administrators, teachers, staff, and all other school personnel share responsibility for avoiding, discouraging, and reporting any form of unlawful harassment. This policy applies to unlawful conduct occurring on School property, or at another location if such conduct occurs during an activity sponsored by the Board.

The Board will vigorously enforce its prohibition against discriminatory harassment based on race, color, national origin, sex (including sexual orientation and gender identity), disability, age (except as authorized by law), religion, height, weight, marital or family status, military status ancestry, or genetic information (collectively, "Protected Classes") that are protected by Federal civil rights laws (hereinafter referred to as unlawful harassment), and encourages those within the School community as well as Third Parties, who feel aggrieved to seek assistance to rectify such problems. The Board will investigate all allegations of harassment and in those cases where unlawful harassment is substantiated, the Board will take immediate steps to end the harassment, prevent its recurrence, and remedy its effects. Individuals who are found to have engaged in unlawful harassment will be subject to appropriate disciplinary action.

### **Other Violations of the Anti-Harassment Policy**

The Board will also take immediate steps to impose disciplinary action on individuals engaging in any of the following prohibited acts:

- A. Retaliating against a person who has made a report or filed a complaint alleging unlawful harassment, or who has participated as a witness in a harassment investigation.
- B. Filing a malicious or knowingly false report or complaint of unlawful harassment.

- C. Disregarding, failing to investigate adequately, or delaying investigation of allegations of unlawful harassment, when responsibility for reporting and/or investigating harassment charges comprises part of one's supervisory duties.

### **Definitions**

Words used in this policy shall have those meanings defined herein; words not defined herein shall be construed according to their plain and ordinary meanings.

School community means students and Board employees (i.e., administrators, and professional and classified staff), as well as Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

Complainant is the individual who alleges, or is alleged, to have been subjected to unlawful discrimination/retaliation, regardless of whether the person files a formal complaint or is pursuing an informal resolution to the alleged discrimination/retaliation.

Respondent is the individual who has been alleged to have engaged in unlawful discrimination/retaliation, regardless of whether the Reporting Party files a formal complaint or is seeking an informal resolution to the alleged discrimination/retaliation.

Third Parties include, but are not limited to, guests and/or visitors on School property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with, or seeking to do business with, the Board, and other individuals who come in contact with members of the School community at School-related events/activities (whether on or off School property).

Day(s): Unless expressly stated otherwise, the term "day" or "days" as used in this policy means a business day(s) (i.e., a day(s) that the Board office is open for normal operating hours, Monday - Friday, excluding State-recognized holidays).

### **Bullying**

Bullying rises to the level of unlawful harassment when one or more persons systematically and chronically inflict physical hurt or psychological distress on one (1) or more students or employees and that bullying is based upon one (1) or more Protected Classes, that is, characteristics that are protected by Federal civil rights laws. It is defined as any unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by an adult or student, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational or work environment; cause discomfort or humiliation; or unreasonably interfere with the individual's school or work performance or participation; and may involve:

- A. teasing;
- B. threats;
- C. intimidation;
- D. stalking;
- E. cyberstalking;
- F. cyberbullying;
- G. physical violence;
- H. theft;



- I. sexual, religious, or racial harassment;
- J. public humiliation; or
- K. destruction of property.

### **Harassment**

"Harassment" means any threatening, insulting, or dehumanizing gesture, use of technology, or written, verbal or physical conduct directed against a student or School employee that:

- A. places a student or School employee in reasonable fear of harm to his/her person or damage to his/her property;
- B. has the effect of substantially interfering with a student's educational performance, opportunities, or benefits, or an employee's work performance; or
- C. has the effect of substantially disrupting the orderly operation of the School.

### **Sexual Harassment**

For purposes of this policy and consistent with Title VII of the Civil Rights Act of 1964 "sexual harassment" is defined as:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

- A. Submission to such conduct is made either implicitly or explicitly a term or condition of an individual's employment, or status in a class, educational program, or activity;
- B. Submission or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual;
- C. Such conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity.

Sexual harassment may involve the behavior of a person of any gender against a person of the same or another gender.

Sexual Harassment covered by Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities is not included in this policy. Allegations of such conduct shall be addressed solely by Policy 2266.

Prohibited acts that constitute sexual harassment under this policy may take a variety of forms. Examples of the kinds of conduct that may constitute sexual harassment include, but are not limited to:

- A. Unwelcome sexual propositions, invitations, solicitations, and flirtations.
- B. Unwanted physical and/or sexual contact.
- C. Threats or insinuations that a person's employment, wages, academic grade, promotion, classroom work or assignments, academic status, participation in athletics or extra-curricular programs, activities, or events, or other conditions of employment or education may be adversely affected by not submitting to sexual advances.
- D. Unwelcome verbal expressions, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language,

profanity, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls.

- E. Sexually suggestive objects, pictures, graffiti, videos, posters, audio recordings or literature, placed in the work or educational environment, that may reasonably embarrass or offend individuals.
- F. Unwelcome and inappropriate touching, patting, or pinching; obscene gestures.
- G. Asking about, or telling about, sexual fantasies, sexual preferences, or sexual activities;
- H. Speculations about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history;
- I. Giving unwelcome personal gifts such as lingerie that suggest the desire for a romantic relationship;
- J. Leering or staring at someone in a sexual way, such as staring at a person's breasts, buttocks, or groin;
- K. A pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliation to another.
- L. Inappropriate boundary invasions by an School employee or other adult member of the School community into a student's personal space and personal life.
- M. Verbal, nonverbal or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature.

Not all behavior with sexual connotations constitutes unlawful sexual harassment. Sex-based or gender-based conduct must be sufficiently severe, pervasive, and persistent such that it adversely affects, limits, or denies an individual's employment or education, or such that it creates a hostile or abusive employment or educational environment, or such that it is intended to, or has the effect of, denying or limiting a student's ability to participate in or benefit from the educational program or activities.

### **Race/Color Harassment**

Prohibited racial harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's race or color and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's race or color, such as racial slurs, nicknames implying stereotypes, epithets, and/or negative references relative to racial customs.

### **Religious (Creed) Harassment**

Prohibited religious harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's religion or creed and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's religious tradition, clothing, or surnames, and/or involves religious slurs.

### **National Origin Harassment**

Prohibited national origin/ancestry harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's national origin or ancestry and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is

directed at the characteristics of a person's national origin or ancestry, such as negative comments regarding customs, manner of speaking, language, surnames, or ethnic slurs.

### **Disability Harassment**

Prohibited disability harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's disability and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's disability, such as negative comments about speech patterns, movement, physical impairments or defects/appearances, or the like. Such harassment may further occur where conduct is directed at or pertains to a person's genetic information.

### **Anti-Harassment Compliance Officers**

The following individual(s) shall serve as the School's Anti-Harassment Compliance Officer(s) (hereinafter, "the Compliance Officer(s)"):

Male/Female Coordinator  
313-865-6024  
14510 2<sup>nd</sup> Ave  
Highland Park, MI 48203

The names, titles, and contact information of these individuals will be published annually on the School's web site.

The Compliance Officer(s) are responsible for coordinating the School's efforts to comply with applicable Federal and State laws and regulations, including the School's duty to address in a prompt and equitable manner any inquiries or complaints regarding harassment.

The Compliance Officer(s) will be available during regular school/work hours to discuss concerns related to unlawful harassment, to assist students, other members of the School community, and third parties who seek support or advice when informing another individual about "unwelcome" conduct, or to intercede informally on behalf of the individual in those instances where concerns have not resulted in the filing of a formal complaint and where all parties are in agreement to participate in an informal process.

Compliance Officers shall accept reports of unlawful harassment directly from any member of the School community or a Third Party or receive reports that are initially filed with an administrator, supervisor, or other School official. Upon receipt of a report of alleged harassment, the Compliance Officer(s) will contact the Complainant and begin either an informal or formal complaint process (depending on the request of the Complainant or the nature of the alleged harassment), or the Compliance Officer(s) will designate a specific individual to conduct such a process. The Compliance Officer(s) will provide a copy of this policy to the Complainant and Respondent. In the case of a formal complaint, the Compliance Officer(s) will prepare recommendations for the Employee Leasing Company or will oversee the preparation of such recommendations by a designee. All Employee Leasing Company employees must report incidents of harassment that are reported to them to the Compliance Officer within two (2) days of learning of the incident.

Any Employee Leasing Company employee who directly observes unlawful harassment is obligated, in accordance with this policy, to report such observations to the Compliance Officer(s) within two (2) days. Additionally, any Employee Leasing Company employee who observes an act of unlawful harassment is expected to intervene to stop the harassment, unless circumstances make such an intervention dangerous, in which case the staff member should immediately notify other Employee Leasing Company employees and/or local law enforcement officials, as necessary, to stop the harassment. Thereafter, the Compliance Officer(s) or designee must contact the Complainant, if age eighteen (18) or older, or Complainant's parents/guardians if the Complainant is under the age eighteen (18), within two (2) days to advise of the Board's intent to investigate the alleged wrongdoing.

### **Reports and Complaints of Harassing Conduct**

Members of the School community along with Third Parties are encouraged to promptly report incidents of harassing conduct to the School's Anti-Harassment Compliance Officer so that the School's Anti-Harassment Compliance Officer may address the conduct before it becomes severe, pervasive, or persistent. Any administrator, supervisor, or other School official who receives such a report shall file it with the Compliance Officer within two (2) days of receiving the report of harassment.

Members of the School community and Third Parties who believe they have been unlawfully harassed by another member of the School community or a Third Party are entitled to utilize the Board's complaint process that is set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the Complainant's employment or participation in educational or extra-curricular programs. While there are no time limits for initiating complaints of harassment under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

If, during an investigation of alleged bullying, aggressive behavior and/or harassment in accordance with Policy 5517.01 – Bullying and Other Forms of Aggressive Behavior, the Superintendent believes that the reported misconduct may have created a hostile work environment and may have constituted unlawful discriminatory harassment based on a Protected Class, the Superintendent will report the act of bullying, aggressive behavior and/or harassment to the Compliance Officer(s) who shall investigate the allegation in accordance with this policy. If the alleged harassment involves Sexual Harassment as defined by Policy 2266, the matter will be handled in accordance with the grievance process and procedures outlined in Policy 2266. While the Compliance Officer investigates the allegation, or the matter is being addressed pursuant to Policy 2266, the Superintendent shall suspend the Policy 5517.01 investigation to await the Compliance Officer's written report or the determination of responsibility pursuant to Policy 2266. The Compliance Officer shall keep the Superintendent informed of the status of the 5517 investigation and provide the Superintendent with a copy of the resulting written report. Likewise, the Title IX Coordinator will provide the Superintendent with the determination of responsibility that results from the Policy 2266 grievance process.

### **Investigation and Complaint Procedure**

Except for Sexual Harassment that is covered by Policy 2266 - Nondiscrimination on the Basis of Sex in Education Program or Activities, any student who believes that they have been subjected to unlawful harassment may seek resolution of the complaint through either the procedures described below. The formal complaint process involves an investigation of the Complainant's claims of harassment or retaliation and a process for rendering a decision regarding whether the charges are substantiated.

Due to the sensitivity surrounding complaints of unlawful harassment or retaliation, time lines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) days after the conduct occurs while the facts are known and potential witnesses are available. Once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within fifteen (15) business days of the complaint being received).

The procedures set forth below are not intended to interfere with the rights of a student to pursue a complaint of unlawful harassment or retaliation with the United States Department of Education Office for Civil Rights.

### **Informal Complaint Procedure**

The goal of the informal complaint procedure is to promptly stop inappropriate behavior and to facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for a student, who believes s/he has been unlawfully harassed or retaliated against. This informal procedure is not required as a precursor to the filing of a formal complaint. The informal process is only available in those circumstances where the Complainant and the Respondent mutually agree to participate in it.

Students who believe that they have been unlawfully harassed may initiate their complaint through this informal complaint process, but are not required to do so. The informal process is only available in those circumstances where the parties (alleged target of harassment and alleged harasser(s)) agree to participate in the informal process.

The Complainant may proceed immediately to the formal complaint process and individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process.

All complaints involving an Employee Leasing Company employee, any other adult member of the School community, or a Third Party and a student will be formally investigated.

As an initial course of action, if a Complainant feels comfortable and safe in doing so, the individual should tell or otherwise inform the Respondent that the allegedly harassing conduct is unwelcome and must stop. The Complainant should address the allegedly harassing conduct as soon after it occurs as possible. The Compliance Officers are available to support and counsel individuals when taking this initial step or to intervene on behalf of the Complainant if requested to do so. A Complainant who is uncomfortable or unwilling to directly approach the Respondent about the alleged inappropriate conduct may file an informal or a formal complaint. In addition, with regard to certain types of unlawful harassment, such as sexual harassment, the Compliance Officer may advise against the use of the informal complaint process.

A Complainant may make an informal complaint, either orally or in writing: (1) to a teacher, other employee, or building administrator in the school the student attends; (2) to the Superintendent and/or Employee Leasing Company; and/or (3) directly to one of the Compliance Officers.

All informal complaints must be reported to one of the Compliance Officers who will either facilitate an informal resolution as described below, or appoint another individual to facilitate an informal resolution.

The Board's informal complaint procedure is designed to provide students who believe they are being unlawfully harassed with a range of options designed to bring about a resolution of their concerns. Depending upon the nature of the complaint and the wishes of the Complainant, informal resolution may involve, but not be limited to, one or more of the following:

1. Advising the Complainant about how to communicate the unwelcome nature of the behavior to the Respondent.
2. Distributing a copy of this anti-harassment policy as a reminder to the individuals in the school building or office where the Respondent works or attends.
3. If both parties agree, the Compliance Officer may arrange and facilitate a meeting or mediation between the Complainant and the Respondent to work out a mutual resolution.

While there are no set time limits within which an informal complaint must be resolved, the Compliance Officer/designee is directed to attempt to resolve all informal complaints within fifteen (15) business days of receiving the informal complaint. If the Complainant is dissatisfied with the informal complaint, the Complainant process may proceed to file a formal complaint and, as stated above, either party may request that the informal process be terminated at any time to move to the formal complaint process.

### **Formal Complaint Procedure**

If a complaint is not resolved through the informal complaint process, if one of the parties has requested that the informal complaint process be terminated to move to the formal complaint process, or the Complainant, from the outset, elects to file a formal complaint, or the CO determines the allegations are not appropriate for resolution through the informal process, the formal complaint process shall be implemented.

The Complainant may file a formal complaint, either orally or in writing, with a teacher, Superintendent, or other School official at the student's school, the Compliance Officer, Employee Leasing Company, or another School employee who works at another school. Due to the sensitivity surrounding complaints of unlawful harassment and retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a formal complaint within thirty (30) days after the conduct occurs while the facts are known and potential witnesses are available. If a Complainant informs a teacher, principal, Employee Leasing Company, or other School official, either orally or in writing, about any complaint of harassment or retaliation, that employee must report such information to the Compliance Officer/designee within two (2) business days.

Throughout the course of the process, the Compliance Officer should keep the parties reasonably informed of the status of the investigation and the decision-making process.

All formal complaints must include the following information to the extent known: the identity of the Respondent; a detailed description of the facts upon which the complaint is based (i.e., when, where, and what occurred); a list of potential witnesses; and the resolution sought by the Complainant.

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

Upon receiving a formal complaint, the Compliance Officer will consider whether any action should be taken in the investigatory phase to protect the Complainant from further harassment or retaliation, including, but not limited to, a change of work assignment or schedule for the Complainant and/or the Respondent. In making such a determination, the Compliance Officer should consult the Complainant to assess whether the individual agrees with the proposed action. If the Complainant is unwilling to consent to the proposed change, the Compliance Officer may still take whatever actions deemed appropriate in consultation with the Employee Leasing Company and Superintendent.

Within two (2) business days of receiving the complaint, the Compliance Officer or a designee will initiate a formal investigation to determine whether the Complainant has been subjected to offensive conduct/harassment/retaliation. The Employee Leasing Company will not conduct an investigation unless directed to do so by the Compliance Officer.

Simultaneously, the Compliance Officer will inform the Respondent that a formal complaint has been received. The Respondent will be informed about the nature of the allegations and provided with a copy of any relevant policies and/or administrative guidelines, including the Board's Anti-Harassment policy. The Respondent must also be informed of the opportunity to submit a written response to the formal complaint within five (5) days.

Although certain cases may require additional time, the Compliance Officer/ designee will attempt to complete an investigation into the allegations of harassment/retaliation within fifteen (15) business days of receiving the formal complaint. The investigation will include:

- A. interviews with the Complainant;
- B. interviews with the Respondent;
- C. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations;
- D. consideration of any documentation or other information presented by the Complainant, Respondent, or any other witness that is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the Compliance Officer/designee shall prepare and deliver a written report to the Employee Leasing Company that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful harassment as provided in Board policy and State and Federal law as to whether the Respondent engaged in unlawful harassment/retaliation of the Complainant. The Compliance Officer's recommendations must be based upon the totality of the circumstances. In determining if discriminatory harassment or retaliation occurred, a preponderance of evidence standard will be used. The Compliance Officer may consult with the Board's legal counsel before finalizing the report to the Superintendent and the Employee Leasing Company.

Absent extenuating circumstances, within ten (10) days of receiving the report of the Compliance Officer/designee, the Superintendent and the Employee Leasing Company must either issue a written decision regarding whether the complaint of harassment has been substantiated or request further investigation. A copy of the Superintendent and the Employee Leasing Company's final decision will be delivered to both the Complainant and the Respondent.

If the Superintendent and the Employee Leasing Company requests additional investigation, the Superintendent and the Employee Leasing Company must specify the additional information that is to be gathered, and such additional investigation must be completed within ten (10) school days. At the conclusion of the additional investigation, the Superintendent and the Employee Leasing Company shall issue a written decision as described above.

A Complainant or Respondent who is dissatisfied with the final decision of the Superintendent and the Employee Leasing Company may appeal through a signed written statement to the Board within five (5) business days of the party's receipt of the Superintendent and the Employee Leasing Company's decision.

In an attempt to resolve the complaint, the Board shall meet with the concerned parties and their representatives within twenty (20) business days of the receipt of such an appeal. A copy of the Board's disposition of the appeal shall be sent to each party within ten (10) business days of this meeting. The decision of the Board will be final.

The Board reserves the right to investigate and resolve a complaint or report of unlawful harassment/retaliation regardless of whether the student alleging the unlawful harassment/retaliation pursues the complaint. The Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board or its designee.

The parties may be represented, at their own cost, at any of the above-described meetings/hearings.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights, the filing of charges with local law enforcement, or the filing of a civil action in court. Use of this internal complaint process is not a prerequisite to the pursuit of other remedies.

### **Privacy/Confidentiality**

The School will employ all reasonable efforts to protect the rights of the complainant, the Respondent, and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under the terms of this policy and its related Administrative Procedures shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. Additionally, the Respondent must be provided the Complainant's identity.

During the course of a formal investigation, the Compliance Officer/designee will instruct all members of the School community and third parties who are interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of a harassment investigation is expected not to disclose any information that is learned or provided during the course of the investigation.

### **Sanctions and Monitoring**

The Board shall vigorously enforce its prohibitions against unlawful harassment/retaliation by taking appropriate action reasonably calculated to stop the harassment and prevent further such harassment. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law and the terms of the relevant collective bargaining agreement(s). When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter, including the ages and maturity levels of those involved. In those cases where unlawful harassment is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of the relevant collective bargaining agreement(s).

Where the Board becomes aware that a prior remedial action has been taken against a member of the School community, all subsequent sanctions imposed by the Board and/or Superintendent and the Employee Leasing Company, shall be reasonably calculated to end such conduct, prevent its reoccurrence, and remedy its effects.

### **Retaliation**

Retaliation against a person who makes a report or files a complaint alleging unlawful harassment/retaliation or participates as a witness in an investigation is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce or interfere with any individual because the person opposed any act or practice made unlawful by any Federal or State civil rights law, or because that individual made a report, formal complaint testified, assisted or participated or refused to participate in any manner in an investigation, proceeding, or hearing under those laws and/or this policy, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws and/or this policy.

Retaliation against a person from making a report of discrimination, filing a formal complaint, or participating in an investigation or meeting is a serious violation of this policy that can result in imposition of disciplinary sanction/consequences and/or other appropriate remedies.

Formal complaints alleging retaliation may be filed according to the internal complaint process set forth above.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

### **Allegations Constituting Criminal Conduct: Child Abuse/Sexual Misconduct**

State law requires any School teacher or School employee who knows or suspects that a student under the age of eighteen (18) or that a person with a disability receiving services as a student from the School regardless of age has suffered or faces a threat of suffering a physical or mental wound, disability or condition of a nature that reasonably indicates abuse or neglect of a child to immediately report that knowledge or suspicion to the county children's services agency. If, during the course of a harassment investigation, the Compliance Officer or a designee has reason to believe or suspect that the alleged conduct reasonably indicates abuse or neglect of the Complainant, a report of such knowledge must be made in accordance with State law and Board Policy.

Any reports made to a county children's services agency or to local law enforcement shall not terminate the Compliance Officer or a designee's obligation and responsibility to continue to investigate a complaint of harassment. While the Compliance Officer or a designee may work cooperatively with outside agencies to conduct concurrent investigations, in no event shall the harassment investigation be inhibited by the involvement of outside agencies without good cause after consultation with the Superintendent and the Employee Leasing Company.

### **Education and Training**

In support of this Anti-Harassment Policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Superintendent and the Employee Leasing Company, shall provide appropriate information to all members of the School community related to the implementation of this policy and shall provide training for School students and staff where appropriate. All training, as well as information provided regarding the Board's policy and harassment in general, will be age and content appropriate.

### **Retention of Investigatory Records and Materials**

The Compliance Officer(s) is responsible for overseeing retention of all records that must be maintained pursuant to this policy. All individuals charged with conducting investigations under this policy shall retain all documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315) created and/or received as part of an investigation, which may include but not be limited to:

- A. all written reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;
- B. any narratives that memorialize oral reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;
- C. any documentation that memorializes the actions taken by School personnel or individuals contracted or appointed by the Board to fulfill its responsibilities related to the investigation and/or



the School's response to the alleged violation of this policy;

- D. written witness statements;
- E. narratives, notes from, or audio, video, or digital recordings of witness interviews/statements;
- F. e-mails, texts, or social media posts that directly relate to or constitute evidence pertaining to an alleged violation of this policy (i.e., not after-the-fact commentary about or media coverage of the incident);
- G. notes or summaries prepared contemporaneously by the investigator in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.), but not including transitory notes whose content is otherwise memorialized in other documents;
- H. written disciplinary sanctions issued to students or employees and other documentation that memorializes oral disciplinary sanctions issued to students or employees for violations of this policy;
- I. dated written determinations/reports (including summaries of relevant exculpatory and inculpatory evidence) and other documentation that memorializes oral notifications to the parties concerning the outcome of the investigation, including any consequences imposed as a result of a violation of this policy;
- J. documentation of any supportive measures offered and/or provided to the Complainant and/or the Respondent, including no contact orders issued to both parties, the dates the no contact orders were issued, and the dates the parties acknowledged receipt of the no contact orders;
- K. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects;
- L. copies of the Board policy and/or procedures/guidelines used by the School to conduct the investigation, and any documents used by the School at the time of the alleged violation to communicate the Board's expectations to students and staff with respect to the subject of this policy (e.g., Student Code of Conduct and/or Employee Handbooks);
- M. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment;
- N. documentation of any training provided to School personnel related to this policy, including but not limited to, notification of the prohibitions and expectations of staff set forth in this policy and the role and responsibility of all School personnel involved in enforcing this policy, including their duty to report alleged violations of this policy and/or conducting an investigation of an alleged violation of this policy; [REMINDER: Documentation of training should be maintained regardless of whether there is an investigation of an alleged violation of this policy. It is best practice to maintain a log of all staff members who participate in a training, along with the date, time and location of the training, and a copy of the materials reviewed and/or presented during the training.]
- O. documentation that any rights or opportunities that the School made available to one party during the investigation were made available to the other party on equal terms;
- P. copies of any notices sent to the alleged perpetrator/responding party of the allegations constituting a potential violation of this policy;
- Q. copies of any notices sent to the Complainant and the Respondent in advance of any interview, meeting, or hearing;

- R. copies of any documentation or evidence used during informal and formal disciplinary meetings and hearings, including the investigation report, and any written responses submitted by the Complainant or the Respondent.

The documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal (e.g., FERPA, ADA) and/or State law (e.g., R.C. 3319.321) – e.g., student records and confidential medical records.

The documents, ESI, and electronic media (as defined in Policy 8315) created or received as part of an investigation shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, and Policy 8330 for not less than three (3) years, but longer if required by the School's records retention schedule.

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Revised Dates: **6/22/10; 1/13/14; 8/18/14; 2/11/19; 9/9/19; 07.21**

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## **BULLYING**

Reference: The Matt Epling Safe School Law, Public Act 241 of 2011, as amended by Public Act 478 of 2014 (MCL § 380.1310b).

The Board believes that a safe and nurturing educational environment in school is necessary for students to learn and achieve high academic standards. Therefore, it is the policy of the School to provide a safe and nurturing environment for all of its students. Appropriate behavior, treating others with civility and respect, and refusing to tolerate harassment or bullying is expected of students, as well as administrators, faculty, staff, visitors, and volunteers.

### **BULLYING AND CYBERBULLYING ARE PROHIBITED**

Bullying and cyberbullying of a student, whether by other students, staff, visitors, Board members, parents, guests, contractors, vendors and volunteers, is prohibited. All pupils are protected under this policy, and bullying and cyberbullying are prohibited without regard to its subject matter or motivating animus.

### **DEFINITION OF BULLYING**

“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 (1) or more pupils either directly or indirectly by doing any of the following:

- A. Substantially interfering with the educational opportunities, benefits, or programs of one (1) or more pupils.
- B. Adversely affecting the ability of a pupil to participate in or benefit from the school district’s or public school’s educational programs or activities by placing the pupil in reasonable fear of physical harm or by causing substantial emotional distress.
- C. Having an actual and substantial detrimental effect on a pupil’s physical or mental health.
- D. Causing substantial disruption in, or substantial interference with, the orderly operation of the school.

“Cyberbullying” means any electronic communication that is intended or that a reasonable person would know is likely to harm one (1) or more pupils either directly or indirectly by doing any of the following:

- A. Substantially interfering with the educational opportunities, benefits, or programs of one (1) or more pupils.
- B. Adversely affecting the ability of a pupil to participate in or benefit from the school district’s or public school’s educational programs or activities by placing the pupil in reasonable fear of physical harm or by causing substantial emotional distress.
- C. Having an actual and substantial detrimental effect on a pupil’s physical or mental health.

- D. Causing substantial disruption in, or substantial interference with, the orderly operation of the school.

Since “bullying” also includes “cyberbullying,” any reference in this policy to “bullying” shall also be deemed to refer to “cyberbullying.”

Bullying and cyberbullying are prohibited at school. “At school” is defined as on school premises, at school- sponsored activities or events, in a school-related vehicle, or using telecommunications access device or a telecommunications service provider if the telecommunications access device or telecommunications service provider is owned by or under the control of the school district. “Telecommunications access device” and “telecommunications service provider” mean those terms as defined in Section 219a of the Michigan Penal Code (MCL § 750.219a).

Bullying and cyberbullying that does not occur “at school,” as defined above, but that causes a substantial disruption to the educational environment may be subject to disciplinary action in accordance with this policy and applicable law.

#### REPORTING AND INVESTIGATING REPORTS OF BULLYING

Every student is encouraged to report any situation that he or she believes to be bullying behavior directed toward a student to a teacher, a counselor, administrator, or other staff member. Staff members shall report any reports made by students or situations that they believe to be bullying behavior directed toward a student to the Superintendent. Complaints against the Employee Leasing Company shall be reported to the Board.

Under state law, a school employee, school volunteer, student, or parent or guardian who promptly reports in good faith an act of bullying to the appropriate school official designated in this policy and who makes this report in compliance with the procedures set forth in this policy is immune from a cause of action for damages arising out of the reporting itself or any failure to remedy the reported incident. This immunity does not apply to a school official responsible for implementing this policy or for remedying the bullying, when acting in that capacity.

Retaliation or false accusation against a target of bullying, a witness, or another person with information about an act of bullying is prohibited. Suspected retaliation should be reported in the same manner as suspected bullying behavior. Making intentionally false accusations of bullying is likewise prohibited. Retaliation and making intentionally false accusations of bullying may result in disciplinary action up to and including expulsion.

All complaints about bullying that may violate this policy shall be promptly investigated and documented. The Employee Leasing Company or designee is responsible for the investigation. If the investigation results in a finding that bullying has occurred, it shall result in prompt and appropriate disciplinary action, up to and including expulsion for students, up to and including discharge for employees, and up to and including exclusion from school property for parents, guests, volunteers, and contractors. Individuals may also be referred to law enforcement officials.

The Board may utilize restorative practices that emphasize repairing the harm to the victim and school community in the correction of bullying behavior, which may include victim-offender conferences that:

- A. Are initiated by the victim;
- B. Are approved by the victim's parent or legal guardian or, if the victim is at least 15, by the victim;
- C. Are attended voluntarily by the victim, a victim advocate, the offender, members of the school community, and supporters of the victim and the offender (the "restorative practices team"); and
- D. Would provide an opportunity for the offender to accept responsibility for the harm caused to those affected, and to participate in setting consequences to repair the harm, such as requiring the student to apologize; participate in community service, restoration of emotional or material losses, or counseling; pay restitution; or any combination of these. The selected consequences and time limits for their completion will be incorporated into an agreement to be signed by all participants.

Where the investigation results in a finding that bullying has occurred, both the parent or legal guardian of a victim of bullying and the parent or legal guardian of a perpetrator of the bullying shall be notified promptly in writing. In addition, administrators investigating alleged bullying may notify parents of the victim or perpetrator of bullying sooner than the conclusion of the investigation if circumstances dictate such earlier notification.

The School shall document any prohibited incident that is reported and shall document all verified incidents of bullying and the resulting consequences, including the required notification of parents or guardians and any discipline and referrals.

The Superintendent is the school official responsible for ensuring that this policy is implemented.

### CONFIDENTIALITY

The School will comply with all applicable laws regarding confidentiality of personally identifiable information within education records. In addition, the identity of an individual who reports an act of bullying or cyberbullying shall be and remain confidential. The Superintendent, or the Superintendent's designee, shall ensure that the name of an individual who reports an act of bullying or cyberbullying is withheld from the alleged perpetrator and the perpetrator's parent(s), legal guardian(s) and representative(s), and is redacted from any report of bullying or cyberbullying that is publically disclosed.

### NOTIFICATION

This policy will be annually circulated to parents and students, and shall be posted on the School website.

### REPORTING

As required by state statute, the School shall provide a report of all verified incidents of bullying and other required information to the Michigan Department of Education on an annual basis, according to the form and procedures established by the Department.

As required by state statute, the School's procedures with respect to bullying are contained within this policy, and thus no administrative guidelines accompany this policy.

Revised 6/8/15; 8/14/17; 9/9/19

## **DISORDERLY CONDUCT**

It is the purpose of the Board of Directors, acting within the intent and letter of the laws of the State of Michigan, to provide instruction for students at public expense. Any act of any person(s) that interfere with or thwart this purpose is unlawful or is in violation of Board policy. Therefore, actions by a student(s) to interfere materially or substantially with the operations of the School by defacing or destroying School property, by rioting, breaking-in, sitting-in, lying-in, smashing-in, or by picketing to force students not to cross picket lines are illegal. Students who engage in such activities may be punished to the full extent of the law and Board policy.

For the purposes of this policy, the term *disorderly conduct* includes any unlawful student assemblage; group acts of violence, disruption, vandalism, or building seizure; or interference with the functioning of School personnel, any student, or group of students.

Adopted 1/11/10  
Revised 9/9/19

## **DRUG FREE ENVIRONMENT**

Reference: MCL 37.1211(a); 20 USC §§ 5812, 7114; 41 USC § 702; 42 USC §§ 12114, 12210; 28 CFR § 35.131; 29 CFR §§ 825.112, 1630.3; 49 CFR §§ 382.121, 382.401, 382.601

The use, manufacture, possession, distribution, or dispensation of alcoholic liquor or the illegal use, manufacture, possession, distribution or dispensation of drugs or drug paraphernalia is strictly prohibited on School property, School transportation, or at School-sponsored events. The School shall maintain a drug-free environment at all times.

Students found in possession of alcohol or illegal drugs (including drug paraphernalia), or found to be under the influence of such substances, shall be subject to discipline pursuant to the School Code of Conduct.

The School administration shall establish a drug-free awareness program consistent with this policy and all applicable law. Such a program may include reasonable guidelines and procedures designed to ensure that an individual who has formerly engaged in the illegal use of drugs is no longer engaging in the illegal use of drugs.

Students of the School shall be provided with a copy of the standards regarding alcoholic liquor and illegal drugs, including drug paraphernalia, and shall be informed that compliance with these standards is mandatory.

Adopted 1/11/10  
Revised 9/9/19



## **PERFORMANCE-ENHANCING DRUGS/COMPOUNDS**

Reference: MCL 333.26301 et seq., 380.1318

The Board of Directors recognizes the use of dietary supplements containing performance-enhancing compounds and/or performance-enhancing drugs poses a serious health risk to students.

Accordingly, no staff member, volunteer, or contractor shall knowingly sell, market, distribute, or promote the use of any dietary supplement containing a performance-enhancing compound or a performance-enhancing drug (e.g., anabolic steroids), to a student with whom the staff member, volunteer, or contractor has contact as a part of his/her duties. Furthermore, the staff member, volunteer, or contractor shall not endorse or suggest the ingestion, intranasal application, or inhalation of such a dietary supplement by a student with whom he/she has contact as part of his/her duties.

Use of a performance-enhancing substance regardless of source by a student is a violation that will affect a pupil's athletic eligibility and extra-curricular participation, as determined by the Board. A list of performance-enhancing substances developed by the State Department of Community Health shall be updated annually and included in AG 2431. This notice and list shall also be published in the Parent/Student Handbook provided annually.

Adopted 1/11/10  
Revised 9/9/19

## INTERROGATION OF STUDENTS

Reference: MCL 722.627  
Attorney General's Opinion No 6869, September 6, 1995

The Board of Directors is committed to protecting students from harm that may or may not be directly associated with the school environment but also recognizes its responsibility to cooperate with law enforcement State's child protection agency.

Whenever it has been determined that an agency has a legitimate purpose in interrogating a student within the confines of the School, the Superintendent or representative shall be present throughout the proceedings. S/He should also verify that the student(s) has been informed of his/her rights to refuse to answer questions, to be informed that anything s/he says may be used against him/her in court, and to consult with and be advised by legal counsel.

Such agencies should be encouraged to investigate alleged violations of the law off school property if at all possible. An investigation can take place immediately on school property at the request of the Superintendent if the alleged violation of law took place on school property or in emergency situations.

When police or other authorities arrive at the school and wish to interview a student or investigate an alleged violation of law, they must contact the Superintendent indicating the nature of their investigation and their desire to question a student or students.

The Superintendent shall ask the investigator whether s/he may contact the parents prior to the interview and document the response. Unless the investigator specifically requests that s/he not contact the parents, the Superintendent shall attempt to contact the parents prior to questioning.

Before the student(s) is (are) questioned as a witness to or suspect in an alleged violation of law, the building administrator shall attempt to contact the parent prior to questioning and shall request to remain in the room during the questioning.

If the student is the subject of a child abuse/neglect investigation, the building administrator shall attempt to contact the parent prior to questioning, and s/he will make every effort to remain in the room during questioning. If an agency investigating child abuse/neglect indicates that the parent or a family member is believed to be the perpetrator, the Superintendent will not contact either parent prior to the interview if so requested by the investigator. All attempts to notify the parents should be documented.

When an authorized law enforcement officer or child protection agency removes a student, the Superintendent or designee will record the name of the investigator, the public agency involved and the destination of the student if possible. S/he shall also notify the parent and the Superintendent.

No school official may release personally identifiable student information in education records to the police or children's services agency without prior written permission of the parent, a lawfully-issued subpoena, or a court order, unless it is an emergency situation involving the health or safety of the involved student or other students. Proper directory information may be disclosed upon request. (See Board Policy 8330).

Adopted 1/11/10  
Revised 2/11/19; 9/9/19

## STUDENT DISCIPLINE

The Board of Directors acknowledges conduct is closely related to learning and an effective instructional program requires an orderly school environment, as reflected in the behavior of students.

The Board believes the best discipline is self-imposed, with students assuming responsibility for their own behavior and the resulting consequences.

The Board shall require each student of this School to adhere to the Code of Conduct established by the administration and submit to such disciplinary measures, appropriately assigned for infraction of those rules. Such rules shall require students to do the following:

- A. conform to reasonable standards of socially acceptable behavior;
- B. respect other persons and their property;
- C. preserve the degree of order necessary for the educational program in which they are engaged;
- D. respect the rights of others;
- E. obey the constituted authority and respond with respect to those who hold that authority.

The Superintendent shall develop Administrative Guidelines for student conduct (Code of Conduct) that carry out the purposes of this policy and have the following characteristics:

- A. focus on the need to maintain a school environment conducive to learning;
- B. do not discriminate among students;
- C. do not demean students;
- D. do not violate any individual rights constitutionally guaranteed to students.

The Superintendent shall also designate sanctions, excluding corporal punishment, for the infractions of rules in the Code of Conduct. The sanctions shall accomplish the following:

- A. relate in kind and degree to the infraction;
- B. require the student to take responsibility for his/her actions;
- C. reduce the effects of any harm caused by the student's misconduct.

The School shall publish to all students and their parents the rules of this School regarding student conduct, the sanctions which may be imposed, and the due process procedures to be followed in administering the Code of Conduct.

The Superintendent shall have the authority to assign discipline to students, subject to School Administrative Guidelines (Code of Conduct) and the student's due process right to notice, hearing, and appeal.

Staff members with authority over students shall have the authority to take the necessary means to control any disorderly conduct of students when such conduct interferes with the educational program of the School or threatens the health and safety of others.

Adopted 1/11/10

Revised 9/9/19

## EMERGENCY REMOVAL, SUSPENSION, AND EXPULSION OF STUDENTS

Reference: M.C.L. 380.1301, 380.1309, 380.1310d, 380.1311  
20 U.S.C. 3351  
State Board of Education, Resolution to Address School Discipline Issues  
Impacting Student Outcomes, Adopted June 12, 2012

The Board of Directors is continually concerned about the safety and welfare of Academy students and staff and, therefore, will not tolerate behavior that creates an unsafe environment, a threat to safety or undue disruption of the educational environment.

### Factors to be Considered Before Suspending or Expelling a Student

The Board of Directors also recognizes that exclusion from the educational program of the academy's is a severe sanction that should only be imposed after careful and appropriate consideration. Except as otherwise noted below with respect to possession of a firearm in a weapon free school zone, if suspension or expulsion of a student is considered, the Board and the Superintendent shall consider the following factors prior to making a determination of whether to suspend or expel:

- A. the student's age
- B. the student's disciplinary history
- C. whether the student has a disability
- D. the seriousness of the violation or behavior
- E. whether the violation or behavior committed by the student threatened the safety of any student or staff member
- F. whether restorative practices will be used to address the violation or behavior
- G. whether a lesser intervention would properly address the violation or behavior

The Board and the Superintendent will exercise discretion over whether or not to suspend or expel a student. In exercising that discretion for a suspension of more than ten (10) days or expulsion, there is a rebuttable presumption that a suspension or expulsion is not justified unless the Board and the Superintendent can demonstrate that it considered each of the factors listed above. For a suspension of ten (10) days or fewer, there is no rebuttable presumption, but the Superintendent will still consider these factors in making the determination.

### Restorative Practices

The Board and the Superintendent shall consider using restorative practices as an alternative to or in addition to suspension or expulsion. If the Academy determines that it will utilize restorative practices in addition to or as an alternative to suspension or expulsion of a student, it will engage in restorative practices which emphasize repairing the harm to the victim and academy community caused by the student's misconduct.

Restorative practices should be the first consideration to remediate offenses such as interpersonal conflicts, bullying, verbal and physical conflicts, theft, damage to property, class disruption and harassment and cyberbullying.

If the Board and the Superintendent decides to utilize restorative practices as an alternative to or in addition to suspension or expulsion, the restorative practices may include victim-offender conferences that:

- A. are initiated by the victim;
- B. are approved by the victim's parent or legal guardian or, if the victim is at least fifteen (15), by the victim;
- C. are attended voluntarily by the victim, a victim advocate, the offender, members of the academy community, and supporters of the victim and the offender (the "restorative practices team");
- D. would provide an opportunity for the offender to accept responsibility for the harm caused to those affected, and to participate in setting consequences to repair the harm, such as requiring the student to apologize; participate in community service, restoration of emotional or material losses, or counseling; pay restitution; or any combination of these.

The selected consequences and time limits for their completion will be incorporated into an agreement to be signed by all participants.

### Due Process

The Board recognizes exclusion from the educational programs of the Academy, whether by suspension or expulsion, is the most severe sanction that can be imposed on a student and is one that cannot be imposed without appropriate due process, since exclusion deprives a child of the right to an education. The Board also recognizes that it may be necessary for a teacher to remove a student from class for conduct disruptive to the learning environment, and that such removals are not subject to a prior hearing, provided the removal is for a period of less than twenty-four (24) hours. However, if an emergency removal may result in a suspension, then due process must be ensured.

In all cases resulting in short-term suspension, long-term suspension or expulsion, appropriate due process rights described in Policy 5611 and AG 5610 must be observed. The Superintendent shall check to make sure the student is not classified as disabled under Section 504. Students with disabilities under IDEA or Section 504 shall be expelled only in accordance with their rights under Federal law.

For purposes of this policy, suspension shall be either short-term (not more than ten (10) days) or long-term (for more than ten (10) days but less than permanent expulsion) removal of a student from a regular Academy program. The Superintendent may suspend a student for a period not to exceed 10 school days.

For purposes of this policy, unless otherwise defined in Federal and/or State law, expulsion is defined as the permanent exclusion of a student from the Academy. Students who are expelled may petition for reinstatement as provided below.

Emergency Removal or Short-Term Suspension

A student may be removed from a class, subject, or activity for one (1) day by his/her teacher for certain conduct as specified in the Code of Conduct, or he/she may be given a short-term suspension by the Superintendent. A student so removed may be allowed to attend other classes taught by other teachers during the term of the one (1) day removal. A student removed from the same class for ten (10) days will be entitled to the process for short-term suspensions outlined in AG 5610. A student removed from the same class for more than ten (10) days will be entitled to the process for long-term suspensions outlined in AG 5610. The Board designates the Superintendent as its representative at any hearings regarding the appeal of a suspension.

Long-Term Suspension or Expulsion

Due process set out in Policy 5611 and AG 5610 shall be followed in all circumstances in which a student may be expelled or suspended for a period of more than ten (10) days.

The Superintendent may act as the hearing officer. The Board may suspend a student for a period longer than ten (10) days or expel a student. An appeal may be made to the Board if there is a claimed violation of substantive or procedural due process rights.

In all cases resulting in short-term suspension, long-term suspension, or expulsion, appropriate due process rights must be observed. In determining whether a student is to be suspended or expelled, the Board, Superintendent (in collaboration with the Employee Leasing Company), and/or School Leader shall use a preponderance of evidence standard.

The Superintendent shall develop procedures to implement this policy that shall include the following:

- A. strategies for providing special assistance to students in danger of being expelled and not achieving the academic outcomes of the Academy's core curriculum;
- B. standards of behavior for all students in accordance with Academy Board policy on student discipline;
- C. procedures that ensure due process; and
- D. provision for make-up work at home, when appropriate.

When making a determination whether or not a student will be expelled or permanently excluded under this policy, the Superintendent (in collaboration with the Employee Leasing Company), and School Leader shall retain all documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315 - Information Management (i.e. "Litigation Hold")) created and/or received as part of an investigation.

The documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal (e.g., FERPA, ADA) and/or State law – e.g., student records and confidential medical records.

The documents, ESI, and electronic media (as defined in Policy 8315) shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, and Policy 8330 for not less than three (3) years, but longer if required by the Academy's records retention schedule.



### Persistent Disobedience or Gross Misconduct/CSC Against Another Academy Student

Any student may be removed from the classroom, and/or, after consideration of the factors identified above, suspended or expelled for persistent disobedience or gross misconduct or if the student commits criminal sexual conduct against another student enrolled in the Academy regardless of the location of the conduct. A student may not be expelled or excluded from the regular academy program based on pregnancy status.

In recognition of the negative impact on a student's education, the Board encourages the Academy's administrators to view suspensions, particularly those over ten (10) days, and permanent expulsions as discipline of last resort, except where these disciplines are required by law. Alternatives to avoid or to improve undesirable behaviors should be explored when possible prior to implementing or requesting a suspension or expulsion.

### Physical and Verbal Assault

Unless a different determination is made after consideration of the factors identified above, the Academy shall permanently expel a student in grade six or above if that student commits physical assault at the Academy against a staff member, a volunteer, or a contractor.

Unless a different determination is made after consideration of the factors identified above, the Academy shall suspend or expel a student in grade six or above for up to 180 school days if the student commits physical assault at the Academy against another student.

Physical assault is defined as "intentionally causing or attempting to cause physical harm to another through force or violence."

Unless a different determination is made after consideration of the factors identified above, the Academy shall suspend or expel a student in grade six or above and may discipline, suspend or expel at student in grade five and below for a period of time as determined at the Board's discretion if the student commits verbal assault at the Academy against a Academy employee, volunteer, or contractor or makes a bomb threat or similar threat directed at an academy building, property, or at an academy-related activity.

Verbal assault is a communicated intent to inflict physical or other harm on another person, with a present intent and ability to act on the threat.

"At the Academy" means in a classroom, elsewhere on academy premises, on an academy bus or other academy-related vehicle, or at an academy-sponsored activity or event whether or not it is held on academy premises.

### Weapons, Arson, Criminal Sexual Conduct

In compliance with State and Federal law, and unless a different determination is made after consideration of the factors identified above, the Academy shall expel any student who possesses a dangerous weapon, other than a firearm, in the Academy's weapon-free school zone (except as noted below), commits either arson or criminal sexual conduct in an academy building or on academy property, including academy buses and other Academy transportation, or pleads to, is convicted of or is adjudicated of criminal sexual conduct against another student enrolled in the Academy.

In compliance with State and Federal law, the Academy shall expel any student who possesses a firearm in the Academy's weapon-free school zone in violation of State law,

unless the student can establish the mitigating factors relating to possession of a dangerous weapon set out below, by clear and convincing evidence.

For purposes of this policy, a “dangerous weapon” is defined by law as a firearm, dagger, dirk, stiletto, knife with a blade over three (3) inches in length, pocket knife opened by a mechanical device, iron bar, or brass knuckles. This definition also includes other devices designed to (or likely to) inflict bodily harm, including, but not limited to, air guns and explosive devices. The term “firearm” is defined as any weapon (including a starter gun) that will, is designed to, or may readily be converted to expel a projectile by the action of the explosive, the frame, or the bearer of any such weapon, as well as a firearm muffler, firearm silencer, or any such destructive device.

The Academy need not expel a student for possession of a dangerous weapon, including a firearm, if the student can establish in a clear and convincing manner the following mitigating factor(s) to the satisfaction of the Board the:

- A. object or instrument was not possessed for use as a weapon, or for direct (or indirect) delivery to another person for use as a weapon; or
- B. weapon was not knowingly possessed; or
- C. student did not know (or have reason to know) that the object or instrument in his/her possession constituted a dangerous weapon; or
- D. weapon was possessed at the suggestion, request, direction of, or with the express permission of the police.

There is a rebuttable presumption that expulsion for possessing the weapon is not justified if the Superintendent determines in writing that the student has established that he or she fits under one of the exceptions above by clear and convincing evidence, and that the student has no previous history of suspension or expulsion.

For expulsions for dangerous weapons, arson, criminal sexual conduct or assault upon an employee, volunteer or contractor, the Superintendent shall provide that the expulsion is duly noted in the student's record, the student is referred to the Department of Human Services or Department of Community Health within three (3) school days after the expulsion, and the parents are informed of the referral. Furthermore, if a student who is expelled is below the age of sixteen (16), the Superintendent shall ensure notification of the expulsion is given to the Juvenile Division of the Probate Court. In compliance with Federal law, the Superintendent shall also refer any student (regardless of age) expelled for possession of a dangerous weapon to the criminal justice or juvenile delinquency system serving the Academy. In addition, the Superintendent shall send a copy of this policy to the State Department of Education and shall include a description of the circumstances surrounding the expulsion of the student for possessing a firearm or weapon in the Academy's weapon-free school zone, together with the name of the Academy, the number of students so expelled, and the types of firearms or weapons brought into the weapon-free school zone.

A student expelled under this policy for dangerous weapons, arson, criminal sexual conduct or assault upon an employee, volunteer or contractor may apply for reinstatement in accordance with the following guidelines:

- A. If the student is in grade five (5) or below at the time of the expulsion and was expelled for possessing a firearm or threatening another person with a

dangerous weapon, the parents, legal guardian, adult student, or emancipated minor may submit a request for reinstatement after sixty (60) school days from the date of expulsion, but the student may not be reinstated before ninety (90) school days from the expulsion date.

- B. If the student is in grade five (5) or below at the time of the expulsion and was expelled for a reason other than possessing a firearm or threatening another person with a dangerous weapon, the parents, legal guardian, or emancipated minor may submit a request for reinstatement at any time, but the student may not be reinstated before ten (10) school days from the expulsion date.
- C. If the student is in grade six (6) or above at the time of the expulsion, the parents, legal guardian, adult student, or emancipated minor may submit a request for reinstatement after one hundred and fifty (150) school days from the date of the expulsion, but the student may not be reinstated before one hundred eighty (180) school days from the expulsion date.
- D. The parent, adult student, or emancipated minor shall submit the request for reinstatement to the Superintendent.
- E. Within ten (10) school days after receiving the petition, the Board shall appoint a committee consisting of two (2) Board members, an academy administrator, a teacher, and an academy-parent representative. During this time period, the Superintendent shall prepare and submit for consideration by the committee information concerning the circumstances of the expulsion and any factors mitigating for or against reinstatement.
- F. Within ten (10) school days after being appointed, the committee shall review all pertinent information and submit its recommendation to the Board. The recommendation may be for unconditional reinstatement, conditional reinstatement, or non-reinstatement, based on the committee's consideration of the following:
  - 1. extent to which reinstatement would create a risk of harm to students or academy staff;
  - 2. extent to which reinstatement would create a risk of academy or individual liability for the Board or academy staff;
  - 3. age and maturity of the student;
  - 4. student's academy record before the expulsion incident;
  - 5. student's attitude concerning the expulsion incident;
  - 6. student's behavior since the expulsion and the prospects for remediation;
  - 7. The degree of cooperation and support the parent has provided and will provide if the student is reinstated (if the request was filed by a parent), including, but not limited to the parent's receptiveness toward any conditions placed on the reinstatement. Such

conditions, for example, might include a written agreement by the student and/or a parent who filed the reinstatement request to accomplish the following:

- a. abide by a behavior contract involving the student, his/her parents, and an outside agency;
  - b. participate in an anger management program or other counseling activities;
  - c. cooperate in processing and discussing periodic progress reviews;
  - d. meet other conditions deemed appropriate by the committee;
  - e. accept the consequences for not fulfilling the agreed upon conditions.
8. student's behavior since the expulsion and the prospects for remediation.

The Board shall make its decision no later than the next regular Board meeting following the committee's submission of its recommendations. The Board's decision shall be final and is not subject to appeal.

In the event a student who has been permanently expelled from another academy requests admission to this Academy, in making its decision, the Board shall follow the same procedure it has established in paragraphs A-F, above, for the reinstatement of a student.

Students expelled for reasons other than dangerous weapons, arson, criminal sexual conduct or assault upon an employee, volunteer or contractor may also petition the Board for reinstatement. The Board may, at its discretion, consider the petition in accordance with the procedures set forth above or upon any standards and with any procedures it determines appropriate under the circumstances.

The Superintendent shall ensure Board policies and procedures regarding a student's rights to due process are followed when dealing with a possible suspension or expulsion under this policy.

#### In-School Discipline

The purpose of this policy is to provide an alternative to out of school suspension. The availability of in-school discipline options is dependent upon the financial ability of the Board to support such a program.

In-school discipline will only be offered at the discretion of the Superintendent for offenses found in the Student Code of Conduct.

The Superintendent is to establish procedures for the proper operation of such a program and to ensure appropriate due-process procedures are followed as applicable. (See Policy 5630.01)

### Due Process Rights

The Board recognizes the importance of safeguarding a student's constitutional rights, particularly when subject to the Academy's disciplinary procedures.

To better ensure appropriate due-process is provided a student, the Board establishes the following:

A. Students Subject to Short-Term Suspension

Except when emergency removal is warranted, a student must be given at least oral notice of the charges against him/her and the opportunity to respond prior to the implementation of a suspension. When emergency removal has been implemented, notice and opportunity to respond shall occur as soon as reasonably possible. The Superintendent or other designated administrator shall provide the opportunity to be heard and shall be responsible for making the suspension decision. An appeal may be addressed to the Superintendent whose decision will be final.

B. Students Subject to Long-Term Suspension and Expulsion

A student and his/her parent or guardian must be given written notice of the intention to suspend or expel and the reasons therefore, and must also be given an opportunity to appear before the Board with a representative to answer the charges. The student and/or his/her guardian must also be provided a brief description of the student's rights and the hearing procedure, a list of the witnesses who will provide testimony to the Board, and a summary of the facts to which the witnesses will testify. At the student/parent's request, the hearing shall be held in closed session, but the Board must act publicly. The Board shall act by providing a written decision on any appeal of an expulsion, a request for reinstatement, or a request for admission after permanent expulsion from another academy.

The Superintendent shall develop procedures to ensure all members of the staff use the above guidelines when dealing with students. In addition, this statement of due process rights shall be placed in all student handbooks, in a manner that facilitates understanding by students and their parents.

### Corporal Punishment

While recognizing that students may require disciplinary action in various forms, the Board does not condone the use of unreasonable force and fear as an appropriate procedure in student discipline.

Staff shall not use physical force or violence to compel obedience. If all other means fail, staff members may always resort to the removal of the student from the classroom or Academy through suspension or expulsion procedures.

Within the scope of their employment, all staff may use reasonable force and apply restraint to accomplish the following:

- A. restrain or remove a student who refuses to comply with a request to behave or report to the office;

- B. quell a disturbance threatening physical injury to self or others;
- C. obtain possession of weapons or other dangerous objects within the control of the student, for either self-defense; or
- D. the protection of persons or property.

In accordance with State law, corporal punishment shall not be permitted. If any staff member (full-time, part-time, or substitute) deliberately inflicts, or causes to be inflicted, physical pain upon the student (by hitting, paddling, spanking, slapping or any other kind of physical force) as a means of discipline, the staff member may be subject to discipline and possibly criminal assault charges. This prohibition also applies to volunteers and those with whom the Academy contracts for services.

The Superintendent shall provide guidelines, including a list of alternatives to corporal punishment.

#### Removal, Suspension, and Expulsion of Students with Disabilities

The Academy shall abide by Federal and State laws in matters relating to discipline, suspension, and expulsion of disabled students.

Adopted 1/11/10

Revised 8/14/17; 2/11/19; 9/9/19; 1/11/21

## DUE PROCESS RIGHTS

The Board of Directors recognizes the importance of safeguarding a student's constitutional rights, particularly when subject to the School's disciplinary procedures.

To better ensure appropriate due-process is provided a student, the Board establishes the following guidelines which the Board, Superintendent (in collaboration with the Employee Leasing Company), and School Leader shall use when dealing with students:

A. Students subject to short-term suspension:

Except when emergency removal is warranted, a student must be given oral or written notice of the charges against him/her and the opportunity to respond prior to the implementation of a suspension. When emergency removal has been implemented, notice and opportunity to respond shall occur as soon as reasonably possible. The Superintendent or other designated administrator shall provide the opportunity to be heard and shall be responsible for making the suspension decision. An appeal may be addressed to the Superintendent whose decision will be final.

B. Students subject to long-term suspension and expulsion:

A student and his/her parent or guardian must be given written notice of the intention to suspend or expel and the reasons therefore, and an opportunity to appear with a representative before the Board and the Superintendent to answer the charges. The student and/or his/her guardian must also be provided a brief description of the student's rights and of the hearing procedure, a list of the witnesses who will provide testimony to the Board and the Superintendent, and a summary of the facts to which the witnesses will testify. At the student's request, the hearing may be private, but the Board must act publicly. The Board shall act on any appeal, which must be submitted in writing, to an expulsion, to a request for reinstatement, or to a request for admission after being permanently expelled from another district (Policy 5610).

In determining whether disciplinary action set forth in this policy is to be implemented, the Board, Superintendent (in collaboration with the Employee Leasing Company), and School Leader shall use a preponderance of evidence standard. Further, any individual charged with making a disciplinary determination under this policy shall retain all documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315 - Information Management (i.e. "Litigation Hold")) created and/or received as part of an investigation.

The documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal (e.g., FERPA, ADA) and/or State law (e.g., R.C. 3319.321) – e.g., student records and confidential medical records.

The documents, ESI, and electronic media (as defined in Policy 8315) shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, and Policy 8330 for not less than three (3) years, but longer if required by the School's records retention schedule.

Adopted 2/11/19  
Revised 9/9/19; 1/11/21

## **STUDENT SECLUSION AND RESTRAINT**

This policy is intended to provide the framework for organizational supports that result in effective interventions based on team-based leadership, data-based decision-making, continuous monitoring of student behavior, regular universal screening and effective on-going professional development. The School is committed to investing in prevention efforts and to teach, practice and reinforce behaviors that result in positive academic and social outcomes for students.

In the event that staff members need to restrain and/or seclude students, it must be done in accordance with this policy, which is intended to:

- A. promote the care, safety, welfare and security of the school community and the dignity of each student;
- B. encourage the use of proactive, effective, evidence and research based strategies and best practices to reduce the occurrence of challenging behaviors, eliminate the use of seclusion and restraint, and increase meaningful instructional time for all students; and
- C. ensure that seclusion and restraint are used only as a last resort in an emergency situation and are subject to diligent assessment, monitoring, documentation and reporting by trained personnel.

In furtherance of these objectives, the School will utilize Positive Behavioral Interventions and Supports (PBIS) to enhance academic and social behavior outcomes for all students. PBIS implemented by the School will include socially valued and measurable outcomes, empirically validated and practical practices, systems that efficiently and effectively support implementation of these practices, and continuous collection and use of data for decision-making.

### **EMERGENCY SECLUSION**

- A. Prohibited Practices and Limitations on Use

The following practices are prohibited under all circumstances, including emergency situations:

- 1. confinement of students who are severely self-injurious or suicidal
- 2. corporal punishment, as defined in M.C.L. 380.1312(1) of the revised school code, 1976 PA 451
- 3. the deprivation of basic needs
- 4. anything constituting child abuse
- 5. seclusion of pre-school children
- 6. seclusion that is used for the convenience of school personnel
- 7. seclusion as a substitute for an educational program



8. seclusion as a form of discipline or punishment
9. seclusion as a substitute for less restrictive alternatives, adequate staffing or school personnel training in PBIS
10. when contraindicated based on (as documented in a record or records made available to the school) a student's disability, health care needs, or medical or psychiatric condition

B. Definition of Emergency Seclusion

Seclusion means the confinement of a student in a room or other space from which the student is physically prevented from leaving. Seclusion does not include the general confinement of students if that confinement is an integral part of an emergency lockdown drill required under Section 19(5) of the Fire Prevention Code, 1941 PA 207, M.C.L. 29.19, or of another emergency security procedure that is necessary to protect the safety of students.

Emergency seclusion is a last resort emergency safety intervention involving seclusion that is necessitated by an ongoing emergency situation and that provides an opportunity for the student to regain self-control while maintaining the safety of the student and others.

To qualify as emergency seclusion, there must be continuous observation by school personnel of the student and the room or area used for confinement:

1. must not be locked
2. must not prevent the student from exiting the area should staff become incapacitated or leave that area
3. must provide for adequate space, lighting, ventilation, viewing, and the safety of the student
4. must comply with State and local fire and building codes

C. Time and Duration Emergency seclusion should not be used any longer than necessary, based on research and evidence, to allow a student to regain control of his/her behavior to the point that the emergency situation necessitating the use of emergency seclusion is ended, but generally no longer than:

1. fifteen (15) minutes for an elementary school student;
2. twenty (20) minutes for a middle school or high school student

If an emergency seclusion lasts longer than the suggested maximum times above, the following are required:

- a. additional support (which may include change of staff, introducing a nurse or specialist, or additional key identified personnel)

- b. documentation to explain the extension beyond the time limit

Additional procedures and requirements applicable to both seclusion and restraint are set out below.

A. Prohibited Practices

The following procedures are prohibited under all circumstances, including emergency situations:

1. mechanical restraint
2. chemical restraint
3. corporal punishment as defined in 380.1312(1) of the revised school code, 1976 PA 451, otherwise known as the Corporal Punishment Act
4. the deprivation of basic needs
5. anything constituting child abuse
6. restraint that is used for the convenience of school personnel
7. restraint as a substitute for an educational program
8. restraint as a form of discipline or punishment
9. restraint as a substitute for less restrictive alternatives, adequate staffing or school personnel training in PBIS
10. when contraindicated based on (as documented in a record or records made available to the school) a student's disability, health care needs, or medical or psychiatric condition
11. any restraint that negatively impacts breathing, including any positions, whether on the floor, facedown, seated or kneeling, in which the student's physical position (e.g., bent over) is such that it is difficult to breathe, including situations that involve sitting or lying across an individual's back or stomach
12. prone restraint (the restraint of a person face down)

NOTE: School personnel who find themselves involved in the use of a prone restraint as the result of responding to an emergency must take immediate steps to end the prone restraint.

13. the intentional application of any noxious substance(s) or stimuli that results in physical pain or extreme discomfort

A noxious substance or stimuli can either be generally acknowledged or specific to the student.

14. physical restraint, other than emergency physical restraint
15. any other type of restraint not expressly allowed

B. Definition of Restraint

Restraint means an action that prevents or significantly restricts a student's movement. Physical restraint is intended for the purposes of emergency situations only, in which a student's behavior poses imminent risk to the safety of the individual student or to the safety of others. An emergency situation requires an immediate intervention.

Emergency physical restraint is a last resort emergency safety intervention involving physical restraint that is necessitated by an ongoing emergency situation and that provide an opportunity for the student to retain self-control while maintaining the safety of the student and others. An emergency situation requires an immediate intervention. Emergency physical restraint may not be used in place of appropriate less restrictive interventions.

There are three (3) types of restraint: physical, chemical, and mechanical.

1. Physical restraint involves direct physical contact.

Restraint does not include actions undertaken for the following reasons:

- a. to break up a fight
  - b. to take a weapon away from a student
  - c. to briefly hold the student (by an adult) in order to calm or comfort him/her
  - d. to have the minimum contact necessary to physically escort a student from one area to another
  - e. to assist a student in completing a task/response if the student does not resist or if resistance is minimal in intensity or duration
  - f. to hold a student for a brief time in order to prevent an impulsive behavior that threatens the student's immediate safety (e.g., running in front of a car)
  - g. to stop a physical assault as defined in M.C.L. 380.1310
  - h. actions that are an integral part of a sporting event, such as a referee pulling football players off from a pile or similar action
2. Chemical Restraint is the administration of medication for the purpose of restraint.

Restraint does not include administration of medication prescribed by and administered in accordance with the directions of a physician.

3. Mechanical Restraint means the use of any device, article, garment, or material attached to or adjacent to a student's body to perform restraint.

Restraint does not include the following:

- a. an adaptive or protective device recommended by a physician or therapist (when it is used as recommended)
- b. safety equipment used by the general student population as intended (e.g., seat belts, safety harness on school transportation)

C. Time and Duration

Restraint should not be used:

1. any longer than necessary, based on research and evidence, to allow students to regain control of their behavior to the point that the emergency situation necessitating the use of emergency physical restraint is ended; and
2. generally no longer than ten (10) minutes.

If an emergency restraint lasts longer than ten (10) minutes, all of the following are required:

1. additional support, which may include a change of staff, or introducing a nurse, specialist, or additional key identified personnel
2. documentation to explain the extension beyond the time limit

Additional procedures and requirements applicable to both seclusion and restraint are set out below.

USE OF EMERGENCY SECLUSION/RESTRAINT

A. When to Use Emergency Seclusion/Restraint

Seclusion/restraint must be used only under emergency situations and if essential. Emergency situation means a situation in which a student's behavior poses imminent risk to the safety of the individual student or to the safety of others. An emergency situation requires an immediate intervention.

B. General Procedures for Emergency Seclusion/Restraint:

1. An emergency seclusion/restraint may not be used in place of appropriate, less restrictive interventions.

2. Emergency seclusion/restraint shall be performed in a manner that is:
  - a. safe;
  - b. appropriate; and
  - c. proportionate to and sensitive to the student's:
    - 1) severity of behavior;
    - 2) chronological and developmental age;
    - 3) physical size;
    - 4) gender;
    - 5) physical condition;
    - 6) medical condition;
    - 7) psychiatric condition; and
    - 8) personal history, including any history of physical or sexual abuse or other trauma.
3. School personnel shall call key identified personnel for help from within the school building either immediately at the onset of an emergency situation or, if it is reasonable under the particular circumstances for school personnel to believe that diverting their attention to calling for help would increase the risk to the safety of the student or to the safety of others, as soon as possible once the circumstances no longer support such a belief.
4. While using emergency seclusion/restraint, staff must do all of the following:
  - a. involve key identified personnel to protect the care, welfare, dignity, and safety of the student
  - b. continually observe the student in emergency seclusion for indications of physical distress and seek medical assistance if there is a concern
  - c. document observations
  - d. ensure to the extent practicable, in light of the ongoing emergency situation, that the emergency seclusion/restraint does not interfere with the student's ability to communicate using the student's primary mode of communication
  - e. ensure that at all times during the use of emergency seclusion/restraint there are school personnel present who

can communicate with the student using the student's primary mode of communication

5. Each use of an emergency seclusion/restraint and the reason for each use shall be documented and reported according to the following procedures:
  - a. document in writing and report in writing or orally to the building administration immediately
  - b. report in writing or orally to the parent or guardian immediately
  - c. a report shall be written for each use of seclusion/restraint (including multiple uses within a given day) and the written report(s) provided to the parent or guardian within the earlier of one (1) school day or seven (7) calendar days
6. After any use of an emergency seclusion/restraint, staff must make reasonable efforts to debrief and consult with the parent or guardian, or the parent or guardian and the student (as appropriate) regarding the determination of future actions.

C. Students Exhibiting a Pattern of Behavior

1. If a student exhibits a pattern of behavior that poses a substantial risk of creating an emergency situation in the future that could result in the use of emergency seclusion/restraint, school personnel should do the following:
  - a. conduct a functional behavioral assessment
  - b. develop or revise a PBIS plan to facilitate the reduction or elimination of the use of seclusion/restraint
  - c. develop an assessment and planning process conducted by a team knowledgeable about the student, including at least:
    - 1) the parent or guardian
    - 2) the student (if appropriate)
    - 3) people who are responsible for implementation of the PBIS plan
    - 4) people who are knowledgeable in PBIS
  - d. develop a written emergency intervention plan ("EIP") to protect the health, safety, and dignity of the student. An EIP may not expand the legally permissible use of emergency seclusion/restraint.

The EIP should be developed by a team in partnership with the parent or guardian. The team shall include:

- 1) a teacher;
- 2) an individual knowledgeable about legally permissible use of seclusion/restraint; and
- 3) an individual knowledgeable about the use of PBIS to eliminate the use of seclusion/restraint.

The EIP should be developed and implemented by taking all of the following documented steps:

- a. describe in detail the emergency intervention procedures
- b. describe in detail the legal limits on the use of emergency seclusion/restraint, including examples of legally permissible and prohibited uses
- c. inquire of the student's medical personnel (with parent or guardian consent) regarding any known medical or health contraindications for the use of seclusion/restraint
- d. conduct a peer review by knowledgeable staff
- e. provide the parent or guardian with all of the following, in writing and orally:
  - 1) A detailed explanation of the PBIS strategies that will reduce the risk of the student's behavior creating an emergency situation.
  - 2) An explanation of what constitutes an emergency, including examples of situations that would fall within and outside of the definition.
  - 3) A detailed explanation of the intervention procedures to be followed in an emergency situation, including the potential use of emergency seclusion/restraint.
  - 4) A description of possible discomforts or risks.
  - 5) A detailed explanation of the legal limits on the use of emergency seclusion/restraint, including examples of legally permissible and prohibited uses.
  - 6) Answers to any questions.

A student who is the subject of an EIP should be told or shown the circumstances under which emergency intervention could be used.

D. Data Collection and Reporting

1. The building administrator shall develop a system of data collection, collect the data and forward all incident reports and data regarding the use of seclusion/restraint to the Superintendent.

The data must:

- a. be analyzed to determine the efficacy of the school's school-wide system of behavioral support;
- b. be analyzed in the context of suspension, expulsion, and dropout data;
- c. be analyzed for the purposes of continuous improvement of training and technical assistance toward the reduction or elimination of seclusion/restraint;
- d. be analyzed on a schedule determined by the Michigan Department of Education (MDE);
- e. be reported to the MDE, if and as required;
- f. include a list of appropriately trained, identified personnel and their levels of:
  - 1) education;
  - 2) training; and
  - 3) knowledge.

NOTE: The School must report to the MDE on the use of seclusion and restraint periodically. MDE will develop guidelines that outline the process for reporting redacted, aggregated data regarding the emergency use of seclusion and restraint.

Training Framework

A comprehensive training framework will be implemented which includes the following:

- A. awareness training for all school personnel who have regular contact with students; and
- B. comprehensive training for key identified personnel.

All substitute teachers must be informed of and understand the procedures regarding the use of emergency seclusion and emergency restraint. This requirement may be satisfied using online training developed or approved by MDE and online acknowledgement of understanding and completion of the training by the substitute teacher.



Comprehensive Training for Identified Personnel

Each building administrator will identify sufficient key personnel to ensure that trained personnel are generally available for an emergency situation. Before using emergency seclusion or emergency physical restraint with students, key identified personnel who may have to respond to an emergency safety situation must be trained in all of the following:

- A. proactive practices and strategies that ensure the dignity of students
- B. conflict resolution
- C. mediation
- D. social skills training
- E. de-escalation techniques
- F. positive behavioral intervention and support strategies
- G. techniques to identify student behaviors that may trigger emergency safety situations
- H. related safety considerations, including information regarding the increased risk of injury to students and staff when seclusion or restraint is used
- I. instruction in the use of emergency seclusion and emergency physical restraint
- J. identification of events and environmental factors that may trigger emergency safety situations
- K. instruction on the State policy on the use of seclusion and restraint
- L. description and identification of dangerous behaviors
- M. methods for evaluating the risk of harm to determine whether the use of emergency seclusion or emergency physical restraint is warranted
- N. types of seclusion
- O. types of restraint
- P. the risk of using seclusion and restraint in consideration of a student's known and unknown medical or psychological limitations
- Q. cardiopulmonary resuscitation and first aid
- R. the effects of seclusion and restraint on all students
- S. how to monitor for and identify physical signs of distress and the implications for students generally and for students with particular physical or mental health conditions or psychological limitations

- T. ways to obtain appropriate medical assistance

### GLOSSARY OF TERMS

"Chemical Restraint" means the administration of medication for the purpose of restraint.

"De-escalation Techniques" means evidence- and research-based strategically employed verbal or nonverbal interventions used to reduce the intensity of threatening behavior before, during, and after a crisis situation occurs.

"Documentation" means documentation developed by the Michigan Department of Education that is uniform across the State.

"Emergency Situation" means a situation in which a student's behavior poses imminent risk to the safety of the individual student or to the safety of others. An emergency situation requires an immediate intervention.

"Functional Behavioral Assessment" means an evidence- and research-based systematic process for identifying the events that trigger and maintain problem behavior in an educational setting. A functional behavioral assessment shall describe specific problematic behaviors, report the frequency of the behaviors, assess environmental and other setting conditions where problematic behaviors occur, and identify the factors that are maintaining the behaviors over time.

"Key Identified Personnel" means those individuals who have received the mandatory training described in M.C.L. 380.1307G(B)(I) to (XVI), listed under Comprehensive Training for Identified Personnel above.

"Law Enforcement Officer" means an individual licensed under the Michigan Commission on Law Enforcement Standards Act, M.C.L. 28.601 to 28.615.

"Mechanical Restraint" means the use of any device, article, garment, or material attached to or adjacent to a student's body to perform restraint.

"Physical Restraint" means restraint involving direct physical contact.

"Positive Behavioral Intervention and Support (PBIS)" means a framework to assist school personnel in adopting and organizing evidence-based behavioral interventions into an integrated continuum of intensifying supports based on student need that unites examination of the function of the problem behavior and the teaching of alternative skill repertoires to enhance academic and social behavior outcomes for all students.

"Positive Behavioral Intervention and Support Plan" means a student-specific support plan composed of individualized, functional behavioral assessment-based intervention strategies, including, as appropriate to the student, guidance or instruction for the student to use new skills as a replacement for problem behaviors, some rearrangement of the antecedent environment so that problems can be prevented and desirable behaviors can be encouraged, and procedures for monitoring, evaluating, and modifying the plan as necessary.

"Prone Restraint" means the restraint of an individual face down.

"Regularly and Continuously Work Under Contract" means that term as defined in section M.C.L. 380.1230.

"Restraint" means an action that prevents or significantly restricts a student's movement. Restraint does not include the brief holding of a student in order to calm or comfort, the minimum contact necessary to physically escort a student from one area to another, the minimum contact necessary to assist a student in completing a task or response if the student does not resist or resistance is minimal in intensity or duration, or the holding of a student for a brief time in order to prevent an impulsive behavior that threatens the student's immediate safety, such as running in front of a car. Restraint does not include the administration of medication prescribed by and administered in accordance with the directions of a physician, an adaptive or protective device recommended by a physician or therapist when it is used as recommended, or safety equipment used by the general student population as intended, such as a seat belt or safety harness on school transportation. Restraint does not include necessary actions taken to break up a fight, to stop a physical assault, as defined in M.C.L. 380.1310, or to take a weapon from a student. Restraint does not include actions that are an integral part of a sporting event, such as a referee pulling football players off of a pile or a similar action.

Restraint that negatively impacts breathing means any restraint that inhibits breathing, including floor restraints, facedown position, or any position in which an individual is bent over in such a way that it is difficult to breathe. This includes a seated or kneeling position in which an individual being restrained is bent over at the waist and restraint that involves sitting or lying across an individual's back or stomach.

"School Personnel" includes all individuals employed in a public school or assigned to regularly and continuously work under contract or under agreement in a public school, or public school personnel providing service at a nonpublic school. Except for the obligations set out above to document seclusion or restraint, report to/consult with parents, undertake the required actions if a student shows a pattern of behavior, and collect and report data to the state, school personnel does not include a law enforcement officer (as defined above) assigned to regularly and continuously work under contract or under agreement in a public school.

"Seclusion" means the confinement of a student in a room or other space from which the student is physically prevented from leaving. Seclusion does not include the general confinement of students if that confinement is an integral part of an emergency lockdown drill required under Section 19(5) of the Fire Prevention Code, 1941 PA 207, M.C.L. 29.19, or of another emergency security procedure that is necessary to protect the safety of student.

Adapted from Michigan State Board of Education Policy for the Emergency Use of Seclusion and Restraint adopted in March of 2017

Adopted 1/11/10  
Revised 6/28/17; 2/11/19; 9/9/19

## **STUDENT GRIEVANCE**

The Board of Directors recognizes students, as citizens, have the right to request redress of grievances. Further, the Board believes fostering respect for lawful procedures is an important part of the educational process. Accordingly, provisions for individual and group grievances should be provided for and appropriate appeal procedures shall be implemented.

For purposes of this policy, a *student complaint* or *grievance* shall be defined as those that arise out of actions, procedures, and/or policies of this Board or the lack of such policies or procedures.

The Board or its staff will hear the complaints and grievances of students, provided such complaints and grievances are made according to procedures established by the Administrative Guidelines.

Adopted 1/11/10  
Revised 9/9/19

## **SCHOOL-SPONSORED PUBLICATIONS AND PRODUCTIONS**

The Board of Directors sponsors student publications and productions as means by which students learn, under adult direction/supervision, the rights and responsibilities inherent when engaging in the public expression of ideas and information in our democratic society.

For purposes of this policy, "school-sponsored student media" shall include both student publications and productions. "Student publications" shall include any written materials, (including, but not limited to, banners, flyers, posters, pamphlets, notices, newspapers, playbills, yearbooks, literary journals, books, and t-shirts and other school-sponsored clothing), as well as material in electronic or on-line form (including, but not limited to, websites, web logs ("blogs"), video or audio clips, and newsletters or announcements transmitted by e-mail, wireless broadcast or other similar distribution/dissemination). "Student productions" shall include vocal and theatrical performances, impromptu dramatic presentations, or any electronic media (including, but not limited to, radio and television programs, podcasts, and other video or audio productions that are recorded for re-broadcast or broadcast in real time using any available broadcast technology). Further, the term "publication" shall include distribution and dissemination of a student publication; and the term "performance" shall include presentation and broadcast of a student production.

The following speech is unprotected and prohibited in all school-sponsored student publications and productions: speech that is defamatory, libelous, obscene or harmful to juveniles; speech that is reasonably likely to cause substantial disruption of or material interference with school activities or the educational process; speech that infringes upon the privacy or rights of others; speech that violates copyright law; speech that promotes activities, products or services that are unlawful (illegal) as to minors as defined by State or Federal law; and speech that otherwise violates school policy and/or State or Federal law. The Board authorizes the administration to engage in prior review and restraint of school-sponsored publications and productions to prevent the publication or performance of unprotected speech.

Adopted 1/11/10  
Revised 9/9/19

## SEARCH AND SEIZURE

Reference: MCL 380.1306  
US Constitution, 4th Amendment

The Board of Directors has charged School authorities with the responsibility of safeguarding the safety and well-being of the students in their care. In the discharge of that responsibility, School authorities may search School property such as lockers and computers used by students and/or the students' personal property, including vehicles, in accordance with the following policy:

### School Property

The Board acknowledges the need for in-school storage of students' possessions and shall provide storage places, including desks and lockers, for that purpose. Where locks are provided for such places, students may lock them against incursion by other students, but in no such places shall students have an expectation of privacy to prevent examination by a School official. The Board directs the Superintendent to conduct a routine inspection, at least annually, of all such storage places. In the course of any search, student's privacy rights will be respected regarding any items that are not against Board policy.

The Board also authorizes the use of canines, trained in detecting the presence of drugs or devices, when the Superintendent has reasonable suspicion that illegal drugs or devices may be present in the School. This means of detection shall be used only to determine the presence of drugs in locker areas and other places in the where such substances could be concealed. Canine detection must be conducted in collaboration with law enforcement authorities or other certified organizations and is not to be used to search students, unless either a warrant or parental permission has been obtained prior to the search.

### Student Person and Possessions

The Board recognizes that the privacy of a student and his/her belongings may not be violated by unreasonable search and seizure and directs that no student be searched without reasonable suspicion or in an unreasonable manner. The extent of the search will be governed by the seriousness of the alleged infraction, the student's age, and the student's disciplinary history.

This authorization to search shall also apply to all situations in which the student is under the jurisdiction of the Board.

Reasonable suspicion that a communication device has been used to violate School policies or administrative guidelines shall be subject to disciplinary action and may result in the communication device being confiscated.

Administrators are authorized to arrange for a breath-test instrument, according to the Superintendent's guidelines, for the purpose of determining if a student has consumed an alcoholic beverage. It is not necessary for the test to determine blood-alcohol level, since the Board has established a zero tolerance for alcohol use.

Except as provided below, a request for the search of a student or a student's possessions will be directed to the Superintendent. He/She shall attempt to obtain the freely-offered consent of the student to the inspection; however, provided there is reasonable suspicion, s/he may conduct the search without such consent. Whenever possible, a search will be conducted by the Superintendent in the presence of the student and another staff member. A search, prompted by the reasonable belief that health and safety are immediately threatened, will be conducted with as much speed and dispatch as may be required to protect persons and property.

Search of a student's person or intimate personal belongings shall be conducted by a person of the student's gender, in the presence of another staff member of the same gender, and only in exceptional circumstances, when the health or safety of the student or of others is immediately threatened.

The Superintendent shall be responsible for the prompt recording, in writing, of each student search, including the following information: reasons for the search; information received that established the need for the search; the name of informant, if any; the persons present when the search was conducted; any substances or objects found and the disposition made of them; and any subsequent action taken. The Superintendent shall be responsible for the custody, control, and disposition of any illegal or dangerous substance or object taken from a student.

The Superintendent shall prepare Administrative Guidelines to implement this policy.

Adopted 1/11/10  
Revised 1/10/12; 9/9/19

## **POSSESSION OF WEAPONS**

Reference: MCL 380.1311, 380.1312(1), 380.1313  
20 USC 7151

The Board of Directors prohibits students from possessing, storing, making, or using a weapon in any setting under the control and supervision of the School for the purpose of School activities approved and authorized by the School, including, but not limited to, property leased, owned, or contracted for by the School, a School-sponsored event, including athletic events, or in a School vehicle.

The term *weapon* means any object capable of inflicting serious bodily harm or property damage or endangering the health and safety of persons. Weapons include, but are not limited to, firearms, guns of any type whatsoever, including spring, air and gas-powered guns (whether loaded or unloaded) that will expel a BB, pellet, or paintballs, knives, razors, clubs, electric weapons, metallic knuckles, martial arts weapons, ammunition, and explosives or any other weapon described in 18 USC 921.

This policy shall also encompass such actions as look-alike items, false fire alarms, bomb threats, or intentional calls to falsely report a dangerous condition.

The Superintendent will refer any student who violates this policy to the student's parents or guardians and to the criminal justice or juvenile delinquency system. The student may also be subject to disciplinary action up to, and including, expulsion.

This policy will be published annually in all School student and staff handbooks. Publication is not a precondition to enforcement of this policy.

Adopted 1/11/10  
Revised 1/11/16; 9/9/19



## **STUDENT/PARENT RIGHTS**

Reference: 20 USC 1232(h)

The Board of Directors recognizes that students possess both the right to an education and the rights of citizenship.

Attendant to the rights guaranteed to each student, however, are certain responsibilities, including respect for the rights of others, obedience to properly constituted School authority, and compliance with the guidelines and rules of the School.

The Board realizes as students differ in age and maturity, so they differ in ability to handle both the rights of citizens and the concomitant responsibilities. The exercise of each right shall be granted, therefore, with due regard for the degree of responsibility possessed by the student and the student's need for the continuing guidance and control of those responsible for his/her education.

Since a student who has reached the age of majority possesses the full rights of an adult, he/she may authorize those School matters previously handled by his/her parents, but, as an adult, he/she also assumes the responsibility for his/her performance in the School, attendance, and compliance with School rules.

Administrators, counselors, and teachers shall not provide a supporting affidavit for students who have petitioned the court to grant them the status of emancipated minors unless prior approval has been obtained from the Superintendent.

Parents also have the right to know about their student's educational experience, emancipated or not. Specific rights are listed in topic areas of these policies.

In addition, parents have the right to inspect any instructional materials used as part of the educational curriculum for their student. Instructional materials means instructional content, regardless of format, provided to the student, including printed or representational materials, audio-visual materials, and materials available in electronic or digital formats (such as materials accessible through the Internet). Instructional material does not include academic tests or academic assessments.

The Superintendent, in consultation with parents, shall develop a procedure addressing the rights of parents and procedures, assuring timely response to parental requests to review instructional material. The procedure shall also address reasonable notification to parents and students of their rights to review these materials.

This policy shall not supersede any rights under the Family Education Rights and Privacy Act.

Adopted 1/11/10  
Revised 9/9/19

## **STUDENT GOVERNMENT**

The Board of Directors acknowledges the importance of offering students the opportunity to participate in self-government within the School.

Students shall have the right to organize, conduct meetings, elect officers and representatives, and petition the Board.

The Board will recognize the Student Counsel of George Washington Carver Academy as the official voice of the student body and for the purpose of:

- A. giving students practical experience in organizing, planning, and affecting outcomes;
- B. developing student leadership;
- C. providing a learning experience in democratic decision making;
- D. offering another avenue toward the realization of the goals of this School.

The Superintendent shall establish Administrative Guidelines to implement this policy.

Adopted 1/11/10

Revised 9/9/19

## STUDENT FUNDRAISING

Reference: MCL 380.1272b  
7 CFR Parts 210 and 220  
42 USC 1779

The Board of Directors acknowledges the solicitation of funds from students must be limited, because a student is a “captive donor” due to compulsory attendance laws and because solicitations disrupt the program of the School.

For purposes of this policy *student fundraising* shall include the solicitation and collection of money from students for any purpose and the collection of money in exchange for tickets, papers, or any other goods or services for approved student activities. Student fundraising also includes giving away goods or services, but suggesting a monetary donation.

The Board will permit student fundraising by students in the School, on School property, or at any School sponsored event only when the profit is to be used for School purposes or for an activity connected with the School.

Fundraising by approved School organizations (with funds managed by the School) may be permitted in the School by the Superintendent. Such fundraising that occurs off School grounds may also be permitted by the Superintendent.

The Board permits two (2) fundraisers per month per school that involve the sale of food items and/or beverages that are an exception to the current USDA Dietary Guidelines for Americans and the USDA Smart Snacks in Schools regulations for consumption on campus during the school day by students.

Other than approved non-compliant fundraisers, the food and/or beverage items to be sold for any other fundraisers by student clubs and organizations, parent groups, or booster clubs and consumed on campus, shall comply with the current USDA Dietary Guidelines for Americans, and the USDA Smart Snacks in Schools nutrition standards, and also be consistent with requirements set forth in Policy 8500 – Food Services.

If approved, fundraisers that involve the sale of food items or beverages to students on campus must be consistent with regulations established in Policy 8500, Food Services, pertaining to the sale of foods and beverages during food-service hours, whether those food items and beverages are complaint with, or an exception to, the current USDA Dietary Guidelines for Americans and the USDA Smart Snacks in Schools nutrition standards.

If an exception is granted to the requirement that food items and beverages are complaint with the current USDA Dietary Guidelines for Americans and the USDA Smart Snacks in Schools nutrition standards, the Superintendent shall also maintain records for each exception, including, but not limited to, the length of the fundraiser, the type, quantity, and price of the food item and/or beverage sold, and the gross and net amount raised.

Fundraising by students on behalf of School-related organizations and Academy support organizations (with funds not managed by the School) may be permitted on or off School grounds by the Superintendent. All fundraising by Academy-related organizations and Academy support organizations shall be done in accordance with Policy 9211 and Policy 9700.

The Superintendent shall establish Administrative Guidelines for the solicitation of funds that shall accomplish the following:

- A. specify the times and places in which funds may be collected;
- B. describe permitted methods of solicitation, without placing undue pressure on students;
- C. limit the kind and amount of advertising for solicitation;
- D. require that the Superintendent approve the distribution or liquidation of monies remaining in a student activity account when the organization is defunct or disbanded; and
- E. limit the number of fundraising events.

Advisors for approved Academy organizations shall not accept any form of compensation from vendors that might influence their selection or a vendor that will provide a fundraising activity or a product that will be sold as a fundraiser. Furthermore, advisors for approved Academy organizations shall not accept any compensation from a vendor after a decision has been made regarding a fundraising activity or a product that will be sold as a fundraiser. In addition, advisors for approved Academy organizations who make the selection of a vendor that will provide a fundraising activity or a product that will be sold as a fundraiser shall not enter into a contractual arrangement whereby an advisor receives compensation in any form from the vendor that provides a fundraising activity or a product that will be sold as a fundraiser.

Such compensation includes, but is not limited to, cash, checks, stocks, or any other form of securities, and gifts such as televisions, microwave ovens, computers, discount certificates, travel vouchers, tickets, passes, and other such things of value. In the event that an advisor of an approved Academy organization receives such compensation, albeit unsolicited, from a vendor, the individual shall notify the Board President or designee in writing, that s/he received such compensation and shall thereafter properly transmit said compensation to the Board President or designee at his/her earliest opportunity.

The Superintendent shall distribute this policy and the guidelines that implement it to each organization granted permission to solicit funds.

Adopted 1/11/10  
Revised 1/12/15; 1/11/16; 9/9/19

## **SOCIAL EVENTS**

Reference: AC Rule 340.241 et. seq.

The Board of Directors recognizes the value of student social events to enhance and enrich the educational experience for the children of this community.

The Board will make School facilities available and provide appropriate staff for the conduct of social events within the School facilities as approved by the Superintendent.

School social events taking place outside School facilities must be approved by the Superintendent.

As voluntary participants in School social events, students shall be held responsible for compliance with the rules set forth for their conduct. Infractions of those rules will be subject to the same disciplinary measures applicable during the regular School program.

Participation in School events is not a right and may be denied to any student who has demonstrated disregard for the rules of the School.

The Superintendent shall develop Administrative Guidelines for the conduct of student social events which shall include the following:

- A. provision for chaperonage, adult supervision, and/or police protection required by the circumstances of the event;
- B. provisions for the safety of all students and adults involved.

Adopted 1/11/10  
Revised 9/9/19

## 6000 FINANCES

6107	Authorization to Accept and Distribute Electronic Records and to Use Electronic Signatures	LC
6108	Authorization to Use Electronic Fund Transfers and Automated Clearing House Arrangements	BP
<b>6110</b>	<b>Grant Funds</b>	<b>LR</b>
<b>6111</b>	<b>Internal Controls</b>	<b>LR</b>
6112	Cash Management of Grants	LC
6114	Cost Principles – Spending Federal Funds	LC
6116	Time and Effort Reporting	LC
<b>6144</b>	<b>Investments</b>	<b>LR</b>
6152	Student Fees, Fines, and Supplies	BP
6210	Fiscal Planning	BP
6220	Budget Preparation	LC
6230	Budget Hearing	LC
6231	Budget Implementation	BP
<b>6320</b>	<b>Purchasing</b>	<b>LR</b>
6321	New School Construction, Renovation	LC
<b>6325</b>	<b>Procurement – Federal Grants/Funds</b>	<b>LR</b>
<b>6420</b>	<b>Conflict of Interest – Legal Counsel, Advisors, or Consultants</b>	<b>LC</b>
6423	Use of Credit/Debit Cards	BP
6440	Cooperative Purchasing	BP
6460	Vendor Relations	LC
6470	Payment of Claims	BP
6510	Payroll Authorization	BP
6520	Payroll Deductions	LC
<b>6550</b>	<b>Travel Payment and Reimbursement</b>	<b>LR</b>
6605	Crowdfunding	BP
6620	Petty Cash	BP

6670	Trust and Agency Fund	BP
6680	Recognition	LC
6800	System of Accounting	LC
<b>6850</b>	<b>Public Disclosure and Reporting</b>	<b>LR</b>

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Adoption Date: **01.10**

Classification:

Revised Dates: **10/24/11; 1/10/12; 6/10/13; 1/13/14; 1/11/16; 9/12/16;  
10/10/16; 01/09/17; 2/11/19; 6/24/19; 9/9/19; 2/10/20; 05/26/2020;  
12/13/2021; 06/27/2022; 12.22**

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## **AUTHORIZATION TO ACCEPT AND DISTRIBUTE ELECTRONIC RECORDS AND TO USE ELECTRONIC SIGNATURES**

Reference: 15 U.S.C. 7001 et seq  
M.C.L. 450.831-450.849

Unless a provision of law specifically prohibits the use of an electronic record for the specified purpose, the Board of Directors authorizes the acceptance and distribution/transmission of electronic records and electronic signatures to and from School staff and other persons, as well as between School staff members. The Board further authorizes School staff to create, generate, send, communicate, receive, store, process, use, and rely upon electronic records and electronic signatures. The School Leader shall put in place measures to protect the integrity, security, and accessibility of electronic signatures and electronic records to comply with mandates of State and Federal agencies or programs, including Medicaid.

All School staff shall comply with all provisions of the Uniform Electronic Transaction Act when creating, generating, sending, communicating, receiving, storing, processing, using, and relying upon electronic records. Further, all School staff and other persons who use electronic signatures when completing transactions with the Board shall do so in compliance with State law.

The School Leader is authorized to develop administrative guidelines concerning the acceptance and distribution/transmission of electronic records and electronic signatures. After giving due consideration to security, the School Leader may specify the following:

- A. The manner and format in which the electronic records must be created, generated, sent, communicated, received, and stored, and the systems established for those purposes.
- B. If electronic records must be signed by electronic means, the type of electronic signature that is required, the manner and format in which the electronic signature must be affixed to the electronic record, and the identity of, or criteria that must be met by any third party used by a person filing a document to facilitate the process.
- C. Control processes and procedures as appropriate to provide for adequate preservation, disposition, integrity, security, confidentiality, and auditability of electronic records.
- D. Any other required attributes for electronic records that are specified for nonelectronic records or reasonably necessary under the circumstances.

Adopted 5/26/20



# **AUTHORIZATION TO USE ELECTRONIC FUND TRANSFERS AND AUTOMATED CLEARING HOUSE ARRANGEMENTS**

Reference:

M.C.L. 124.301 - 124.305

In accordance with the provisions of law, the Board of Directors authorizes the acceptance and distribution/transmission of electronic fund transfers (EFTs) and automatic clearing house arrangements (ACH). The Superintendent and/or Business Finance shall put in place measures to protect the integrity and security of such transactions to comply with mandates of State and Federal agencies or programs, including Medicaid.

## **Definitions**

"ACH arrangement" means the agreement between the originator of the ACH transaction and the receiver of the ACH transaction.

"ACH transaction" means an electronic payment, debit, or credit transfer processed through an automated clearing house.

"Automated clearing house" or "ACH" means a national and governmental organization that has authority to process electronic payments including, but not limited to, the national automated clearing house association and the Federal reserve system.

"Electronic transactions officer" or "ETO" means the Superintendent and/or Business Finance or another person designated by the Board to have the responsibilities of the ETO as prescribed in the Michigan Electronic Transactions of Public Funds Act.

All Academy staff shall comply with all provisions of the Uniform Electronic Transaction Act when creating, generating, sending, communicating, receiving, storing, processing, using, and relying upon electronic records. Further, all Academy staff and other persons who use electronic signatures when completing transactions with the Board shall do so in compliance with State law.

## **ACH Transactions and Arrangements**

The Superintendent and/or Business Finance or another employee designated by the ETO is authorized to engage in electronic transfer of funds and ACH arrangements in accordance with this policy. The Superintendent and/or Business Finance shall be responsible for overseeing the School's ACH transactions, including payment approval, accounting, reporting, and compliance with this ACH policy.

## **Internal Controls**

The Superintendent and/or Business Finance is responsible for disbursement of funds and shall submit appropriate documentation to the Board. Such documentation shall include:

- A. information regarding the goods or services purchased;
- B. the cost of goods or services;

- C. the date of the payment; and
- D. departments serviced by the payment.

This documentation shall be contained in the School's electronic general ledger software system or in a separate report to the Board. ACH invoices must be reviewed and approved prior to payment.

The School's system of internal controls (see Policy 6111 - Internal Controls) shall be used to monitor the use of ACH transactions.

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Legal References: M.C.L. 124.301 - 124.305

Adoption Date: **12.22**  
Classification: **Best Practice**  
Revised Dates: ;

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## **GRANT FUNDS**

Reference:

2 CFR 200.112, 200.302, 200.310, 200.403, 200.404 and 200.406  
Compliance Supplement for Single Audits of State and Local Governments  
20 U.S.C. 7906

The Board of Directors shall provide equal educational opportunities for all students within the School. Government agencies, as well as foundations, businesses, and individuals, periodically offer both human and material resources to the School that would benefit students and the educational program. Therefore, it is the intent of the Board to consider grant proposals and applications for their potential to enhance educational opportunities, the educational environment, and the physical and mental growth for each student.

The Superintendent shall review new Federal education legislation and prepare proposals for programs deemed to be of aid to the students of this School. The Board shall approve each proposal prior to its submission and all grants resulting from such proposals.

The Board regards available Federal funds of aid to local school districts, public school academies, and communities as a public trust. It forbids the use of Federal monies for partisan political activities and for any use that would not be in accordance with Federal regulations and guidelines.

No Federal funds received by the School shall be used to develop or distribute materials to operate programs or courses of instruction directed at youth that are designed to promote or encourage sexual activity, whether homosexual or heterosexual; to distribute or to aid in the distribution by any organization of legally obscene materials to minors on School grounds; to provide sex education or HIV-prevention education (unless that instruction is age-appropriate) and includes the health benefits of abstinence; or to operate a program of contraceptive distribution.

### **Grant Proposal Development**

- A. All grant proposals must support at least one (1) School goal or priority.
- B. For projects where grant funds will not cover the entire cost of project implementation, additional fund sources must be identified, documented, and approved during the internal review process.
- C. The Superintendent shall present proposals with budgets exceeding \$600,000 to the Board for approval:

### **Grant Administration**

- A. The administration of grants will adhere to all applicable Federal, State, local, and grantor rules and regulations, including the terms and conditions of the Federal awards, as well as School policies and administrative procedures/guidelines.
- B. The Superintendent is responsible for the efficient and effective administration of grant awards through the application of sound management practices.
- C. The Superintendent is responsible for administering grant funds in a manner consistent with underlying agreements, applicable statutes, regulations, and program objectives, and the terms and conditions of the grant award.

- D. The Superintendent, in recognition of its unique combination of staff, facilities, and experience, shall employ internal controls and the organizational and management strategies necessary to assure proper and efficient administration of grant awards.
- E. All Federal funds received by the School will be used in accordance with the applicable Federal law and regulations and the terms and conditions of the Federal award. The Superintendent shall require that each draw of Federal monies be aligned with the School's payment process (whether reimbursement, cash advance or a combination). If funds are permitted to be drawn in advance, all draws will be as close as administratively feasible to the related program expenditures and that, when restricted, such monies are used to supplement programs and funding and not to supplant or replace existing programming or current funding.  
  
Maintenance of Effort (MOE) and Maintenance of Equity (MOEquity) requirements of the Federal program will be met in accordance with the requirements of the specific funded program. The School shall maintain appropriate documentation and records to substantiate compliance or to justify allowable exceptions, exemptions, or waivers.
- F. The Superintendent is authorized to sign related documents for grant administration, including documents required for submittal of grant proposals.
- G. Program reports including but not limited to audit, site visits, and final reports may be submitted to the Superintendent for review and distribution to the Board and other appropriate parties.

### **Financial Management**

The financial management of grant funds shall be in compliance with all applicable Federal, State, local, and grantor rules, regulations, and assurances as well as School policies and administrative procedures/guidelines.

At a minimum, the School shall provide for the following:

- A. Identification, in School accounts, of all grant awards received and expended and the programs under which they were received. For Federal programs and awards, identification shall include the Catalog of Federal Domestic Assistance (CFDA) title and number, Federal award identification number and year, name of the Federal agency and name of the pass-through entity, as applicable.
- B. The School shall develop a procurement policy (or revise its current procurement policy) to comply with all grants which it is awarded. Further, to the extent applicable, the School shall adhere to the requirements of the Education Department General Administrative Regulations.
- C. Accurate, current, and complete disclosure of the financial results of each Federal award or program in accordance with the reporting requirements of the grant.
- D. Records that adequately identify the source and application of funds provided for Federally-funded activities. These records must contain information pertaining to Federal awards, authorizations, obligations, unobligated balances, assets, expenditures, income and interest and be supported by source documentation.
- E. Effective control over, and accountability for, all funds, property, and other assets. The School must adequately safeguard all assets and assure that they are used solely for authorized purposes.
- F. Further, the School must:
  - 1. establish and maintain effective internal control over the Federal award that provides reasonable assurance that the School is managing the Federal award in compliance with Federal statutes, regulations, and the terms and conditions of the Federal award;

2. comply with Federal statutes, regulations and the terms and conditions of the Federal award;
3. evaluate and monitor the School's compliance with statutes, regulations and the terms and conditions of the Federal award;
4. take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings;

take reasonable measures to safeguard protected personally identifiable information and other information the Federal awarding agency or pass-through entity designates as sensitive consistent with applicable Federal, State, local, and tribal laws regarding privacy and obligations of confidentiality.

Comparison of expenditures with budget amounts for each Federal award.

- G. Recordkeeping and written procedures to the extent required by Federal, State, local, and grantor rules and regulations pertaining to the grant award and accountability, including but not limited to, the following areas:
  1. cash management
  2. allowability
  3. conflict of interest
  4. procurement
  5. equipment management
  6. conducting technical evaluations of proposals and selecting recipients
  7. compensation and fringe benefits
  8. travel
- H. Disclosure of any potential conflict of interest and all mandatory violation disclosures potentially affecting the Federal award/grant to the Federal awarding agency or pass-through agency in accordance with applicable Federal policy.
- I. Insurance coverage for real property and equipment, if applicable, equivalent to such property owned by the School.

### **Program Income**

Program income means gross income earned by a grant recipient that is directly generated by a supported activity or earned as a result of the Federal award during the grant's period of performance.

It includes, but is not limited to, income from fees for services performed, the use or rental of real or personal property acquired under Federal awards, the sale of commodities or items fabricated under a Federal award, license fees and royalties on patents and copyrights, and principal and interest on loans made with Federal award funds. Interest earned on advances of Federal funds is not program income. Except as otherwise provided in Federal statutes, regulations, or the terms and conditions of the Federal award, program income does not include rebates, credits, discounts, and interest earned on any of them. Additionally, taxes, special assessments, levies, fines, and other such revenues raised by a recipient are not program income unless the revenues are specifically identified in the Federal award or Federal awarding agency regulations as program income. Finally, proceeds from the sale of real property, equipment, or supplies are not program income.

Unless it has received prior approval to use a different method or the terms and conditions of the grant authorize a different method, the School uses the deduction method of accounting for program income. Under the deduction method, program income is deducted from total allowable costs to determine the net allowable costs. Program income will only be used for current costs unless the School is otherwise directed by the Federal awarding agency or pass-through entity.

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Adoption Date: **01.10**

Classification: **Legally Required**

Revised Dates: **6/10/13; 1/11/16; 9/12/16; 9/9/19; 06.22**

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## INTERNAL CONTROLS

The Superintendent shall establish and maintain effective internal control over financial grants and awards that provide reasonable assurance that the program and funds are managed in compliance with applicable statutes, regulations and the terms and conditions of the awards.

The internal controls must provide reasonable assurance that transactions are properly recorded and accounted for in order to permit the preparation of reliable financial statements and Federal reports; maintain accountability over assets; and demonstrate compliance with Federal statutes, regulations, and the terms and conditions of the Federal award. The internal controls must also provide reasonable assurance that these transactions are executed in compliance with Federal statutes, regulations, and the terms and conditions of the Federal award that could have a direct and material effect on a Federal award, as well as any other Federal statutes and regulations that are identified in the Compliance Supplement. Finally, the internal controls must provide reasonable assurance that all Federal funds, property, and other assets are safeguarded against loss from unauthorized use or disposition.

The School shall:

- A. comply with Federal statutes, regulations, and the terms and conditions of the Federal awards;
- B. evaluate and monitor its compliance with statutes, regulations, and the terms and conditions of the award;
- C. take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings; and
- D. take reasonable measures to safeguard protected personally identifiable information and other information the awarding agency or pass-through entity designates as sensitive or the School considers sensitive information consistent with applicable Federal, state, local, and tribal laws and School policies regarding privacy and obligations of confidentiality.

Adopted 1/11/16  
Revised 9/12/16; 9/9/19

## CASH MANAGEMENT OF GRANTS

Reference: 2 CFR 200.305

In order to provide reasonable assurance that all assets, including Federal, State, and local funds, are safeguarded against waste, loss, unauthorized use, or misappropriation, the Superintendent shall implement internal controls in the area of cash management.

The School's payments methods shall minimize the time elapsing between the transfer of funds from the United States Treasury or the Michigan Department of Education (MDE) (pass-through entity) and disbursement by the School, regardless of whether the payment is made by electronic fund transfer, or issuance or redemption of checks, warrants, or payment by other means.

The School shall use forms and procedures required by the grantor agency or pass-through entity to request payment. The School shall request grant funds payments in accordance with the provisions of the grant. Additionally, the School's financial management systems shall meet the standards for fund control and accountability as established by the awarding agency.

The Superintendent is authorized to submit requests for advance payments and reimbursements at least monthly when electronic fund transfers are not used, and as often as deemed appropriate when electronic transfers are used, in accordance with the provisions of the Electronic Fund Transfer Act (15 U.S.C. 1693-1693r).

When the School uses a cash advance payment method, the following standards shall apply:

- A. The timing and amount of the advance payment requested will be as close as is administratively feasible to the actual disbursement for direct program or project costs and the proportionate share of any allowable indirect costs.
- B. The School shall make timely payment to contractors in accordance with contract provisions.
- C. To the extent available, the School shall disburse funds available from program income (including repayments to a revolving fund), rebates, refunds, contract settlements, audit recoveries, and interest earned on such funds before requesting additional cash payments.
- D. The School shall account for the receipt, obligation and expenditure of funds.
- E. Advance payments will be deposited and maintained in insured accounts whenever possible.
- F. Advance payments will be maintained in interest bearing accounts unless the following apply:
  1. The School receives less than \$120,000 in Federal awards per year.
  2. The best reasonably available interest-bearing account would not be expected to earn interest in excess of \$500 per year on Federal cash balances.



3. The depository would require an average or minimum balance so high that it would not be feasible within the expected Federal and non-Federal cash resources.
- 
- G. Pursuant to Federal law and regulations, the School may retain interest earned in an amount up to \$500 per year for administrative costs. Any additional interest earned on Federal advance payments deposited in interest-bearing accounts must be remitted annually to the Department of Health and Human Services Payment Management System ("PMS") through an electronic medium using either Automated Clearing House ("ACH") network or a Fedwire Funds Service payment. Remittances shall include pertinent information of the payee and nature of payment in the memo area (often referred to as "addenda records" by Financial Institutions) as that will assist in the timely posting of interest earned on Federal funds. Pertinent details include the Payee Account Number ("PAN") if the payment originated from PMS, or Agency information if the payment originated from Automated Standard Application for Payment ("ASAP"), National Science Foundation ("NSF") or another Federal agency payment system.

Adopted 10/10/16  
Revised 9/9/19

## **COST PRINCIPLES - SPENDING FEDERAL FUNDS**

Reference:

2 CFR. 200.216, 2 CFR. 200.344(b), 2 CFR. 200.403-.407, 200.413(a)-(c), 200.430(a),  
200.431(a), 200.439(b) (2), 200.458, 2 CFR 200.474(b)  
34 CFR 76.707-.708(a), 75.703

The Superintendent is responsible for the efficient and effective administration of grant funds through the application of sound management practices. Such funds shall be administered in a manner consistent with all applicable Federal, State and local laws, the associated agreements/assurances, program objectives and the specific terms and conditions of the grant award.

### **Cost Principles**

Except where otherwise authorized by statute, costs shall meet the following general criteria in order to be allowable under Federal awards:

- A. Be necessary and reasonable for proper and efficient performance and administration of the Federal award and be allocable thereto under these principles.

To determine whether a cost is reasonable, consideration shall be given to:

1. whether a cost is a type generally recognized as ordinary and necessary for the operation of the School or the proper and efficient performance of the Federal award;
2. the restraints or requirements imposed by such factors as sound business practices, arm's length bargaining, Federal, State, local, tribal and other laws and regulations;
3. market prices for comparable goods or services for the geographic area;
4. whether the individuals concerned acted with prudence in the circumstances considering their responsibilities; and
5. whether the cost represents any significant deviation from the established practices or Board policy which may unjustifiably increase the expense.

While Federal regulations do not provide specific descriptions of what satisfies the "necessary" element beyond its inclusion in the reasonableness analysis above, whether a cost is necessary is determined based on the needs of the program. Specifically, the expenditure must be necessary to achieve an important program objective. A key aspect in determining whether a cost is necessary is whether the School can demonstrate that the cost addresses an existing need, and can prove it.

When determining whether a cost is necessary, consideration may be given to:

1. the cost is needed for the proper and efficient performance of the grant program;
2. whether the cost is identified in the approved budget or application;
3. whether there is an educational benefit associated with the cost;

4. whether the cost aligns with identified needs based on results and findings from a needs assessment;
5. whether the cost addresses program goals and objectives and is based on program data.

A cost is allocable to the Federal award if the goods or services involved are chargeable or assignable to the Federal award in accordance with the relative benefit received. This standard is met if the cost: is incurred specifically for the Federal award; benefits both the Federal award and other work of the School and can be distributed in proportions that may be approximated using reasonable methods; and is necessary to the overall operation of the School and is assignable to the Federal award in accordance with cost principles mentioned here.

- B. Conform to any limitations or exclusions set forth in the cost principles in Part 200 or in the terms and conditions of the Federal award, including prohibitions regarding costs incurred for telecommunications and video surveillance services or equipment.
- C. Be consistent with policies and procedures that apply uniformly to both Federally-financed and other activities of the School.
- D. Be accorded consistent treatment. A cost cannot be assigned to a Federal award as a direct cost if any other cost incurred for the same purpose in like circumstances has been allocated to a Federal award as an indirect cost under another award.
- E. Be determined in accordance with generally accepted accounting principles.
- F. Be representative of actual cost, net of all applicable credits or offsets.

The term "applicable credits" refers to those receipts or reductions of expenditures that operate to offset or reduce expense items allocable to the Federal award. Typical examples of such transactions are: purchase discounts; rebates or allowances; recoveries or indemnities on losses; and adjustments of overpayments or erroneous charges. To the extent that such credits accruing to or received by the State relate to the Federal award, they shall be credited to the Federal award, either as a cost reduction or a cash refund, as appropriate.

- G. Be not included as a match or cost-share, unless the specific Federal program authorizes Federal costs to be treated as such.
- H. Be adequately documented:
  1. in the case of personnel services, the Superintendent implement a system for School personnel to account for time and efforts expended on grant funded programs to assure that only permissible personnel expenses are allocated;
  2. in the case of other costs, all receipts and other invoice materials shall be retained, along with any documentation identifying the need and purpose for such expenditure if not otherwise clear.
- I. Be incurred during the approved budget period.

The budget period means the time interval from the start date of a funded portion of an award to the end date of that funded portion during which recipients are authorized to carry out authorized work and expend the funds awarded, including any funds carried forward or other revisions pursuant to the law. Prior written approval from the Federal awarding agency or State pass through entity may be required to carry forward unobligated balances to subsequent budget periods, unless waived.

### **Selected Items of Cost**

The Superintendent shall follow the rules for selected items of cost at 2 C.F.R. Part 200, Subpart E when charging these specific expenditures to a Federal grant. When applicable, Superintendent shall check costs against the selected items of cost requirements to ensure the cost is allowable. In addition, State, School and program-specific rules, including the terms and conditions of the award, may deem a cost as unallowable and School personnel shall follow those rules as well.

The following rules of allowability must apply to equipment and other capital expenditures:

- A. Capital expenditures for general purpose equipment, buildings, and land are unallowable as direct charges, except with the prior written approval of the Federal awarding agency or pass-through entity.
- B. Capital expenditures for special purpose equipment are allowable as direct costs, provided that items with a unit cost of \$5,000 or more have the prior written approval of the Federal awarding agency or pass-through entity.
- C. Capital expenditures for improvements to land, buildings, or equipment that materially increase their value or useful life are unallowable as a direct cost except with the prior written approval of the Federal awarding agency, or pass-through entity.
- D. All Federally-funded contracts in excess of \$2,000 related to construction, alterations, repairs, painting, decorating, etc. must comply with Davis-Bacon prevailing wage requirements.
- E. Allowability of depreciation on buildings, capital improvements, and equipment shall be in accordance with 2 CFR 200.436 and 2 CFR 200.465.
- F. When approved as a direct cost by the Federal awarding agency or pass-through entity under Sections A-C, capital expenditures will be charged in the period in which the expenditure is incurred, or as otherwise determined appropriate and negotiated with the Federal awarding agency.
- G. If the School is instructed by the Federal awarding agency to otherwise dispose of or transfer the equipment, the costs of such disposal or transfer are allowable.

### **Cost Compliance**

The Superintendent shall require that grant program funds are expended and are accounted for consistent with the requirements of the specific program and as identified in the grant application. Compliance monitoring includes accounting for direct or indirect costs and reporting them as permitted or required by each grant. Costs incurred for the same purpose in like circumstances shall be treated consistently as either direct or indirect costs, but may not be double charged or inconsistently charged as both.

### **Determining Whether a Cost is Direct or Indirect:**

- A. Direct costs are those costs that can be identified specifically with a particular final cost objective, such as a Federal award, or other internally or externally funded activity, or that can be directly assigned to such activities relatively easily with a high degree of accuracy.

These costs may include: salaries and fringe benefits of employees working directly on a grant-funded project; purchased services contracted for performance under the grant; travel of employees working directly on a grant-funded project; materials, supplies, and equipment purchased for use on a specific grant; program evaluation costs or other institutional service operations; and infrastructure costs directly attributable to the program (such as long distance telephone calls specific to the program, etc.). Direct costs may also include capital expenditures if approved by the Federal awarding agency or pass-through entity, as well as capital expenditures for special purpose equipment with a unit cost of less than \$5,000.

- B. Indirect costs are those that have been incurred for a common or joint purpose benefitting more than one cost objective, and not readily assignable to the cost objectives specifically benefitted, without effort disproportionate to the results achieved. Costs incurred for the same purpose in like

circumstances shall be treated consistently as either direct or indirect costs.

These costs may include: general data processing, human resources, utility costs, maintenance, accounting, etc.

Federal education programs with supplement not supplant provisions must use a restricted indirect cost rate. In a restricted rate, indirect costs are limited to general management costs. General management costs do not include divisional administration that is limited to one component of the School, the Board, compensation of the School Leader, compensation of the chief executive officer of any component of the School, and operation of the immediate offices of these officers.

The salaries of administrative and clerical staff should normally be treated as indirect costs. Direct charging of these costs may be appropriate only if all of the following conditions are met:

1. Administrative or clerical services are integral to a project or activity.
2. Individuals involved can be specifically identified with the project or activity.
3. Such costs are explicitly included in the budget or have the prior written approval of the Federal awarding agency.
4. The costs are not also recovered as indirect costs.

Where a Federal program has a specific cap on the percentage of administrative costs that may be charged to a grant, that cap shall include all direct administrative charges as well as any recovered indirect charges.

Effort should be given to identify costs as direct costs whenever practical, but allocation of indirect costs may be used where not prohibited and where indirect cost allocation is approved ahead of time by the Michigan Department of Education (MDE) or the pass-through entity (Federal funds subject to 2 C.F.R. Part 200 pertaining to determining indirect cost allocation).

Equipment and other capital expenditures are unallowable as indirect costs.

### **Timely Obligation of Funds**

Financial obligations are orders placed for property and services, contracts and subawards made, and similar transactions that require payment. This term is used when referencing a recipient's or subrecipient's use of funds under a Federal award.

The following list illustrates when funds are determined to be obligated under the U.S. Department of Education ("USDOE") regulations:

If the obligation is for:

- A. Acquisition of property - on the date which the School makes a binding written commitment to acquire the property.
- B. Personal services by an employee of the School or Educational Service Provider - when the services are performed.
- C. Personal services by a contractor who is not an employee of the School on the date which the School makes a binding written commitment to obtain the services.
- D. Performance of work other than personal services - on the date when the School makes a binding written commitment to obtain the work.
- E. Public utility services - when the School receives the services.

- F. Travel - when the travel is taken.
- G. Rental of property - when the School uses the property.
- H. A pre-agreement cost that was properly approved by the Secretary (USDOE) under the cost principles in 2 C.F.R. Part 200, Subpart E - Cost Principles - on the first day of the project period.

### **Period of Performance**

All financial obligations must occur during the period of performance. Period of performance means the total estimated time interval between the start of an initial Federal award when the School is permitted to carry out the work authorized by the grant and the planned end date. The period of performance may include one or more funded portions or budget periods. The period of performance is dictated by statute and will be indicated in the grant award notification ("GAN"). As a general rule, State-administered Federal funds are available for obligation within the year that Congress appropriates the funds for. However, given the unique nature of educational institutions, for many Federal education grants, the period of performance is twenty-seven (27) months. This maximum period includes a fifteen (15) month period of initial availability, plus a twelve (12) month period for carryover. For direct grants, the period of performance is generally identified in the GAN.

In the case of a State-administered grant, financial obligations under a grant may not be made until the application is approved or is in substantially approvable form, whichever is later. In the case of a direct grant, a grantee may use grant funds only for obligations it makes during the grant period, unless an agreement exists with the awarding agency or the pass-through entity (e.g., MDE) to reimburse for pre-approval expenses.

If a Federal awarding agency or pass-through entity approves an extension, or if the School extends under C.F.R. 200.308(e)(2), the Period of Performance will be amended to end at the completion of the extension. If a termination occurs, the Period of Performance will be amended to end upon the effective date of termination. If a renewal is issued, a distinct Period of Performance will begin.

For both State-administered and direct grants, regardless of the period of availability, the School shall liquidate all financial obligations incurred under the award not later than ninety (90) days after the end of the funding period unless an extension is authorized. Any funds not obligated within the period of performance or liquidated within the appropriate timeframe are said to lapse and shall be returned to the awarding agency. Consequently, the Superintendent shall closely monitor grant spending throughout the grant cycle.

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Adoption Date: **10.16**

Classification: **Legal Content**

Revised Dates: **9/9/19; 7/12/21; 12/13/21; 06.22**

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## TIME AND EFFORT REPORTING

Reference: 2 C.F.R. 200.430, 200.431

As a recipient of Federal funds, the School shall comply with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. The Code of Federal Regulations requires certification of effort to document salary expenses charged directly or indirectly against Federally-sponsored projects. This process is intended to verify that compensation for employment services, including salaries and wages, is allocable and properly expended, and that any variances from the budget are reconciled.

Compensation for employment services includes all remuneration, paid currently or accrued, for services of employees, whether employed by the Board or an Employee Leasing Company, rendered during the period of performance under the Federal award, including but not necessarily limited to wages and salaries. Compensation for personal services may also include fringe benefits, which are addressed in 2 C.F.R. 200.431 Compensation—fringe benefits. Costs of compensation are allowable to the extent that they satisfy the specific requirements of these regulations, and that the total compensation for individual employees:

- A. is reasonable for the services rendered, conforms to the School's established written policy where applicable, and is consistently applied to both Federal and non-Federal activities; and
- B. follows an appointment made in accordance with the School's written policies and meets the requirements of Federal statute, where applicable.

### Time and Effort Reports

The reports:

- A. are supported by a system of internal controls which provide reasonable assurance that the charges are accurate, allowable, and properly allocated;
- B. are incorporated into the official records of the Superintendent;
- C. reasonably reflect the total activity for which the employee is compensated by the Superintendent, not exceeding 100% of the compensated activities;
- D. encompass both Federally assisted and other activities compensated by the Superintendent on an integrated basis;
- E. comply with the School's established accounting policies and practices;
- F. support the distribution of the employee's salary or wages among specific activities or cost objectives if the employee works on more than one (1) Federal award, a Federal award and non-Federal award, an indirect cost activity and a direct cost activity, two or more indirect activities which are allocated using different allocation bases, or an unallowable activity and a direct or indirect cost activity.

The Superintendent will also follow any time and effort requirements imposed by the pass-through entity to the extent that they are more restrictive than the Federal requirements.

The Superintendent is responsible for the distribution, collection, and retention of all employee effort reports. Individually reported data will be made available only to authorized auditors.

Reconciliations

Budget estimates are not used as support for charges to Federal awards. However, the School may use budget estimates for interim accounting purposes. The system used by the School to establish budget estimates produces reasonable approximations of the activity actually performed. Any significant changes in the corresponding work activity are identified by the Superintendent and entered into the School's records in a timely manner.

The School's internal controls require the Superintendent and Accountant to review after-the-fact interim charges made to a Federal award based on budget estimates and ensure that all necessary adjustments are made so that the final amount charged to the Federal award is accurate, allowable, and properly allocated.

Adopted 10/10/16  
Revised 9/9/19



## INVESTMENTS

Reference: MCL 124.301 et seq., 129.11 to 129.118, 380.1221, 380.1223(2), 380.622

The School's policy is to use investments to maximize the returns on the School's excess cash balances, while reasonably controlling the risk of loss and maintaining an acceptable level of liquidity in those investments to meet the School's operating needs.

To this end, the School will track, through its financial reports and investment authorizations, the credit risk, concentration of credit risk, interest rate risk and foreign currency risks related to its investments.

When there is a possibility that interest rate changes could adversely affect the fair value of a School's investment, as determined under Generally Accepted Accounting Principles (GAAP) standards, the Investment Officer shall determine which of the following method(s) will be used to assess and control such risks:

- A. segmented time distribution
- B. specific identification
- C. weighted average maturity
- D. duration
- E. simulation model

These methods shall be implemented as defined by the Government Accountability Standards Board. The Board may apply different methods to different investment.

Investments in other types of authorized securities may be made with the provision that no more than fifty percent (50%) of the total current investment portfolio consists of one type of security.

Investments in securities shall be with authorized investment institutions and dealers that must establish eligibility by meeting all of the following requirements.

- A. primary and regional dealers that qualify under Securities and Exchange Commission Rule 15C3-1 (uniform net capital rule)
- B. capital of no less than \$10,000,000
- C. registered as a dealer under the Securities and Exchange Act of 1934
- D. a member of the National Association of Securities Dealers (NASD)
- E. registered to sell securities in Michigan
- F. the firm and assigned broker have been engaged in the business of effecting transactions in United States government and agency obligations for at least five (5) years

The Board is authorized to contract with a depository for the operation of a cash management system under the following conditions:

- A. the contract provides for the investment of funds by the depository with the written approval of the Board.
- B. the contract is awarded using the School's bidding procedure

All investments must mature or be redeemable within two (2) years of the date of purchase.

An obligation purchased in accordance with Section 380.1223(2), when received by the Board, shall be deposited with the bank or trust company having the deposit of the money of the particular fund from which the obligation was purchased.

Money in the several funds of the School shall not be commingled for the purpose of making an investment authorized by Section 380.1223. The Board, however, may establish and maintain one common debt retirement fund for bond issues of like character.

Earnings on an investment shall become a part of the fund from which the investment was made.

Funds of the Board may be withdrawn from approved public depositories or negotiable instruments owned by the Board and sold before maturity at the sole discretion of the Board acting within the law.

The Accountant shall include in the monthly report to the Board all cash in all accounts on deposit as well as the investment assets of the Board. This report shall disclose credit risk, concentration of credit risk, investment risk and foreign currency risks to Board investments in accordance with Generally Accepted Accounting Principles.

The Board also requires the Accountant to report to the Board monthly:

- A. the types and amounts of each investment and the interest earned on each;
- B. the transactions occurring since the last report.

The Board may adopt a resolution at its annual organizational meeting, authorizing electronic fund transfers and the Treasurer or the Electronic Transfer Officer (ETO) as authorized agent(s) to complete such transactions on behalf of the Board. The Automatic Clearing House (ACH) authorizing resolution shall include all of the following:

- A. That an officer or employee designated by the Treasurer or ETO is responsible for the local unit's ACH agreements, including payment approval, accounting, reporting, and generally for overseeing compliance with the ACH policy.
- B. That the officer or employee responsible for disbursement of funds shall submit to the local unit documentation detailing the goods or services purchased, the cost of the goods or services, the date of the payment, and the department levels serviced by payment. This report can be contained in the electronic general ledger software system of the local unit or in a separate report to the governing body of the local unit.

- C. A system of internal accounting controls to monitor the use of ACH transactions made by the local unit.
- D. The approval of ACH invoices before payment.
- E. Any other matters the Treasurer or ETO considers necessary.

(NOTE: Investment professionals utilized by the School should be advised of and consulted on this policy.)

Adopted 1/11/10  
Revised 9/9/19

## **STUDENT FEES, FINES, AND SUPPLIES**

Reference:

MCL 388.1904 [Suggested/Referred to, but not required]

### **Fees**

The Board of Directors may assess certain fees to pay the costs for extra-curricular and noncredit activities. Such fees might be made for expendable items such as magazines, workbook materials, paperback selections, laboratory supplies, materials for clubs, independent study or special projects, transportation costs, and admission/participation fees for School-sponsored trips and activities.

If an eligible student enrolled in an eligible course offered by a career and technical preparation program does not complete the course, other than for reasons related to a family or medical emergency, the student shall repay to the School any funds expended by the School for the course that are not refunded by the career and technical preparation program, and may also be subject to such sanctions as are provided for in guidelines prepared by the School administration.

No student, however, shall be deprived of participation in any mandatory school activity or required curriculum activity due to a lack of financial ability to pay. Fees will not be charged for such activities. Extra-curricular activities for which fees will be charged may not be used in determining credit or grades in any course.

A fee shall not exceed the combined cost of the service(s) provided and/or materials used. An accurate accounting of all fees collected and all fees expended shall be provided to the Superintendent (or his/her designee) for each fee-based activity, at the conclusion of the activity, along with a record of the remission of any fees not expended.

### **Fines**

When School property, equipment, or supplies are damaged, lost, or taken by a student, whether in a regular course or extra-curricular offering, a fine will be assessed. The fine will be reasonable, seeking only to compensate the School for the expense or loss incurred.

The late return of borrowed books or materials from the School libraries will be subject to appropriate fines. Failure to pay the fines may result in loss of privileges.

Any fees or fines collected by members of the staff are to be given to the Superintendent by the end of the school day.

In the event the above course of action does not result in the collection of the fee or fine, the Board authorizes the Superintendent to take the student and/or his/her parents to Small Claims Court for collection.

### **Supplies**

The School will provide all basic supplies needed by the student to complete the required course curriculum. The student and/or his/her family may choose to purchase their own supplies if they desire to have a greater quantity or quality of supplies, or to conserve the limited resources for use by others. The teacher or appropriate administrator may recommend useful supplies.

Adoption Date: **01.10**

Classification:

Revised Dates: **9/9/19; 12.21**

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## **FISCAL PLANNING**

The Board of Directors shall collect and assemble the information necessary to discharge its responsibility for the fiscal management of the School and shall plan for the financial needs of the educational program. The Board will strive to maintain both short and long range projections of the School's financial requirements.

Accordingly, the Board directs the Superintendent and Accountant to accomplish the following:

- A. prepare a long range plan for the cost of maintaining the alignment of the School's curriculum with the Michigan Curriculum Frameworks, including the costs of textbooks, computer software, computer replacement, and professional development.
- B. include cost estimates in all ongoing financial requirements;
- C. prepare a long range, year-by-year plan for the maintenance and replacement of facilities and equipment;
- D. report to the Board any serious financial implications that emerge from the School's ongoing fiscal planning.

In addition, the Board directs the Superintendent and Accountant to maintain annually a detailed two (2) year forecast of estimated expenditures and revenues.

Adopted 1/11/10  
Revised 9/9/19

## BUDGET PREPARATION

Reference: MCL 141.434 et. seq.

The School's operational and educational plans are reflected in its budgets. Each year, the Board of Directors will have prepared, then review and approve the following Fund budgets:

- A. General Fund
- B. Debt Services
- C. Special Review
- D. Capital Projects
- E. Student Activities

Each budget shall be designed to carry out School operations in a thorough and efficient manner, to maintain School facilities properly, and to honor the continuing obligations of the Board.

The Board shall ensure that adequate funds are reserved for the General Fund to maintain a secure financial position whereby the fund equity should not fall below 10% of the preceding year's expenditures.

A proposed budget requires the critical analysis of every member of the Board prior to approval. Once adopted, the budget deserves the support of all members of the Board, regardless of their position before its adoption.

The Board directs the Superintendent and Accountant to present the budgets to the Board, along with all available information associated with each budget, in sufficient time to allow for proper analysis and discussion prior to the budget hearing.

When presented to the Board for review and/or adoption, the information shall include the following items, as appropriate:

- A. the number and category of staff members for the current and the ensuing year;
- B. the proposed expenditure and revenue in each financial category for the ensuing year;
- C. the anticipated expenditure and revenue in each financial category for the current year;
- D. the actual expenditure, the approved budget, and the revenue in each financial category for the previous year;
- E. an estimate of the student enrollment by grades for the ensuing year;
- F. the amount of fund equity anticipated at the end of the current year;

G. an appropriations resolution.

Adopted 1/11/10  
Revised 9/9/19



## **BUDGET HEARING**

Reference: MCL 141.411 et. seq.

The annual budget adopted by the Board of Directors represents the Board's position on the allocation of resources required to operate an appropriate system of education. All reasonable means shall be employed by the Board to present and explain that position to all interested parties. The public budget hearing will be conducted in accordance with law.

Each member of the Board and the Superintendent shall be sufficiently acquainted with the budget and its underlying purposes to answer questions from members of the public.

The budget approved by this Board will be made available to the public in the form and places required by law. A simplified form of the budget may also be prepared annually and may be sent to appropriate parties and/or distributed to persons attending the annual budget hearing.

A simplified budget may include the expenditures and the anticipated receipts in each major category for the current and the coming years. Such a budget may also provide a brief explanation of significant increases and decreases from the previous year.

The final adoption of the proposed annual budget shall be made by the Board after completion of the public hearing, but in no case later than June 30<sup>th</sup>.

Adopted 1/11/10  
Revised 9/9/19

## **BUDGET IMPLEMENTATION**

Reference: MCL 141.436 et. seq.

The Board of Directors places the responsibility of administering the budget, once adopted, with the Superintendent. As the budget is being implemented, the Superintendent shall keep the Board informed regarding budgetary problems or concerns.

The Superintendent shall be authorized to proceed with financial commitments, purchases, and other expenditures, within the limits provided in the budget, stated in Board policies, and expressed in State statutes.

Lists of expenditures, appropriate financial reports, and budget comparison reports shall be submitted monthly to the Board to keep members informed as to the status of the budget and overall financial condition of the School.

During the fiscal year, if the Superintendent deems that actual revenues are less than estimated revenues (including the available equity upon which the appropriations from the fund were based), the Superintendent shall recommend to the Board amendments to the General Appropriations Act in order to prevent expenditures from exceeding revenues.

Adopted 1/11/10  
Revised 9/9/19

## **PURCHASING**

Source: MCL 380.1267, 380.1274 et seq.

Procurement of all supplies, materials, equipment, and services paid for from School funds shall be made in accordance with all applicable federal and State statutes, Board policies, and administrative procedures. Standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award, and administration of contracts are established in Policy 1130, Policy 3110, and Policy 4110 (as applicable) – Conflict of Interest.

All procurement transactions shall be conducted in a manner that encourages full and open competition and in accordance with good administrative practice and sound business judgment.

Each year the State of Michigan informs the School of the legal amount for purchases which require a formal bidding process of a single item.

It is the policy of the Board that the Superintendent adhere to the following:

- A. Seek informal price of three (3) quotations on any and all purchases except in cases of emergency or instances when the materials purchased are of such a nature that price negotiations would not result in savings to the School.
- B. When the purchase of, and contract for, single items of supplies, materials, or equipment is less than the amount allowed by State statute, but exceeds \$5000 shall require the Superintendent to conduct a Selective Review to acquire (3) competitive price quotations, whenever possible.

### Selective Reviews

When you are going to let a new contract, that does not require an RFP and bidding process, it is best to conduct a selective review. In this process you review at least (3) vendors against pre-established criteria in order to select the best vendor.

Steps in the Process:

- A. Pull together a representative committee of stakeholders.
- B. Hold a meeting to determine the elements you are looking for and the criteria you will use to judge and compare the vendors.
- C. Give committee members time to scout around for vendors that they would like to evaluate.
- D. Choose a period of time in which you will invite each vendor to submit their materials and proposals and make a presentation to the committee.

- E. Close the review period and hold a selection meeting with the committee at which time the committee will make their final recommendation using the criteria established in Step 2.
- F. Submit the tentative contract from the chosen vendor to Legal.
- G. After Legal has rendered their opinion, submit the committee's recommendation to the Budget and Finance Committee. Include materials from all vendors reviewed in the recommendation package.
- H. If the item is accepted by the Budget and Finance Committee, a recommendation for approval will be made to the Board of Directors.

Purchases in excess of the dollar amount permitted by State statute shall have at least three (3) competitive bids, whenever possible, for substantiation of purchase and shall require approval of the Board prior to purchase.

#### Competitive Bids

Bids shall be sealed and shall be opened by the Board President or designee in the presence of at least one (1) witness. All orders or contracts shall be awarded to the lowest responsible bidder; however, consideration can be given to the following:

- A. the quality of the item(s) to be supplied;
- B. its conformity with specifications;
- C. suitability to the requirements of the school;
- D. delivery terms;
- E. past performance of vendor and community pressure.

For purposes of this preference a Michigan-based business means a business that would qualify for a Michigan preference for procurement contracts under M.C.L.A. 18.1268, which requires that the businesses certify that since inception or during the last twelve (12) months it has done one of the following:

- A. have filed a Michigan business tax return showing an allocation of income tax base to Michigan
- B. have filed a Michigan income tax return showing income generated in or attributed to Michigan
- C. withheld Michigan income tax from compensation paid to the bidder's owners and remitted the tax to the Michigan Department of Treasury

This preference shall not apply to any procurement or project using Federal funds, nor shall it be used if it would violate any Federal law or requirements.

The Board reserves the right to reject any and all bids.

### Bid Protest

A bidder who wishes to file a bid protest must file such notice and follow procedures prescribed by the Request For Proposals (RFP) or the individual bid specifications package, for resolution. Bid protests must be filed in writing with the Superintendent within seventy-two (72) hours of the opening of the bids in protest.

Notice of the filing of a bid protest shall be communicated to the Board. Within five (5) days of receipt of a protest, the Budget and Finance Committee shall review the protest as submitted and make a recommendation to the Board regarding the merits of the protest and any impact on the acceptance and rejection of bids submitted.

Failure to file a notice of intent to protest, or failure to file a formal written protest within the time prescribed, shall constitute a waiver of proceedings.

### General Provisions

All contracts must first be presented to the Budget and Finance Committee for review and recommendation to the Board of Directors for approval.

The Board should be advised, for prior approval, of all purchases of equipment, materials, and services, when the purchase exceeds the line item.

The Superintendent is authorized to make emergency purchases, without prior approval, of those goods and/or services needed to keep the school in operation. Such purchases shall be brought to the Board's attention at the next regular meeting.

In order to promote efficiency and economy in the operation of the school, the Board requires that the Superintendent periodically estimate requirements for standard items or classes of items and make quantity purchases on a bid basis to procure the lowest cost consistent with good quality.

Whenever storage facilities or other conditions make it impractical to receive total delivery at any one time, the total quantity to be shipped but with staggered delivery dates, shall be made a part of the bid specifications.

Before placing a purchase order, the Superintendent shall check as to whether the proposed purchase is subject to bid, whether sufficient funds exist in the budget, and whether the material might be available elsewhere in the school. All purchase orders shall be numbered consecutively.

In the interests of economy, fairness, and efficiency in its business dealings, the Board requires that:

- A. where the requisitioner has recommended a supplier, the Superintendent may make alternate suggestions to the requisitioner if, in his/her judgment, better service, delivery, economy, or utility can be achieved by changing the proposed order;

- B. upon the placement of a purchase order, the Superintendent shall commit the expenditure against a specific line item to guard against the creation of liabilities in excess of appropriations.

The Superintendent shall determine the amount of purchase which shall be allowed without a properly signed purchase order. Employees may be held personally responsible for anything purchased without a properly signed purchase order or authorization.

The Board may acquire office equipment as defined in law by lease, by installment payments, by entering into lease-purchase agreements, or by lease with an option to purchase, provided the contract sets forth the terms of such a purchase.

#### Procurement – Federal Grants

The Superintendent shall maintain a procurement and contract administration system in accordance with the United States Department of Education requirements (34 CFR 80.36) for the administration and management of Federal grants and federally-funded programs. The School shall maintain a compliance system that requires contractors to perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders. Except as otherwise noted, procurement transactions shall conform to the provisions of this policy and administrative guidelines (AG 6320).

Adopted 1/11/10  
Revised 6/10/13; 1/11/16; 9/9/19

## **NEW SCHOOL CONSTRUCTION, RENOVATION**

References: MCL 380.1267  
M.C.L. 380.1264

Before commencing construction of any new school building or the major renovation of an existing school building, the Board shall consult on the plans for construction or major renovation regarding school safety issues with the law enforcement agency that is the first responder for the school building at issue. For purposes of this paragraph, school building means any building intended to be used to provide instruction to students and any recreational or athletic structure or field intended to be used by students.

Before beginning construction of a new school building, or an addition, repair or renovation of an existing school building, except emergency repairs, the Board of Directors, shall obtain competitive bids on all the material and labor required for the complete construction of a proposed new building or addition to or repair or renovation of an existing school building which exceeds the State statutory limit.

This policy does not apply to buildings, renovations, or repairs costing less than the statutory limit or to repair work normally performed by School employees.

The Board shall advertise for the bids required under subsection:

- A. By placing an advertisement for bids at least once in a newspaper of general circulation in the area where the building or addition is to be constructed or where the repair or renovation of an existing building is to take place and by posting an advertisement for bids for at least two (2) weeks on the Department of Management and Budget website on a page on the website maintained for this purpose or on a website maintained by a school organization and designated by the Department of Management and Budget for this purpose.
- B. By submitting the request for bids for placement on the Michigan Department of Management and Budget's website for school organizations, including a link to the School's website.
- C. The advertisement for bids shall do all of the following:
  1. specify the date and time by which all bids must be received by the Board at a designated location;
  2. state that the Board will not consider or accept a bid received after the date and time specified for bid submission;
  3. identify the time, date, and place of a public meeting at which the Board or its designee will open and read aloud each bid received by the Board by the date and time specified in advertisement;
  4. state that the bid shall be accompanied by a sworn and notarized statement disclosing any familial relationship that exists between the owner or any employee of the bidder and any member of the Board or the Administrator of the School. A Board shall not accept a bid that does not include this sworn and notarized disclosure statement.

- D. The Board shall require each bidder for a contract under this policy, to file with the Board security in an amount not less than 1/20 of the amount of the bid conditioned to secure the School from loss or damage by reason of the withdrawal of the bid or by the failure of the bidder to enter a contract for performance, if the bid is accepted by the Board.
- E. The Board shall not open, consider, or accept a bid that the Board receives after the date and time specified for bid submission in the advertisement for bids as described in subsection C of this policy.
- F. At a public meeting identified in the advertisement for bids described in subsection C of this policy, the Board or its designee shall open and read aloud each bid that the Board received at or before the time and date for bid submission specified in the advertisement for bids. The Board may reject any or all bids, and if all bids are rejected, shall re-advertise in the manner required by this policy.
- G. The competitive bid threshold amount specified in this policy (\$24,459 for 2019) is adjusted each year by multiplying the amount for the immediately preceding year by the percentage by which the average consumer price index for all items for the twelve (12) months ending August 31<sup>st</sup> of the year in which the adjustment is made differs from that index's average for the twelve (12) months ending on August 31<sup>st</sup> of the immediately preceding year and adding that product to the maximum amount that applied in the immediately preceding year, rounding to the nearest whole dollar. The current exempt amount must be confirmed with the Michigan Department of Education prior to issuing contracts for construction

Adopted 1/11/10  
Revised 2/11/19; 6/24/19; 9/9/19



## **PROCUREMENT – FEDERAL GRANTS/FUNDS**

Reference:

2 C.F.R. 200.317 - .326, Appendix II to Part 200  
2 C.F.R. 200.520

Procurement of all supplies, materials, equipment, and services paid for from Federal funds or School matching funds shall be made in accordance with all applicable Federal, State, and local statutes and/or regulations, the terms and conditions of the Federal grant, Board policies, and administrative procedures.

The Superintendent shall have and use a procurement and contract administration system in accordance with the USDOE requirements (2 CFR 200.317-.326), including affirmative steps for small and minority businesses and women's business enterprises, for the administration and management of Federal grants and Federally-funded programs. The Superintendent shall maintain oversight that requires contractors to perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders. Except as otherwise noted, procurement transactions shall conform to the provisions of the School's documented general purchasing Policy 6320 and AG 6320.

All Federally-funded contracts in excess of \$2,000 related to construction, alteration, repairs, painting, decorating, etc. must comply with Davis-Bacon prevailing wage requirements.

All School employees, whether employed by the Board or by an Educational Service Provider, all officers of the School, and all agents of the School who have purchasing authority shall abide by the standards of conduct covering conflicts of interest and governing the actions of its employees, whether employed by the Board or by an Educational Service Provider, officers, and agents engaged in the selection, award, and administration of contracts as established in Policy 1130 and Policy 3110 – Conflict of Interest.

The School will avoid acquisition of unnecessary or duplicative items. Additionally, consideration shall be given to consolidating or breaking out procurements to obtain a more economical purchase. And, where appropriate, an analysis shall be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach. These considerations are given as part of the process to determine the allowability of each purchase made with Federal funds.

To foster greater economy and efficiency, the School may enter into State and local intergovernmental agreements where appropriate for procurement or use of common or shared goods and services.

### **Competition**

All procurement transactions for the acquisition of property or services required under a Federal award paid for from Federal funds or School matching funds shall be conducted in a manner that encourages full and open competition and that is in accordance with good administrative practice and sound business judgement. In order to promote objective contractor performance and eliminate unfair competitive advantage, the School shall exclude any contractor that has developed or drafted specifications, requirements, statements of work, or invitations for bids or requests for proposals from competition for such procurements.

Some of the situations considered to be restrictive of competition include, but are not limited to, the following:

- A. unreasonable requirements on firms in order for them to qualify to do business;
- B. unnecessary experience and excessive bonding requirements;

- C. noncompetitive pricing practices between firms or between affiliated companies;
- D. noncompetitive contracts to consultants that are on retainer contracts;
- E. organizational conflicts of interest;
- F. specification of only a "brand name" product instead of allowing for an "*or equal*" product to be offered and describing the performance or other relevant requirements of the procurement; and
- G. any arbitrary action in the procurement process.

Further, the School does not use statutorily or administratively imposed State, local, or tribal geographical preferences in the evaluation of bids or proposals, unless (1) an applicable Federal statute expressly mandates or encourages a geographic preference; or (2) the School is contracting for architectural and engineering services, in which case geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

To the extent that the School uses a pre-qualified list of persons, firms or products to acquire goods and services that are subject to this policy, the pre-qualified list includes enough qualified sources as to ensure maximum open and free competition. The School allows vendors to apply for consideration to be placed on the list continuously.

The School shall require that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to provide maximum open and free competition. The School shall not preclude potential bidders from qualifying during the solicitation period.

#### **Solicitation Language (Purchasing Procedures)**

The School shall have written procurement procedures that require that all solicitations made pursuant to this policy incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description shall not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured and, when necessary, shall set forth those minimum essential characteristics and standards to which it shall conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible.

When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a "brand name or equivalent" description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which shall be met by offers shall be clearly stated; and identify all requirements which the offerors shall fulfill and all other factors to be used in evaluating bids or proposals.

The School will not approve any expenditure for an unauthorized purchase or contract.

#### **Procurement Methods**

The School shall have and use documented procedures, consistent with the standards described above for the following methods of procurement:

##### **A. Informal Procurement Methods**

When the value of the procurement for property or services under a Federal award does not exceed the simplified acquisition threshold, or a lower threshold established by the State, formal procurement methods are not required. The School may use informal procurement methods to expedite the completion of its transactions and minimize the associated administrative burden and cost. The informal methods used for procurement of property or services at or below the simplified acquisition threshold include:

1. Micro-purchases

Procurement by micro-purchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed \$5,000. To the maximum extent practicable, the School should distribute micro-purchases equitably among qualified suppliers. Micro-purchases may be made without soliciting competitive quotations if Superintendent considers the price to be reasonable based on research, experience, purchase history or other relevant information and documents are filed accordingly. The School shall maintain evidence of this reasonableness in the records of all purchases made by this method.

2. Small Purchases

Small purchases include the acquisition of property or services, the aggregate dollar amount of which is higher than the micro-purchase threshold but does not exceed the simplified acquisition threshold. Small purchase procedures require that price or rate quotations shall be obtained from an adequate number of qualified sources.

Academies are responsible for determining an appropriate simplified acquisition threshold based on internal controls, an evaluation of risk, and its documented procurement procedures which must not exceed the threshold established in the Federal Acquisition Regulations (FAR). When applicable, a lower simplified acquisition threshold used by the non-Federal entity must be authorized or not prohibited under State, local, or tribal laws or regulations.

## B. Formal Procurement Methods

When the value of the procurement for property or services under a Federal award exceeds the simplified acquisition threshold, or a lower threshold established by the State, formal procurement methods are required. Formal procurement methods require following documented procedures. Formal procurement methods also require public advertising unless a non-competitive procurement method can be used in accordance with the standards on competition in C.F.R. 200.319 or non-competitive procurement. The formal methods of procurement are:

1. Sealed Bids

Sealed, competitive bids shall be obtained when the purchase of, and contract for, single items of supplies, materials, or equipment which amounts more than to the amount allowed by Michigan statute and when the Board determines to build, repair, enlarge, improve, or demolish an School building/facility the cost of which will exceed the amount allowed by Michigan statute.

In order for sealed bidding to be feasible, the following conditions shall be present:

- a. a complete, adequate, and realistic specification or purchase description is available;
- b. two (2) or more responsible bidders are willing and able to compete effectively for the business; and
- c. the procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.

When sealed bids are used, the following requirements apply:

- a. Bids shall be solicited in accordance with the provisions of State law and Policy 6320. Bids shall be solicited from an adequate number of qualified suppliers, providing sufficient response time prior to the date set for the opening of bids. The invitation to

bid shall be publicly advertised.

- b. The invitation for bids will include product/contract specifications and pertinent attachments and shall define the items and/or services required in order for the bidder to properly respond.
- c. All bids will be opened at the time and place prescribed in the invitation for bids; bids will be opened publicly.
- d. A firm fixed price contract award will be made in writing to the lowest responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs shall be considered in determining which bid is lowest. Payment discounts may only be used to determine the low bid when prior experience indicates that such discounts are usually taken.
- e. The Board reserves the right to reject any or all bids for sound documented reason.

## 2. Proposals

Procurement by proposals is a method in which either a fixed price or cost-reimbursement type contract is awarded. Proposals are generally used when conditions are not appropriate for the use of sealed bids or in the case of a recognized exception to the sealed bid method. (See Policy 6320 for competitive bid procedures.)

If this method is used, the following requirements apply:

- a. Requests for proposals shall be publicized and identify all evaluation factors and their relative importance. Any response to the publicized requests for proposals shall be considered to the maximum extent practical.
- b. Proposals shall be solicited from an adequate number of sources.
- c. The School shall use its written method for conducting technical evaluations of the proposals received and for selecting recipients.
- d. Contracts shall be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered.

The School may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E that firms are a potential source to perform the proposed effort.

## 3. Noncompetitive Procurement

Procurement by noncompetitive proposals allows for solicitation of a proposal from only one source and may be used only when one or more of the following circumstances apply:

- a. micro-purchases
- b. the item is available only from a single source
- c. the public exigency or emergency for the requirement will not permit a delay resulting from publicizing a competitive solicitation

- d. the Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the School
- e. after solicitation of a number of sources, competition is determined to be inadequate.

### **Domestic Preference for Procurement**

As appropriate and to the extent consistent with law, the School shall, to the extent practicable under a Federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States. Such requirements shall be included in all subawards including all contracts and purchase orders for work or products under the Federal award.

### **Contract/Price Analysis**

The School shall perform a cost or price analysis in connection with every procurement action in excess of \$250,000, including contract modifications. A cost analysis generally means evaluating the separate cost elements that make up the total price, while a price analysis means evaluating the total price, without looking at the individual cost elements.

The method and degree of analysis is dependent on the facts surrounding the particular procurement situation; however, the School shall come to an independent estimate prior to receiving bids or proposals.

When performing a cost analysis, the School shall negotiate profit as a separate element of the price. To establish a fair and reasonable profit, consideration is given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.

### **Time and Materials Contracts**

The School uses a time and materials type contract only (1) after a determination that no other contract is suitable; and (2) if the contract includes a ceiling price that the contractor exceeds at its own risk. Time and materials type contract means a contract whose cost to the School is the sum of the actual costs of materials, and direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.

Since this formula generates an open-ended contract price, a time-and-materials contract provides no positive profit incentive to the contractor for cost control or labor efficiency. Therefore, the School sets a ceiling price for each contract that the contractor exceeds at its own risk. Further, the School shall assert a high degree of oversight in order to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.

### **Suspension and Debarment**

The School will award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of the proposed procurement. All purchasing decisions shall be made in the best interests of the School and shall seek to obtain the maximum value for each dollar expended. When making a purchasing decision, the School shall consider such factors as (1) contractor integrity; (2) compliance with public policy; (3) record of past performance; and (4) financial and technical resources.

The Superintendent, with Board approval, shall have the authority to suspend or debar a person/corporation, for cause, from consideration or award of further contracts. The School is subject to and shall abide by the nonprocurement debarment and suspension regulations implementing Executive Orders 12549 and 12689, 2 CFR Part 180.

Suspension is an action taken by the School that immediately prohibits a person from participating in covered transactions and transactions covered under the Federal Acquisition Regulation (48 CFR chapter 1) for a temporary period, pending completion of an agency investigation and any judicial or administrative proceedings that may ensue. A person so excluded is suspended. (2 CFR Part 180 Subpart G)

Debarment is an action taken by the Superintendent, with Board approval, to exclude a person from participating in covered transactions and transactions covered under the Federal Acquisition Regulation (48 CFR chapter 1). A person so excluded is debarred. (2 CFR Part 180 Subpart H)

The School shall not subcontract with or award subgrants to any person or company who is debarred or suspended. For contracts over \$25,000, the School shall confirm that the vendor is not debarred or suspended by either checking the Federal government's System for Award Management, which maintains a list of such debarred or suspended vendors at [www.sam.gov](http://www.sam.gov); collecting a certification from the vendor; or adding a clause or condition to the covered transaction with that vendor. (2 CFR Part 180 Subpart C)

### **Bid Protest**

The School maintains the following protest procedures to handle and resolve disputes relating to procurements and, in all instances, discloses information regarding the protest to the awarding agency.

A bidder who wishes to file a bid protest shall file such notice and follow procedures prescribed by the Request For Proposals (RFPs) or the individual bid specifications package, for resolution. Bid protests shall be filed in writing with the Superintendent within seventy-two (72) hours of the opening of the bids in protest.

Within five (5) days of receipt of a protest, the Superintendent shall review the protest as submitted and render a decision regarding the merits of the protest and any impact on the acceptance and rejection of bids submitted. Notice of the filing of a bid protest shall be communicated to the Board and shall be so noted in any subsequent recommendation for the acceptance of bids and awarding of contracts.

Failure to file a notice of intent to protest, or failure to file a formal written protest within the time prescribed, shall constitute a waiver of proceedings.

### **Maintenance of Procurement Records**

The School shall maintain records sufficient to detail the history of all procurements. These records will include, but are not necessarily limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price (including a cost or price analysis).

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Adoption Date: **10.16**

Classification: **Legally Required**

Revised Dates: **2/11/19; 6/24/19; 9/9/19; 7/12/21; 06.22**

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## **CONFLICT OF INTEREST - LEGAL COUNSEL, ADVISORS, OR CONSULTANTS**

Reference: M.C.L. 380.1203

A person serving as the legal counsel to the Academy or otherwise acting as an advisor or consultant to the Board of Directors, who believes or has reason to believe that the s/he has a conflict of interest with regard to a contract or other financial transaction that requires the approval of the Board shall disclose the conflict of interest to the Board before the vote on the contract or other financial transaction.

Such a person is presumed to have conflict of interest if the person or his/her family member has financial interest or a competing financial interest in the contract or other financial transaction under consideration by the Board.

"Family member" means a person's spouse or spouse's sibling or child; a person's sibling or sibling's spouse or child; a person's child or child's spouse; or a person's parent or parent's spouse; and includes these relationships as created by adoption or marriage.

Having a child in the School does not alone constitute a conflict of interest or financial interest in a contract or other financial transaction of the School.

See Bylaw 0144.3

Adopted 1/13/14  
Revised 9/9/19

## **PURCHASING CARDS**

The Board recognizes that bank credit cards ("purchasing cards") offer an alternative to existing procurement processes and provide a convenient, efficient method of purchasing goods and services. Employees authorized by the School Leader to use purchasing cards only for Academy-related purposes in accordance with this policy and administrative guidelines to be developed by the School Leader and Superintendent. Purchasing cards shall not be used to circumvent the general purchasing procedures required by State law and Board policy.

All approved cardholders must abide by purchasing card procedures and regulations set forth in this policy and relevant administrative guidelines. All transactions must be made by the individual to whom the card is issued.

To obtain a purchasing card, approved employees must provide the bank issuing the card with all personal information required by the bank to issue a card.

The School Leader and Superintendent shall conduct independent regular reviews of each cardholder's activity to verify that the purchasing card is being used in accordance with this policy and administrative guidelines. Card holders must keep receipts from all purchases made and provide receipts upon request. Prices for commonly priced items should be periodically verified to prevent schemes of purposeful price inflation.

Cardholders must use common sense and good judgement when using Academy resources. This policy and related administrative guidelines cannot cover every issue, exception, or contingency that may arise during the cardholder's use of the purchasing card.

Cardholders will immediately surrender their cards upon request of School Leader and Superintendent and shall surrender their cards upon separation from employment. Cardholders are required to take reasonable prudent measures to protect the use and custody of the card and shall immediately notify the School Leader and Superintendent if the card is lost or stolen.

The purchasing card may never be used to purchase alcohol or personal items or services. The personal gain of credit card rewards such as bonus points, frequent flyer miles, or any other affinity program reward by the employee/cardholder is prohibited under any circumstances.

Misuse of the purchasing card may result in disciplinary action, including termination.

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Adoption Date: **12.21**  
Classification: **Best Practice**  
Revised Dates: ;

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## **COOPERATIVE PURCHASING**

Reference:MCL 124.1 et. seq.

The Board of Directors recognizes the advantages of centralized purchasing since buying in volume tends to maximize value for each dollar spent. The Board, therefore, encourages the Superintendent to seek advantages in savings that may accrue to the School through joint agreements with the governing body of other governmental units for the purchase of supplies, equipment, or services.

The Board authorizes the Superintendent to negotiate joint purchase agreements with governmental contracting units for services, supplies, and equipment required from time to time by the Board, which the Board may otherwise lawfully purchase for itself. Such purchase agreements must be in accordance with State law, the policies of this Board, and the dictates of sound purchasing procedures.

Cooperative or joint purchases require an agreement, approved by the Board and the participating contracting body, that specifies the categories of equipment and supplies to be purchased; the manner of advertising for bids and of awarding contracts; the method of payment by each participating party; and such other matters as may be deemed necessary to carry out the purposes of the agreement. Such agreements are subject to all legal bidding requirements.

Adopted 1/11/10  
Revised 9/9/19

## **VENDOR RELATIONS**

Reference:

MCL 15.321 et. seq.

Neither the Board of Directors nor the Superintendent shall knowingly enter a contract with any supplier of goods or services with which any Board member or officer, staff member, or agent of this School has any financial or beneficial interest (direct or indirect), unless that person has neither solicited the contract nor participated in the negotiations leading up to the contract. This prohibition shall not prevent any person from receiving royalties upon the sale of any textbook that the person has authored and/or that has been approved for use in the School.

For the purpose of this policy, "*beneficial interest*", shall be determined in accordance with MCL 15.321 et seq.

Board members and School personnel shall not accept any gifts or favors from vendors that might influence the eventual purchase of equipment, supplies, or services.

All sales persons, regardless of product, shall register with the Superintendent's office before contacting any teachers, students, or other personnel of the School. Purchasing personnel shall not show any favoritism to any vendor. In accordance with the policies of the Board, each order shall be placed on the basis of quality, price, and delivery (with past service a factor if all other considerations are equal).

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Adoption Date: **01.10**

Classification: **Legal Content**

Revised Dates: **9/9/19; 12.22**

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## **PAYMENT OF CLAIMS**

Reference: MCL 380.1274

The Board of Directors directs the prompt payment of legitimate claims by suppliers of goods and services to the School.

Each bill or obligation of this Board must be fully itemized and verified before a warrant can be drawn for its payment.

When an invoice is received, the Superintendent shall verify the following: a voucher is submitted properly; acceptable goods were received or satisfactory services rendered; the expenditure is included in the Board's budget and funds are available for its payment; and the amount of the invoice is correct.

All payments shall be submitted for Board review in the form of a list, including the vendor's name; the number and amount of the payment check; and a description of the item.

Adopted 1/11/10  
Revised 9/9/19

## **PAYROLL AUTHORIZATION**

All payroll functions shall be the responsibility of the Employee Leasing Company (ELC), the employer of record for all staff.

Adopted 1/11/10  
Revised

## PAYROLL DEDUCTIONS

Reference: MCL 380.1224, 408.477; 423.210 (2012 P.A. 53)  
Michigan OAG 7187 (2006)  
Michigan Education Ass'n v. Sec. of State. 489 Mich.194 (2011)

The Board of Directors through its Employee Leasing Company (ELC) authorizes, in accordance with the provisions of law or upon proper authorization on the appropriate form that deductions be made from an employee's paycheck for the following purposes:

- A. Federal and State income tax;
- B. Social Security;
- C. Municipal income tax;
- D. Direct deposit in a chartered credit union and/or bank;
- E. Court ordered judgments.

Deductions are not allowed for dues or service fees for a labor organization or for contributions to political action committees. [Note: The prohibition on deduction of union dues or services fees is effective as of March 16, 2012, unless a collective bargaining agreement was in effect as of that date, then it becomes effective with the date of expiration, renewal or extension of that bargaining agreement.]

To the extent permitted by law and in accordance with procedures set forth below, the Board declares its willingness to enter into an agreement with any of its employees whereby the employee agrees to take a reduction in salary with respect to amounts earned after the effective date of such agreement in return for the Board's agreement to use a corresponding amount to purchase an annuity for such employee (or group of employees desiring the same annuity company) from any company authorized to transact the business as specified in law in accordance with Section 403(b) of the Internal Revenue Code, and in accordance with the School's Administrative Guidelines. However, it shall be clearly understood that the Board's only function shall be the deduction and remittance of employee funds.

In any case where the employee designates the agent, broker or company through whom the board shall arrange for the placement or purchase of the tax-sheltered annuity, the agent, broker or company must execute a reasonable service agreement, an information sharing agreement, and/or other similar agreements as determined at the discretion of the School. The service agreement shall include a provision that protects, indemnifies, and holds the School harmless from any liability attendant to procuring the annuity in accordance with provisions of the Internal Revenue Code and other applicable Federal or State law.

The Board, by providing employees with payroll deduction services for annuities, is not providing any financial advice to employees, and is not vouching for the suitability of any investment or any annuity provider. The School assumes no responsibility or liability for any investment decisions or losses with respect to employee annuity purchases.

Said agreement shall comply with all of the provisions of law and may be terminated as said law provides upon notice in writing by either party. Employees shall notify the Superintendent's Office and its Employee Leasing Company (ELC) in writing if they wish to participate in such a program.

The Employee Leasing Company shall be responsible for all payroll functions.

Adopted 1/11/10

Revised 1/10/12; 1/13/14; 9/9/19

## **TRAVEL PAYMENT & REIMBURSEMENT**

Reference: 2 CFR 200.474

Travel expenses incurred for official business travel on behalf of the Board of Directors shall be limited to those expenses reasonably and necessarily incurred by the employee in the performance of a public purpose authorized, in advance, in accordance with any applicable administrative guidelines.

Payment and reimbursement rates for per diem meals, lodging, and mileage shall be approved by the Board annually. The Board shall utilize the Federal IRS prescribed mileage rate.

Employees are expected to exercise the same care incurring travel expenses that a prudent person would exercise if traveling on personal business and expending personal funds. Unauthorized costs and additional expenses incurred for personal preference or convenience will not be reimbursed.

Unauthorized expenses include but are not limited to alcohol, movies, fines for traffic violations, and the entertainment/meals/lodging of spouses or guests.

Travel payment and reimbursement provided from Federal funds must be authorized in advance by the Federal awarding agency or pass-through entity and must be reasonable and consistent with the School's travel policy and administrative guidelines. For travel authorized by and paid for with Federal funds, the travel authorization must include documentation that demonstrates that (1) the participation in the event by the individual traveling is necessary to the Federal award; and (2) the costs are reasonable and consistent with the School's travel policy.

All costs incurred with Federal funds must meet the School's cost allowability standards.

To the extent that the School's policy does not establish the allowability of a particular type of travel cost, the rates and amounts established under 5 U.S.C. 5701-11, ("Travel and Subsistence Expenses; Mileage Allowances"), or by the Administrator of General Services, or by the President (or his/her designee), must apply to travel under Federal awards.

Adopted 1/11/16  
Revised 9/12/16; 9/9/19

## **CROWDFUNDING**

This policy applies to the use of any form of crowdfunding utilizing an online service or website-based platform for the financial benefit or gain of the School – be it a specific classroom, grade level, department, school, or curricular or extracurricular activity.

“Crowdfunding” is defined as the solicitation of resources from individuals and/or organizations to support identified activities or projects that enhance the educational program or a specific cause approved by the School. The solicitation is typically from a large number of individuals/organizations utilizing internet-based technologies.

The Board of Directors does not permit or sanction the use of crowdfunding for School or specific school programs or activities, including co-curricular or extracurricular activities.

Adopted 01/09/17  
Revised 6/24/19; 9/9/19



## **PETTY CASH**

The Board of Directors recognizes the convenience afforded the day-by-day operation of the School by the establishment of a petty cash fund. The Board shall require the imposition of such controls necessary to prevent possible abuse of this fund.

The custodian (Superintendent) of the petty cash fund shall ensure that the funds in his/her care shall be disbursed only for minor expenditures not readily deferred. The petty cash fund may not be used to circumvent the purchasing procedures required by law and by the policies of this Board. A request for petty cash funds must be made in writing, must be signed by the person making the request, and must include appropriate supporting documentation. The petty cash box must be secured daily.

The custodian (Superintendent) of the petty cash fund shall prepare a schedule of disbursements, when the funds available in petty cash have declined to less than twenty-five percent (25%) of the full amount authorized, and shall show the disbursements by line account numbers. The custodian (Superintendent) of the fund shall submit the schedule and supporting documentation to the Finance Office requesting replenishment of the same amount.

The petty cash fund will be audited by the Board Accountant intermittently throughout the school year.

Adopted 9/9/19

## **TRUST AND AGENCY FUND**

The Board of Directors directs the establishment of a Trust and Agency Fund for the financial administration of scholarships and other trusts approved by the Board and operated for the benefit of students.

The Superintendent shall be responsible for the administration of the Trust and Agency Fund. The Fund will be audited annually and administered under appropriate accounting controls. The books of account will record income and expenses separately for each approved area.

Adopted 1/11/10  
Revised 9/9/19

## RECOGNITION

Reference: MCL 380.634

The purpose of this policy is to permit the Board of Directors to honor the School staff, former Board members, and other persons, with plaques, pins, token retirement gifts and awards, and other amenities.

Upon recommendation of the Superintendent, the Board may consider the presentation of token gifts to individuals and/or groups who have rendered service to the School. The use of public funds for the purchase of a plaque, medal, trophy, or other award for the recognition of any employee, volunteer, or student may not exceed \$100 per recipient.

Public funds under the control of the School may NOT be used to purchase alcoholic beverages, jewelry, gifts, fees for golf, or any item whose purchase or possession is illegal. Any such expenditure violates this policy.

Beginning January 1, 2005, the monetary amount for recognition awards will be adjusted annually by the State. On or before December 15th of each year, the State will, upon request, provide the adjusted limit or, if the index is unavailable, the State will provide a reasonable approximation.

The Board authorizes expenses incurred as listed above only when they serve a public purpose. Public purposes include, but are not limited to, the following: the promotion of education; rapport with the business community; community relations; and the encouragement of non-employees to serve as volunteers.

The funds shall be made available from the General Fund.

Adopted 1/11/10  
Revised 9/9/19

## **SYSTEM OF ACCOUNTING**

Reference: MCL 41.422 et seq., 141.421 et seq., 380.503  
AC Rule R340.351 et seq.

The Board of Directors shall establish a chart of accounts, in accordance with the requirements of the State Department of Education, for the accounting of all School funds. To protect the financial investment of the School against catastrophic loss, the Superintendent is responsible for an accounting of all capital assets. Further, the Superintendent will establish procedures and regulations necessary to properly account for capital assets, to comply with generally accepted accounting principles (GAAP), and to ensure the School's capital assets are properly insured.

### GASB 84

The School's system of accounting shall comply with all applicable requirements of the Governmental Accounting Standards Board, Statement No. 84 (GASB 84). In accordance with GASB 84, the Academy will report applicable fiduciary activities as identified in either the private purpose trust fund or the custodial fund. Typically, these activities include recognized student and academy-related activity funds held in a bank account maintained by the School. These funds shall be subject to the accounting and requirements specified in the Michigan Public Schools Accounting Manual. An activity not identified as a fiduciary activity under GASB 84 will be deemed a governmental activity and will be reported in a governmental fund.

### GASB 54

The Superintendent shall also be responsible for the proper accounting of all School funds. He/She shall ensure expenditures are budgeted under, and charged against, those accounts that most accurately describe the purpose for which such monies are to be spent or have already been spent. Wherever appropriate and practicable, salaries of individual employees, expenditures for single pieces of equipment, and the like shall be prorated under the several accounts that most accurately describe the purposes for which such monies are to be spent or have already been spent.

The Superintendent is responsible for implementing procedures and practices to determine the following: capitalization policies for School assets (i.e., which assets will be capitalized and depreciated over their estimated useful life versus which assets will be expensed in year of purchase); methods for calculating annual and accumulated depreciation expense for assets (including estimates for asset lives, residual asset values, and depreciation methodology); and procedures for recording gain or loss on sale of capital assets and proceeds from the sale of capital assets, in compliance with GAAP Reporting of estimated cash values or replacement values to School insurance providers.

The Board Accountant shall make a monthly report to the Board on the revenues and expenditures in the General Fund.

The Board's annual financial statements will include information such as the following: beginning and ending balances of capital assets; beginning and ending balances of accumulated depreciation; and total depreciation expense for the fiscal year. These reports shall include the following items: description of significant capital asset activity during the fiscal year (including acquisitions through purchase or donation); sales or dispositions (including the proceeds and gains or losses on the sale); and changes in methods of

calculating depreciation expense or accumulated depreciation (such as estimates of useful life, residual values, and depreciation methodology, such as straight line or other method).

Before implementing or changing procedures, the Superintendent will review the proposed procedure with the CPA appointed by the Board of Directors to conduct the Board's financial audit. The procedures established shall comply with all statutorily required standards and generally accepted accounting procedures.

Adopted 1/11/10  
Revised 9/9/19; 2/10/20

## PUBLIC DISCLOSURE AND REPORTING

Reference: MCL 4.415, 388.1617a, 388.1618, 388.1619, 388.1651a, 15.231 to 15.246, 380.1204a(1), 380.1219  
20 USC 6311

Within fifteen (15) days after the Board of Directors adopts its annual operating budget for the following school fiscal year, or adopts a subsequent revision to that budget, the School shall make all of the following available through a link on its Web site home page in a form and manner prescribed by the State Department of Education ("Department"):

- A. the annual operating budget and subsequent budget revisions
- B. using data that have already been collected and submitted to the Department, a summary of School expenditures for the most recent fiscal year for which they are available, expressed in the following two (2) pie charts:
  1. a chart of personnel expenditures, broken into the following subcategories:
    - a. salaries and wages
    - b. employee benefit costs, including, but not limited to, medical, dental, vision, life, disability, and long-term care benefits
    - c. retirement benefit costs
    - d. all other personnel costs
  2. a chart of all School expenditures, broken into the following subcategories:
    - a. instruction
    - b. support services
    - c. business and administration
    - d. operations and maintenance
  3. links to all of the following:

- a. the audit report of the audit for the most recent fiscal year for which it is available
- b. the School's written policy governing procurement of supplies, materials and equipment
- c. the School's written policy establishing specific categories of reimbursable expenses for a Board member
- d. the School's accounts payable check register for the most recent school fiscal year or a statement of the total amount of expenses incurred by Board members or employees of the School that were reimbursed by the School for the most recent School fiscal year
- e. the annual amount spent on dues paid to associations
- f. the annual amount spent on lobbying or lobbying services
- g. any required deficit elimination plan or enhanced deficit elimination plan
- h. identification of all credit cards maintained by the School as School credit cards, including the identity of all persons authorized to use the cards, the credit limit on each card and the dollar limit, if any, for each person's authorized use of the card
- i. costs incurred for out-of-state travel by the school administrator that is fully or partially paid for by the School and the details of each instance of such travel, including the identification of each individual on the trip, the destination and the purpose
- j. each health care benefits plan, including, but not limited to, medical, dental, vision, disability, long-term care, or any other type of benefits that would constitute health care services, offered to any bargaining unit or employee in the School
- k. the bids required under Section 5 of the Public Employee Health Benefits Act
- l. the total salary and a description and cost of each fringe benefit included in the compensation package for the Superintendent of the School and for each employee of the school whose salary exceeds \$100,000.00

As used in this subdivision, "lobbying" means that term as defined in Section 5 of 1978 PA 472, MCL 4.415.

The Board shall have an audit of the School's financial and pupil accounting records conducted at least annually at the expense of the School. The Board shall retain these records for the current fiscal year and from at least the three (3) immediately preceding fiscal years.

The School's annual financial audit shall include an analysis of the financial and student accounting data used as the basis for distribution of State school aid. The student accounting records and reports, audits, and management letters are subject to requirements established in the auditing and accounting manuals approved and published by the Department.

Not later than November 1<sup>st</sup> of each year, the School shall file its annual financial audit report with all appropriate agencies.

The annual financial audit reports and student accounting procedures reports shall be available to the public in compliance with the Freedom of Information Act.

By November 1<sup>st</sup> of each year, the School shall submit to the Center for Educational Performance Information (CEPI), in a manner prescribed by the CEPI, annual comprehensive financial data consistent with accounting manuals and charts of accounts approved and published by the Department. This submission shall contain the School's web address where the required financial data is posted. The School shall also include a link on its websites to the website where the Department posts this financial information.

By September 30th of each year, the School shall file with the Department the special education actual cost report on a form and in a manner as prescribed by the Department.

The School shall provide to the Department an annual progress report on the implementation of school improvement plans, curriculum, and accreditation as required by "Public Act 25 of 1990."

The School shall comply with the reporting requirements under State and Federal law, including reports to CEPI, as set forth by State law and as directed by CEPI. This shall include by:

- A. June 30th of each year, providing CEPI with information related to safety practices and criminal incidents;
- B. the first business day in December and June 30th of each year, providing CEPI with requested information related to educational personnel;
- C. not later than five (5) weeks after the student membership count day, providing CEPI in a manner prescribed by the CEPI, the information necessary for the preparation of the high school graduation report;



- D. October 7th of each year, providing CEPI with the transportation expenditure report; and
- E. Before July 7<sup>th</sup> of each school fiscal year, providing to CEPI the budgetary assumptions used when adopting the annual budget pursuant to the Uniform Budgeting and Accounting Act if the School had a general fund balance of less than five percent (5%) of total general fund revenues for each of the two (2) most recently completed fiscal years.

Adopted 10/24/11  
Revised 1/11/16; 9/9/19

## 7000 **PROPERTY**

<b>7217</b>	<b>Weapons</b>	<b>LR</b>
7230	Gifts, Grants, and Bequests	BP
<b>7310</b>	<b>Disposition of Surplus Property</b>	<b>LR</b>
7410	Maintenance	BP
7420	Hygienic Management	BP
7430	Safety Standards	LC
<b>7434</b>	<b>Use of Tobacco on Academy Premises</b>	<b>LR</b>
7440	Facility Security	BP
7440.01	Video Surveillance and Electronic Monitoring	LC
<b>7450</b>	<b>Property Inventory</b>	<b>LR</b>
7455	Accounting System for Fixed Assets	BP
7460	Conservation of Natural and Material Resources	BP
7510	Use of Academy Facilities	BP
7530	Lending of Board-Owned Equipment	BP
7530.02	Staff Use of Personal Communication Devices	LC
7540	Technology	LC
7540.01	Technology Privacy	LC
7540.02	Web Accessibility, Content, Services, Apps and Services	LC
<b>7540.03</b>	<b>Student Technology Acceptable Use and Safety</b>	<b>LR</b>
<b>7540.04</b>	<b>Staff Technology Acceptable Use and Safety</b>	<b>LR</b>
7540.05	Academy-Issued Staff E-mail Account	BP
7540.06	Academy-Issued Student E-mail Account	BP
7540.07	Personal Internet Account Privacy – Students	LC
7540.08	Personal Internet Account Privacy – Staff	LC
7541	Electronic Data Processing/Information System Disaster Recovery Plan	BP
7542	Access to Academy Technology Resources and/or Information Resources from Personal Communication Devices	BP
7543	Utilization of the Academy’s Website and Remote Access to the Academy’s Network	BP
7544	Use of Social Media	LC

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Adoption Date: **01.10**

Classification:

Revised Dates: **10/24/11; 8/13/12; 6/10/13; 8/12/13; 1/12/15; 9/12/16;  
01/09/17; 1/8/18; 7/9/18; 9/9/19; 02/10/2020; 7/12/21; 12.21**

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## WEAPONS

Reference: 18 USC. 922  
MCL. 28.425o  
20 USC 4141(g)

The Board of Directors prohibits visitors from possessing, storing, making, or using a weapon in any setting that is under the control and supervision of the Board for the purpose of school activities approved and authorized by the Board including, but not limited to, property leased, owned, or contracted for by the Board, a school-sponsored event, or in a Board-owned vehicle.

State law establishes a "Weapon-Free School Zone" that extends 1,000 feet from the boundary of any school property.

The term "weapon" means any object which, in the manner in which it is used, is intended to be used, or is represented, is capable of inflicting serious bodily harm or property damage, as well as endangering the health and safety of persons. Weapons include, but are not limited to, firearms, guns of any type, including air and gas-powered guns, (whether loaded or unloaded), knives, razors, clubs, electric weapons, metallic knuckles, martial arts weapons, ammunition, and explosives.

The Superintendent shall refer a visitor who violates this policy to law enforcement officials and may take any necessary steps to exclude the visitor from Board property and Board-sponsored events.

Exceptions to this policy include weapons under the control of law enforcement personnel.

These restrictions shall not apply in the following circumstances to persons who are properly licensed to carry a concealed weapon:

- A. A parent or legal guardian of a student of the School, may carry a concealed weapon while in a vehicle on school property, if s/he is dropping the student off at the school or picking up the child from the school.
- B. A county corrections officer, a member of a Sheriff's posse, a police or sheriffs reserve or auxiliary officer, or a State Department of Corrections parole or corrections officer, a private investigator, a Michigan State Police motor carrier officer or Capitol security officer, a State court judge, a security officer required by the employer to carry a concealed weapon while on the premises.
- C. A retired police or law enforcement officer or a retired State court judge.

The Superintendent shall take the necessary steps to prosecute for a violation of the Weapon-Free School Zone.

Adopted 1/11/10  
Revised 9/9/19

## **GIFTS, GRANTS, AND BEQUESTS**

The Board of Directors is duly appreciative of public interest in and good will toward the School, manifested through gifts, grants, and bequests. The Board reserves the right, however, to specify the manner in which gifts are made; to define the type of gift, grant, or bequest it considers appropriate; and to reject those it deems inappropriate or unsuitable. If accepted, the Board will attempt to carry out the wishes of the donor.

All gifts, grants, or bequests may be accepted and acknowledged by the Board.

All gifts, grants, or bequests having a value of more than \$100.00 shall be accepted by the Board. The Superintendent may accept gifts of lesser value for the Board.

All accepted gifts, grants, or bequests shall be acknowledged by the Board.

Gifts, grants, and bequests shall become the property of the Board and will be subject to use by the School, as determined by the policies and the administrative guidelines applying to all properties, equipment, materials, and funds owned by the Board.

Before any equipment is purchased by a parent organization for use in the School or at a School-related event, a written proposal shall be submitted to the Board for approval prior to purchase, so the Board can determine if the School would incur any liability by the use of the equipment. The Board reserves the right to not accept such liability and, thus, deny approval of the proposed purchase.

Adopted 1/11/10  
Revised 9/9/19

## **DISPOSITION OF SURPLUS PROPERTY**

Reference: 2 CFR 200.312, 200.313

The Board of Directors requires the Superintendent to review the property of the School periodically to dispose of that material and equipment no longer usable in accordance with the terms of this policy.

### ***Instructional Material***

The School shall review instructional materials (e.g., textbooks, library books, manuals, support materials, etc.) periodically to determine the relevance of such materials to the present world and current instructional programs. The following criteria will be used to review instructional materials for redistribution and possible disposal:

- A. concepts or content that do not support the current goals of the curriculum;
- B. information that may not be current;
- C. materials or equipment worn beyond salvage.

### ***Equipment***

The School shall inspect the equipment used in the instructional program periodically, to determine the condition and usability of such equipment in the current educational program. Should the equipment be deemed no longer serviceable or usable, the following criteria will be used to determine possible disposal:

- A. repair parts for the equipment are no longer readily available
- B. repair records indicate the equipment has no usable life remaining
- C. obsolete equipment no longer makes a contribution to the educational program
- D. equipment has some potential for sale at an auction
- E. equipment poses a safety or environmental hazard

### ***Disposition***

The Superintendent is authorized to dispose of obsolete instructional and other property through sale to the highest bidder, donation to appropriate parties, or proper waste removal. When original or replacement equipment acquired under a Federal award is no longer needed for the original project or program or for other activities currently or previously supported by a Federal awarding agency, the School shall request disposition instructions from the Federal awarding agency, if required by the terms and conditions of the Federal award. Disposition of the equipment will then be made in accordance with disposition instructions of the Federal awarding agency.

If permitted by applicable law, items of equipment with a current per unit fair market value of \$5,000 or less may be retained, sold or otherwise disposed of with no further obligation to the Federal awarding agency.

Except as provided by applicable regulations or if the Federal awarding agency fails to provide requested disposition instructions within 120 days, items of equipment with a current per-unit fair-market value in excess of \$5,000 may be retained by the School or sold. The Federal awarding agency is entitled to an amount calculated by multiplying the current market value or proceeds from sale by the Federal awarding agency's percentage of participation in the cost of the original purchase. If the equipment is sold, the School may deduct and retain from the Federal share \$500 or ten percent of the proceeds, whichever is less, for its selling and handling expenses.

The School may transfer title to the property to the Federal Government or to an eligible third party provided that, in such cases, the School shall be entitled to compensation for its attributable percentage of the current fair market value of the property.

Adopted 1/11/10  
Revised 9/12/16; 9/9/19

## **MAINTENANCE**

Reference: Public Act 225 of 1993

The Board of Directors recognizes that the fixed assets of this School represent a significant investment, and their maintenance is of prime concern to the Board.

The Board directs the conduct of a continuous program of inspection, maintenance, and rehabilitation for the preservation of the School buildings and equipment. Wherever possible and feasible, maintenance shall be preventive.

For implementation by the custodial and maintenance staff, the Superintendent shall develop a maintenance program that includes the following:

- A. a regular summer program of repairing and conditioning the facilities;
- B. the maintenance of a critical spare parts inventory;
- C. a long-range plan for equipment replacement;
- D. a long-range plan for building modernization;
- E. repair or replacement of equipment or facilities for energy conservation, safety, and/or other environmental concerns.

The Superintendent shall develop and make known to the custodial and maintenance staff whatever guidelines are necessary for the ongoing maintenance and good order of the physical plant and for the expeditious repair of conditions that threaten the safety of the occupants or the integrity of the plant. Such guidelines are to include provision for Handicapped Parking signs that conform to State law.

Adopted 1/11/10  
Revised 9/9/19



## **HYGIENIC MANAGEMENT**

Reference: AC Rule R340.1301

The Board of Directors recognizes the health and physical well-being of the students of this School depend, in large measure, upon the cleanliness and sanitary management of the School.

The Board directs a program of hygienic management be instituted in the School and explained annually to all staff members.

The Board shall request each facility be inspected for cleanliness and sanitation by the Superintendent.

In consultation with the Wayne County Department of Health, the Superintendent and the Maintenance staff shall prepare procedures for handling and disposing of body wastes and fluids. Such procedures shall include the protection of staff members who clean or handle blood or blood-soaked items, vomit, saliva, urine, or feces; the disinfection of surfaces and items in contact with such matter; the disposal of such matter in sealed containers; and the frequent and thorough cleansing of hands and any other body parts that contact such matter.

The Superintendent and Maintenance Contractor shall develop and supervise a program for the cleanliness and sanitary management of the School's buildings, grounds, and equipment pursuant to law.

The cleanliness of the School building shall be the responsibility of the Superintendent.

Adopted 1/11/10  
Revised 9/9/19

## **SAFETY STANDARDS**

Reference: MCL 380.1288  
AC Rule 29.1 et. seq., 340.1301 et. seq.

The Board of Directors believes that the staff and students of this School, as well as visitors, are entitled to function in an environment as free from hazards as can reasonably be provided. In this regard and in accordance with the law, the Board will provide reasonable and adequate protection to the lives, safety, and health of its employees.

The Superintendent shall be responsible for the maintenance of standards in the facilities to prevent accidents and minimize their consequences. He/She shall designate a staff member to conduct periodic audits of health and safety conditions within the facilities of the School in accordance with the Federal OSHA standards adopted by the State and shall take appropriate action on any violations to the Superintendent. This staff member shall also have the authority to organize and direct the activities of a School Safety Committee.

At the beginning of each school year and as frequently thereafter as deemed necessary by the Superintendent, he/she shall check the School's playground for safety. A record of each inspection shall be on file in the School office.

The Superintendent shall assure that the staff members and students of this School are aware of their rights to an environment free of recognized hazards; that they are properly trained in safety methods; that protective devices and equipment are available to meet safety standards; and that proper rules and records are maintained to meet the requirements of the law.

In the event an inspection is made by a representative of the State, the Superintendent shall report the results to the Board at the meeting following the receipt of the State report.

Adopted 1/11/10  
Revised 9/9/19

## USE OF TOBACCO ON ACADEMY PREMISES

Reference: MCL 333.12601 et seq.  
MCL 380.1170  
MCL 750.473  
20 USC 6081 et seq.  
USDOE. Memorandum, 1995  
MDE Board Policy on 24/7 Tobacco-Free Schools

The Board of Directors believes that the right of persons to use tobacco must be balanced against the right of those who do not use tobacco to breathe air untainted by tobacco.

The use of tobacco products of any kind, including but not limited to cigarettes, cigars, pipes, and chewing tobacco, and by any person, is prohibited on School property (including grounds, buildings, and vehicles) and during any School-sponsored activity or event.

In order to protect students and employees who choose not to use tobacco from an environment noxious to them and potentially damaging to their health, the Board prohibits the use of tobacco products on School premises (owned or leased), in school vehicles, at all school sponsored events and in all school buildings owned and/or operated by the School.

For purposes of this policy,

- A. "tobacco product" means a preparation of tobacco to be inhaled, chewed, or placed in a person's mouth.
- B. "use of a tobacco product" means any of the following:
  - 1. the carrying by a person of a lighted cigar, cigarette, pipe, or other lighted smoking device
  - 2. the inhaling or chewing of a tobacco product
  - 3. the placing of a tobacco product within a person's mouth
  - 4. and/or the smoking of electronic, "vapor," or other substitute forms of cigarettes, clove cigarettes or other lighted smoking devices for burning tobacco or any other substance.

The term "tobacco" includes any product that contains tobacco, is derived from tobacco, contains nicotine, or e-cigarettes and other electronic smoking devices (including but not limited to "JUUL's"), but does not include any cessation product approved by the United States Food and Drug Administration for use as a medical treatment to reduce or eliminate nicotine or tobacco dependence.

In order to protect students and staff who choose not to use tobacco from an environment noxious to them, and because the Board does not condone smoking and/or the use of tobacco, the Board prohibits the use of tobacco or tobacco substitute products at all times within any enclosed facility owned or leased or contracted for by the Board, and in the areas directly or indirectly under the control of the Board immediately adjacent to locations of ingress or egress to such facilities. This prohibition extends to any Board-owned and/or operated vehicles used to transport students and to all other Board-owned and/or operated vehicles. Such prohibition also applies to:

- A. School grounds,
- B. athletic facilities, and
- C. any School -related event.

Tobacco may not be advertised or promoted on academy property or at School-controlled events. Therefore, signs, clothing, bags, accessories, and other items promoting tobacco or containing tobacco branding are prohibited on School property and at School-controlled events.

Tobacco companies/products may not sponsor any School activity or project.

Tobacco advertising or promotion is prohibited on signs, clothing (including hats or bags), or sponsorship of School events.

The Superintendent shall:

- A. Communicate the School's Tobacco-Free Policy to students, staff, family members, and visitors, at School events, through signage, and in the student code of conduct;
- B. Develop and implement procedures for consistent and fair enforcement;
- C. Develop educational alternatives to suspension;
- D. Treat violators who are students or staff with disciplinary action in the same magnitude and manner as violations of other School policies;
- E. Ensure that visitors who violate the policy discontinue using the tobacco product or leave the premises;
- F. Include the expectation that the prohibition will be enforced in contracts with outside groups who use the building; and
- G. Coordinate with local law enforcement agencies on enforcement of the Youth Tobacco Act and the Michigan Penal Code related to tobacco use.

The School may provide access to developmentally-appropriate tobacco cessation programs or information about community cessation programs.

Violations of this policy may result in removal from School property or the School activity in accordance with Policy 9150 – School Visitors.

The Superintendent shall designate the individuals and the methods to monitor compliance with this policy.

Adopted 1/11/10  
Revised 10/24/11; 9/9/19; 2/10/20

## **FACILITY SECURITY**

Buildings constitute the greatest financial investment of the School. It is in the best interest of the Board of Directors to protect the School's investment adequately. The buildings and equipment owned by the Board shall be protected from theft and vandalism in order to maintain the optimum conditions for carrying out the educational programs.

The Superintendent shall develop and supervise a program for the security of the School's students, staff, visitors, school buildings, school grounds, and school equipment in compliance with State and Federal law. Such a program may include the use of video surveillance and electronic monitoring equipment in appropriate public areas in and around the schools and other School facilities, and on school buses.

Every effort shall be made to apprehend those who knowingly cause serious physical harm to students, staff, visitors and Board property and may require prosecution of those who bring harm to persons and/or property. The Board will seek repair to rectify the damage or payment of a fee to cover the cost of repair or replacement from the person(s) responsible. A reward may be offered for apprehending such persons.

Appropriate authorities may be contacted in the case of serious offenses.

The Superintendent shall report to the Board each major case of vandalism and the extent of the damage.

Adopted 1/11/10  
Revised 9/9/19

# **VIDEO SURVEILLANCE AND ELECTRONIC MONITORING**

Source:

FERPA, 20 U.S.C. 1232g  
34 C.F.R. 99.1-99.67  
Title I of the Electronic Communication Privacy Act of 1986  
18 U.S.C. 2510-2521

The Board of Directors authorizes the use of video surveillance and electronic monitoring equipment throughout the School and on school buses. The video surveillance/electronic monitoring equipment shall be used to protect Board property and assets from theft and vandalism, through deterrence and video documentation. The system is not designed nor intended to protect individuals from being victims of violent or property crimes, nor to detect other potentially illegal and undesirable activities that may occur, although information may be used as evidence in such cases.

The monitoring of actions and behavior of individuals who come onto school property is a significant factor in maintaining order and discipline and protecting students, staff, visitors, and school and student property. Video surveillance/electronic monitoring systems serve to complement other means being employed in the School to promote and foster a safe and secure teaching and learning environment for students and staff. The Board recognizes that the use of a video surveillance/electronic monitoring system does not replace the need for the ongoing vigilance of the school staff assigned by the Superintendent to monitor and supervise the school building. Rather, the video surveillance/electronic monitoring system serves as an appropriate and useful tool with which to augment or support the in-person supervision provided by staff. The Superintendent is responsible for verifying that due diligence is observed in maintaining general campus security.

The Superintendent is responsible for approving where and when to install and operate fixed-location video surveillance/electronic monitoring equipment in the School. The Superintendents and administrators responsible for other facilities shall be responsible for recommending use of video surveillance/electronic monitoring. The determination of where and when to use video surveillance/electronic monitoring equipment will be made in a nondiscriminatory manner. Video surveillance/electronic monitoring equipment may be placed in common areas in school buildings (e.g., school hallways, entryways, the front office where students, employees and visitors are permitted to freely come and go, gymnasiums, cafeterias, libraries), the school parking lots and other outside areas, and in school buses. Except in extraordinary circumstances and with the written authorization of the Superintendent or Board President, video surveillance/electronic monitoring equipment shall not be used in areas where persons have a reasonable expectation of privacy (e.g., restrooms, locker rooms, changing areas). The Superintendent shall carefully consider and consult with School legal counsel before authorizing placement in, private offices (unless there is express consent given by the office occupant), or conference/meeting rooms, or in individual classrooms during instructional times.

Any person who takes action to block, move, or alter the location and/or viewing angle of a video camera shall be subject to disciplinary action.

Legible and visible signs shall be placed at the main entrance to buildings and in the areas where video surveillance/electronic monitoring equipment is in use. Signs shall be reasonably designed to notify people that their actions/behavior are being monitored/recorded. Additionally, the Superintendent is directed to annually notify parents and students via school newsletters and the Student Handbook, and staff via the Staff Handbook, of the use of video surveillance/electronic monitoring systems in their schools.

Any information obtained from video surveillance/electronic monitoring systems may only be used to support the orderly operation of the School and facilities, and for law enforcement purposes, and not for any other purposes. As such, recordings obtained through the use of video surveillance/electronic monitoring

equipment may be used as evidence in any disciplinary proceedings, administrative proceeding or criminal proceeding, subject to Board policy and regulations. Further, such recordings may become a part of a student's education record or staff member's personnel file.

Ordinarily video surveillance/electronic monitoring equipment will not be used to make an audio recording of conversation occurring on school grounds or property.

The Board will not use video surveillance/electronic monitoring equipment to obtain information for the purpose of routine staff appraisal/evaluation or monitoring. However, prerecorded lessons or observations of on-line virtual learning sessions may be included as part of an employee's evaluation in accordance with a collective bargaining agreement or Memorandum of Understanding approved by the Board.

Recordings of students will be treated as confidential, to the extent allowed by law. Copies of video recordings containing personally identifiable information about students shall not be released except as required or authorized by law. Parents or guardians of minor students, and students who are eighteen (18) years of age or older, who are charged with disciplinary violations may view relevant portions of any video recording related to the charge, upon written request to the Superintendent, provided that viewing the recording does not violate State and/or Federal law (i.e., the privacy rights of any other students whose images appear on the recording). Likewise, school personnel may view relevant portions of any video relating to any disciplinary charge against them, upon written request to the Superintendent, provided that viewing the recording does not violate State and/or Federal law (i.e., the privacy rights of any students whose images appear on the recording). Absent a clear legal obligation, confidential recordings will only be released through subpoena or court order.

The Board shall maintain video surveillance/electronic monitoring recordings for a limited period. Any request to view a recording under this policy must be made within seven (7) days of the event/incident. Unless an investigation is being conducted, recordings shall be destroyed after seven (7) days. If, however, action is taken by the Board/administration, as a result of a formal complaint or incident, recordings shall be kept for a minimum of one (1) year from the date of the action taken.

This policy does not address or cover instances where school officials record a specific event (e.g., a play, music performance, athletic contest, graduation, or Board meeting), or an isolated instance where a classroom is videotaped for educational or research purposes. Authorized videotaping for educational, instructional and/or research purposes is permitted and is not addressed by this policy.

The Superintendent is directed to develop administrative guidelines to address the use of video surveillance/electronic monitoring equipment in school buildings, school buses and on property owned and/or operated by the Board.

Video surveillance is to be implemented in accordance with this policy and the related guidelines. The Board will not accept or tolerate the improper use of video surveillance/electronic monitoring equipment and will take appropriate action in any cases of wrongful use of this policy.

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Adoption Date: **01.10**

Classification:

Revised Dates: **9/9/19; 07.21**

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## **SMALL UNMANNED AIRCRAFT SYSTEMS**

Reference: 14 C.F.R. Part 107

The Board prohibits the operation of small Unmanned Aircraft Systems (sUAS) at any time by any individual who is not employed by the school, as well as by any school staff member or administrator who is not expressly authorized to do so by the Superintendent, on property owned or leased or contracted for by the Board.

The Board also prohibits the operation of a sUAS (drone) on property owned or leased or contracted for by the Board during school-sponsored contests (including scrimmages and previews), practices, tournaments, and activities under the auspices of the Michigan High School Athletic Association (MHSAA). School officials may deny admission or entry to anyone attempting to use a sUAS until the event has been completed. Any exceptions to this prohibition must be approved in advance by the Superintendent.

To be authorized to operate a drone on property owned or leased or contracted for by the Board, a staff member or administrator must have a Remote Pilot Certificate issued by the Federal Aviation Administration (FAA). Further, the drone must be registered with the FAA and properly marked in accordance with 14 C.F.R. Part 107.

A staff member or administrator authorized to operate a drone on property owned or leased or contracted for by the Board, must also comply with all rules set forth in 14 C.F.R. Part 107. (See AG 7440.03)

Failure to adhere by all rules set forth in 14 C.F.R. Part 107 and AG 7440.03 may result in loss of authorization to operate a drone to operate on property owned or leased or contracted for by the Board, referral to local law enforcement, and/or further disciplinary action, up to and including termination.

Adopted 2/10/20



## **PROPERTY INVENTORY**

As steward of this School's property, the Board of Directors recognizes that efficient management and full replacement upon loss require accurate inventory and properly maintained property records.

The Board shall conduct and maintain a continuous inventory of all School-owned equipment and supplies in accordance with all applicable law.

For purposes of this policy, "equipment" shall mean a unit of furniture or furnishings, an instrument, a machine, an apparatus, or a set of articles which retains its shape and appearance with use, is nonexpendable, costs at least \$5,000 as a single unit and does not lose its identity when incorporated into a more complex unit. When defining supplies for inventory purposes, no items will be counted whose total value is less than \$5,000.

The duty of the Superintendent/Business Manager shall be to ensure that inventories are recorded systematically and accurately and that property records of equipment are updated and adjusted annually by reference to purchase orders and withdrawal reports.

The Superintendent/Business Manager shall maintain a system of property records which shall show, as appropriate to the item recorded, the:

- A. year of purchase; and
- B. initial cost.

Equipment acquired under a Federal award will vest upon acquisition to the School, subject to the following conditions:

- A. The equipment shall be used for the authorized purposes of the award project during the period of performance or until the equipment is no longer needed for the purposes of the project.
- B. The equipment shall not be encumbered without the approval of the Federal awarding agency or the pass-through entity.
- C. The equipment may only be used and disposed of in accordance with the provisions of the Federal awarding agency or the pass-through entity and Board Policy and guidelines.
- D. Property records shall be maintained that include a description of the equipment, a serial number or other identification number, the source of funding for the equipment (including the Federal Award Identification Number (FAIN), title entity, acquisition date, cost of the equipment, percentage of Federal participation in the project costs for the award under which the equipment was acquired, the location, use, and condition of the equipment, and ultimate disposition data, including date of disposal and sale price of the equipment.
- E. A physical inventory of the property must be taken and results reconciled with property records at least once every two (2) years.
- F. A control system shall be developed to provide adequate safeguards to prevent loss, damage, or theft of the property. Any such loss, damage, or theft shall be investigated.

- G. Adequate maintenance procedures shall be implemented to keep the property in good condition.
- H. Proper sales procedures shall be established to ensure the highest possible return, in the event the School is authorized or required to sell the equipment/property.
- I. When original or replacement equipment acquired under a Federal award is no longer needed for the original project/program or for activities currently or previously supported by a Federal awarding agency, and except as otherwise provided by Federal statutes, regulations, or Federal awarding agency disposition instructions, the School shall request disposition instructions from the Federal awarding agency if required by the terms and conditions of the Federal award. Disposition of the equipment shall be made in accordance with the provisions of C.F.R. 200.313.

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Adoption Date: **01.10**

Classification:

Revised Dates: **9/12/16; 9/9/19; 7/12/21; 12.21**

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## **ACCOUNTING SYSTEM FOR CAPITAL ASSETS**

The Board of Directors shall maintain a capital-asset accounting system. The capital-asset system shall maintain sufficient information to permit the following:

- A. the preparation of year-end financial statements in accordance with generally-accepted accounting principles;
- B. adequate insurance coverage;
- C. control and accountability.

The Board Accountant shall be responsible for the development and maintenance of the capital-asset accounting system. The Board Accountant shall develop procedures to ensure compliance with all capital-asset policies.

Capital-assets are defined as those tangible assets of the School with 1.) a useful life in excess of one (1) year 2.) and an initial cost equal to or exceeding the amount determined every three (3) years in the School's administrative guidelines, 3.) which are capitalized in accordance with GAAP, and 4.) which the School intends to hold or continue in use over an extended period of time. If a single item does not meet the threshold amount, but is typically purchased in aggregate by the School, the Superintendent/Business Manager shall verify which items shall be classified as capital-assets and recorded at the time of purchase or acquisition. Further some items may be identified as "controlled" assets that are to be recorded on the capital-asset system to maintain control, although they may not meet all capital-asset criteria.

Capital-assets shall be classified as follows:

- A. land, buildings (facilities), equipment, and intellectual property (including software) whether acquired by purchase, construction, manufacture, exchange, or through a lease accounted for as financed purchase under Government Accounting Standards Board (GASB) standards or a finance lease under Financial Accounting Standards Board (FASB) standards, and;
- B. additions, improvements, modifications, replacements, rearrangements, reinstallations, renovations or alterations to capital-assets that materially increase their value or useful life (not ordinary repairs and maintenance);

Leased capital-assets and assets jointly owned shall also be identified and recorded on the capital-asset system.

Capital-assets shall be recorded at historical cost or, if that amount is not practicably determinable, at estimated historical cost. The method(s) to be used to estimate historical cost shall be established by the Board Accountant.

The purchase of capital-assets, the transfer of capital-assets between buildings, and the disposal of capital-assets shall be initiated by the Superintendent and shall require the prior written approval of the Board of Directors. An asset to be disposed of by sale with a current value in excess of \$10,000 shall be sold at auction. An auction shall be held at the discretion of the Board of Directors when sufficient assets have accumulated to warrant the cost. The Superintendent, with Board approval, shall establish minimum acceptable prices for assets sold at auction.

Depreciation shall be recorded for fund capital-assets, using the method(s) agreed upon by the Superintendent and Board Accountant.

Accumulated depreciation shall be calculated on a straight line basis and recorded for general capital - assets.

The following information shall be maintained for all capital-assets:

- A. description;
- B. asset classification (land, building, equipment, etc.);
- C. location;
- D. purchase price;
- E. vendor;
- F. date purchased;
- G. voucher number;
- H. estimated useful life;
- I. estimated salvage value;
- J. replacement cost;
- K. accumulated depreciation;
- L. method of acquisition (purchase, trade-in, lease, donated, etc.);
- M. appropriation;
- N. manner of asset disposal;

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Adoption Date: **01.10**

Classification:

Revised Dates: **9/9/19; 07.21**

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## **CONSERVATION OF NATURAL AND MATERIAL RESOURCES**

The increasing costs and scarcity of natural energy resources coupled with the mandate to inhibit pollution, necessitates that the School implement strategies to ensure proper recycling of reusable materials.

The Board of Directors directs the Superintendent to develop and implement both immediate and long range plans to meet these concerns. It expects that the administrative guidelines and procedures established will be properly observed by all members of the staff and strongly supported, both in the educational program and in staff interactions with students.

Adopted 1/11/10  
Revised 9/9/19

## USE OF SCHOOL FACILITIES

The Board of Directors believes that the facilities of this School should be made available for community purposes, provided such use neither infringes on the original and necessary purpose of the property nor interferes with the educational program of the School and is harmonious with the purposes of this School.

The Board will permit the use of School facilities when such permission has been requested in writing by a responsible organization or a group of citizens and has been approved by the Superintendent.

School facilities shall be available for the uses listed below. When interests compete for the use of facilities, approval will be given according to uses directly related to the School and its operations

The use of School grounds and facilities shall not be granted for any purpose prohibited by law.

The Superintendent shall develop Administrative Guidelines for granting permission to use School facilities, including a schedule of fees. These Guidelines are to include the following:

- A. Each user shall be required to present evidence of the purchase of organizational liability insurance to the limit prescribed by School administrative guidelines.
- B. Users shall be financially liable for damage to the facilities and shall be responsible for proper chaperonage.
- C. Use of School equipment in conjunction with the use of School facilities must be requested specifically in writing, and may be granted, using the procedure by which permission to use facilities is granted. The users of School equipment must accept liability for any damage or loss to such equipment that occur while in their use. Where rules so specify, no item of equipment may be used except by a qualified operator.

Adopted 1/11/10  
Revised 9/9/19

## **LENDING OF BOARD-OWNED EQUIPMENT**

The Board of Directors believes that School-owned equipment is a valuable resource that will not be loaned for community use under any conditions.

No item of Board-owned equipment shall be loaned for non-school use off School property. If equipment is required for the use of those granted permission to use School facilities, it may be loaned in accordance with Board of Directors policy on the use of School facilities.

Individuals authorized to use Board-owned equipment off School property are prohibited from allowing anyone else to use the equipment (e.g., spouses, children, relatives, friends, etc. may not use Board-owned equipment, which is approved for use by a specific person).

Adopted 1/11/10  
Revised 7/9/18; 9/9/19

## **STAFF USE OF PERSONAL COMMUNICATION DEVICES**

As the employer of record, the Employee Leasing Agency directs the proper use of personal communication devices of its employees.

Adopted 7/9/18

Revised 9/9/19



## TECHNOLOGY

The Board of Directors is committed to the effective use of technology to both enhance the quality of student learning and the efficiency of School operations.

Students' use of the School's Technology Resources (see definitions in Bylaw 0100) is a privilege, not a right. Students and their parents must sign and submit a *Student Technology Acceptable Use and Safety* form annually. (See also, Policy 7540.03)

The Superintendent shall develop and recommend for approval by the Board a written School Technology Plan (STP). One (1) of the primary purposes of the STP is to evaluate new and emerging technologies and how they will play a role in student achievement and success and/or efficient and effective School operations.

The Superintendent (employed by the Board), shall create a Technology Governance Committee (see AG 7540B) to oversee and guide the development of the STP. The Superintendent and Building Administrator shall appoint individuals to the Technology Governance Committee that include representatives of all educational, administrative and business/operational areas in the School.

The STP shall set forth procedures for the proper acquisition of technology. The STP shall also provide guidance to staff and students about making safe, appropriate and ethical use of School Technology Resources, as well as inform both staff and students about disciplinary actions that will be taken if its Technology Resources are abused in any way or used in an inappropriate, illegal, or unethical manner. See Policy 7540.03 and AG 7540.03 - Student Technology Acceptable Use and Safety, and Policy 7540.04 and AG 7540.04 – Staff Technology Acceptable Use and Safety.

The Superintendent (employed by the Board), in conjunction with the IT and Employee Leasing Company shall review the STP and report any changes, amendments, or revisions to the Board.

This policy, along with the Student and Staff Technology Acceptable Use and Safety policies, and the Student Code of Conduct, further govern students' and staff members' use of their personal communication devices (see Policy 5136 and Policy 7530.02). Users have no right or expectation of privacy when using School technology resources (including, but not limited to, privacy in the content of their personal files, e-mails and records of their online activity when using the School's computer network and/or Internet connection).

Further safeguards shall be established so that the Board's investment in both hardware and software achieves the benefits of technology and inhibits negative side effects. Accordingly, students shall be educated about appropriate online behavior including, but not limited to, using social media, which is defined in Bylaw 0100, to interact with others online; interacting with other individuals in chat rooms or on blogs; and, recognizing what constitutes cyberbullying, understanding cyberbullying is a violation of Board policy, and learning appropriate responses if they experience cyberbullying.

The Board prohibits students from using School Technology Resources to access and/or use social media for other than instructional purposes.

Staff may use School-approved social media platforms/sites in accordance with Policy 7544 and, pursuant to Policy 7540.02, may use web content, apps, and services for one-way

communication with the School's constituents. Authorized staff may use School Technology Resources to access and use School-approved social media platforms/sites to increase awareness of School programs and activities, as well as to promote achievements of staff and students, provided the Superintendent (employed by the Board) approves, in advance, such access and use. Use of School-approved social media platforms/sites for business-related purposes is subject to Michigan's public records laws and, as set forth in Policy 7544, staff members are responsible for archiving their social media and complying with the School's record retention schedule. See Policy 8310 – Public Records, AG 8310A - Public Records, and AG 8310D – Records Retention and Disposal.

Staff must comply with Policy 7544, Policy 7540.04 and Policy 7530.02 when using School Technology Resources or personally-owned WCDs to access and/or use social media for personal purposes.

Adopted 1/11/10

Revised 10/24/11; 01/09/17; 7/9/18; 9/9/19

## **TECHNOLOGY PRIVACY**

The Board of Directors recognizes the right to privacy of staff members in their personal lives. This policy serves to inform staff members of the Board's position regarding staff members' privacy in the educational workplace setting. The policy also serves to protect the Board's interests.

All School Technology Resources (as defined in Bylaw 0100) are the Board's property and are to be used solely for business purposes. The Board retains the right to access and review all Information Resources (as defined in Bylaw 0100), including but not limited to electronic and voice mail, computer files, data bases, and any other electronic transmissions contained within, or used in conjunction with, the Board's computer system, telephone system, electronic mail system, and voice mail system. Staff members shall be notified that they have should have no expectation that any personal information/data maintained, stored, or transmitted contained on or through such systems is confidential or private

Review of such information may be done by the Board with or without the staff member's knowledge. The use of passwords does not guarantee confidentiality, and the Board retains the right to access information in spite of a password. All passwords or security codes must be registered with the Board. A staff member's refusal to permit such access may be grounds for discipline up to, and including, discharge.

School Technology Resources are to be used only for the School's business and educational purposes.

Personal messages via Board-owned technology should be limited in accordance with the Superintendent guidelines. Staff members are encouraged to keep their personal records and personal business at home. Because School Technology Resources are to be used primarily for business and educational purposes, staff members are prohibited from sending offensive, discriminatory, or harassing computer, electronic, or voice mail messages.

School Technology Resources must be used properly. Review of computer files, electronic mail, and voice mail will be conducted only in the ordinary course of business and will be motivated by a legitimate business reason. If a staff member's personal information is discovered, the contents of such discovery will be limited to those who have a specific need to know that information. The discovered contents will not be reviewed by the Board, except to the extent necessary to determine if the files/e-mail/voice mail constitute a public record or if the Board's interests have been compromised. The administrators and supervisory staff members authorized by the Superintendent have the authority to search and access information electronically.

All School Technology Resources and School Information Resources are the property of the Board. Staff members shall not copy, delete, or remove any information/data contained on the Board-owned computers or servers without the express permission of the Superintendent. Further, staff members shall not communicate any such information to unauthorized individuals. In addition, staff members may not copy software from or onto any School Technology Resources and may not bring software from outside sources for use on School Technology Resources without the prior approval of the Superintendent and Technology Director.

Such pre-approval shall include a review of any copyright infringements or virus problems associated with such outside software.

Adopted 1/11/10  
Revised 01/09/17; 9/9/19

## **WEB ACCESSIBILITY, CONTENT, APPS AND SERVICES**

### **A. Creation of Content for Web Pages/Sites, Apps and Services**

The Board of Directors authorizes staff members and students to create content, apps and services (see Bylaw 0100 Definitions) that will be hosted by the Board on its servers or School-affiliated servers and/or published on the Internet.

The content, apps and services must comply with applicable State and Federal laws (e.g., copyright laws, Children's Internet Protection Act (CIPA), Section 504 of the Rehabilitation Act of 1973 (Section 504), Americans with Disabilities Act (ADA), Student Online Personal Protection Act (SOPPA) and Children's Online Privacy Protection Act (COPPA)), and reflect the professional image/brand of the School, its employees, and students. Content, apps and services must be consistent with the Board's Mission Statement and staff-created web content, services and apps are subject to prior review and approval of the Superintendent before being published on the Internet and/or used with students.

Student-created content, apps and services are subject to Policy 5722 - School-Sponsored Student Publications and Productions.

The creation of content, apps and services by students must be done under the supervision of a professional staff member.

### **B. Purpose of Content of School Web Pages/Sites, Apps and Services**

The purpose of content, apps and services hosted by the Board on its servers or School-affiliated servers is to educate, inform, and communicate. The following criteria shall be used to guide the development of such content, apps and services:

#### **1. Educate**

Content should be suitable for and usable by students and teachers to support the curriculum and the Board's Objectives as listed in the Board's Strategic Plan.

#### **2. Inform**

Content may inform the community about the school, teachers, students, or departments, including information about curriculum, events, class projects, student activities, and departmental policies.

#### **3. Communicate**

Content may communicate information about the plans, policies and operations of the School to members of the public and other persons who may be affected by School matters.

The information contained on the Board's website(s) should reflect and support the Board's Mission Statement, Educational Philosophy, and the School Improvement Process.

When the content includes a photograph or personally identifiable information relating to a student, the Board will abide by the provisions of Policy 8330 - Student Records.

Under no circumstances is School-created content, apps and services, to be used for commercial purposes, advertising, political lobbying or to provide financial gains for any individual. Included in this prohibition is the fact no web content contained on the School's website may:

1. include statements or other items that support or oppose a candidate for public office, the investigation, prosecution or recall of a public official, or passage of a tax levy or bond issue;
2. link to a website of another organization if the other website includes such a message; or
3. communicate information that supports or opposes any labor organization or any action by, on behalf of, or against any labor organization.
4. Under no circumstances is staff member-created content, apps and services, including personal web pages/sites, to be used to post student progress reports, grades, class assignments, or any other similar class-related material. Employees are required to use the Board-specified website, app or service (e.g., [Progressbook]) for the purpose of conveying information to students and/or parents.
5. If a staff member creates content, apps and services, related to his/her class, it must be hosted on the Board's server or an School-affiliated server.

Web content, apps and web services should reflect an understanding that both internal and external audiences will be viewing the information.

School web pages/sites, apps and web services must be located on Board-owned or School-affiliated servers.

The Superintendent shall prepare administrative guidelines defining the rules and standards applicable to the use of the Board's website and the creation of web content, apps and web services by staff and students.

The Board retains all proprietary rights related to the design of web content, apps and web services that are hosted on Board-owned or School-affiliated servers, absent written agreement to the contrary.

Students who want their class work to be displayed on the Board's website must have written parent permission and expressly license its display without cost to the Board.

Prior written parent permission is necessary for a student to be identified by name on the Board's website.

C. Website Accessibility

The School is committed to providing persons with disabilities an opportunity equal to that of persons without disabilities to participate in the School's programs, benefits, and services, including those delivered through electronic and information technology, except where doing so would impose an undue burden or create a fundamental alteration. The School is further committed to ensuring persons with disabilities are able to acquire the same information, engage in the same interactions, and enjoy the same benefits and services within the same timeframe as persons without a disability, with substantially equivalent ease of use; that they are not excluded from participation in, denied the benefits of, or otherwise subjected to discrimination in any School programs, services, and activities delivered online, as required by Section 504 and Title II of the ADA and their implementing regulations; and that they receive effective communication of the School's programs, services, and activities delivered online.

The School adopts this policy to fulfill this commitment and affirm its intention to comply with the requirements of Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Section 794, 34 C.F.R. Part 104, and Title II of the Americans With Disabilities Act of 1990, 42 U.S.C. Section 12131 and 28 C.F.R. Part 35 in all respects.

1. Technical Standards

The School will adhere to the technical standards of compliance identified at [www.gwcarveracademy.org](http://www.gwcarveracademy.org). The School measures the accessibility of online content and functionality according to the World Wide Web Consortium's Web Content Accessibility Guidelines ([WCAG](#)) [2.0](#) Level A, and the Web Accessibility Initiative - Accessible Rich Internet Applications Suite ([WAI-ARIA 1.1](#)) for web content. AA.

2. Web Accessibility Coordinator

The Board designates its Section 504/ADA Compliance Coordinator(s) and the Technology Director as the School's Web Accessibility Coordinator(s). That individual(s) is responsible for coordinating and implementing this policy.

The School's Web Accessibility Coordinator(s) can be reached at:  
Marc King  
IT Coordinator  
(313) 865-6024  
[mking@gwcarveracademy.org](mailto:mking@gwcarveracademy.org)

3. Third Party Content

Links included on the Board's website(s) or web services and apps

that pertain to its programs, benefits and/or services must also meet the above criteria and comply with State and Federal law (e.g. copyright laws, CIPA, Section 504, ADA, SOPPA and COPPA). While the School strives to provide access through its website to online content provided or developed by third parties (including vendors, video-sharing websites, and other sources of online content) that is in an accessible format, that is not always feasible. The School's administrators and staff, however, are aware of this requirement with respect to the selection of online content provided to students. The School's Web Accessibility Coordinator or his/her designees will vet online content available on its website that is related to the School's programs, benefits and/or services for compliance with this criteria for all new content placed on the School's website after adoption of this policy.

Nothing in the preceding paragraph, however, shall prevent the School from including links on the Board's website(s) to:

- a. recognized news/media outlets (e.g., local newspapers' websites, local television stations' websites), or
- b. websites, services and/or apps that are developed and hosted by outside vendors or organizations that are not part of the School's program, benefits, or services.

The Board recognizes that such third party websites may not contain age-appropriate advertisements that are consistent with the requirements of Policy 9700.01, AG 9700B, and State and Federal law.

#### 4. Regular Audits

The School, under the direction of the Web Accessibility Coordinator(s) or his/her/their designees, will, at regular intervals, audit the School's online content and measure this content against the technical standards adopted above.

If problems are identified through the audit, such problems will be documented, evaluated, and, if necessary, remediated within a reasonable period of time.

#### 5. Reporting Concerns or Possible Violations

If any student, prospective student, employee, guest, or visitor believes that the School has violated the technical standards in its online content, s/he may contact the Web Accessibility Coordinator with any accessibility concerns. S/he may also file a formal complaint utilizing the procedures set out in Board Policies 2260 and 2260.01 relating to Section 504 and Title II.



D. Instructional Use of Apps and Web Services

The Board authorizes the use of apps and web services to supplement and enhance learning opportunities for students either in the classroom or for extended learning outside the classroom.

The Board requires the Superintendent and the IT Coordinator pre-approve each app and/or web service that a teacher intends to use to supplement and enhance student learning. To be approved, the app and/or web service must have a FERPA-compliant privacy policy, as well as comply with all requirements of the Children's Online Privacy Protection Act (COPPA), Student Online Personal Protection Act (SOPPA) and the Children's Internet Protection Act (CIPA) and Section 504 and the ADA.

The Board further requires the use of a Board-issued e-mail address in the login process.

E. Training

The School will provide periodic training for its employees who are responsible for creating or distributing information with online content so that these employees are aware of this Policy and understand their roles and responsibilities with respect to web design, documents and multimedia content.

F. One-Way Communication Using School Web Content, Apps and Services

The School is authorized to use web pages/sites, apps and services to promote school activities and inform stakeholders and the general public about School news and operations.

Such communications constitute public records that will be archived.

When the Board or Superintendent designates communications distributed via School web pages/sites, apps and web services to be one-way communication, public comments are not solicited or desired, and the web site, app or web service is to be considered a nonpublic forum.

If the School uses an apps and web service that does not allow the School to block or deactivate public comments (e.g., Facebook, which does not allow comments to be turned-off, or Twitter, which does not permit users to disable private messages or mentions/replies), the School's use of that apps and web service will be subject to Policy 7544 – Use of Social Media, unless the School is able to automatically withhold all public comments.

If unsolicited public comments can be automatically withheld, the School will retain the comments in accordance with its adopted record retention schedule (see AG 8310A – Public Records, and AG 8310E – Record Retention and Disposal), but it will not review or consider those comments.

Adopted 1/11/10

Revised 1/12/15; 01/09/17; 7/9/18; 9/9/19

## STUDENT TECHNOLOGY ACCEPTABLE USE AND SAFETY

Source: P.L. 106-554, Children's Internet Protection Act of 2000  
P.L. 110-385, Title II, Protecting Children in the 21st Century Act  
18 U.S.C. 1460  
18 U.S.C. 2246  
18 U.S.C. 2256  
20 U.S.C. 6777, 9134 (2003)  
20 U.S.C. 6801 et seq., Part F, Elementary and Secondary Education Act of 1965  
as amended (2003)  
47 U.S.C. 254(h), (1), Communications Act of 1934, as amended (2003)  
47 C.F.R. 54.520

Technology has fundamentally altered the ways in which information is accessed, communicated, and transferred in society. As a result, educators are continually adapting their means and methods of instruction, and the way they approach student learning, to incorporate the vast, diverse, and unique resources available through the Internet. The Board of Directors provides Technology Resources (as defined by Bylaw 0100) to support the educational and professional needs of its students and staff. With respect to students, School Technology Resources afford them the opportunity to acquire the skills and knowledge to learn effectively and live productively in a digital world. The Board of Directors provides students with access to the Internet for limited educational purposes only and utilizes online educational services/apps to enhance the instruction delivered to its students. The School's computer network and Internet system does not serve as a public access service or a public forum, and the Board imposes reasonable restrictions on its use consistent with its limited educational purpose.

The Board regulates the use of School Technology Resources by principles consistent with applicable local, State, and Federal laws, the School's educational mission, and articulated expectations of student conduct as delineated in the Student Code of Conduct. This policy and its related administrative guidelines and the Student Code of Conduct govern students' use of School Technology Resources and students' personal communication devices when they are connected to the School computer network, Internet connection, and/or online educational services/apps, or when used while the student is on Board-owned property or a Board-sponsored activity (See Policy 5136).

Users are required to refrain from actions that are illegal (such as libel, slander, vandalism, harassment, theft, plagiarism, inappropriate access, and the like) or unkind (such as personal attacks, invasion of privacy, injurious comment, and the like). Because its Technology Resources are not unlimited, the Board has also instituted restrictions aimed at preserving these resources, such as placing limits on use of bandwidth, storage space, and printers.

Users have no right or expectation to privacy when using School Technology Resources (including, but not limited to, privacy in the content of their personal files, e-mails, and records of their online activity when using the School's computer network and/or Internet connection).

First, the Board may not be able to technologically limit access through its Technology Resources, to only those services and resources that have been authorized for the purpose of instruction, study and research related to the curriculum. Unlike in the past when educators and community members had the opportunity to review and screen materials to assess their appropriateness for supporting and enriching the curriculum according to adopted guidelines and reasonable selection criteria (taking into account the varied instructional needs, learning styles, abilities, and developmental levels of the students who would be exposed to them), access to the Internet, because it serves as a gateway to any publicly available file server in

the world, opens classrooms and students to electronic information resources that may not have been screened by educators for use by students of various ages.

Pursuant to Federal law, the Board has implemented technology protection measures that protect against (e.g., filter or block) access to visual displays/depictions/materials that are obscene, constitute child pornography, and/or are harmful to minors, as defined by the Children's Internet Protection Act. At the discretion of the Board or the Superintendent, the technology protection measures may be configured to protect against access to other material considered inappropriate for students to access. The School also utilizes software and/or hardware to monitor online activity of students to restrict access to child pornography and other material that is obscene, objectionable, inappropriate and/or harmful to minors. However, the Board is cognizant of the fact that such software and/or hardware is not perfect and relies on students to self-police (and immediately cease viewing) online activity that would otherwise be in conflict with these policies and to immediately report such to the Superintendent. The technology protection measures may not be disabled at any time that students may be using School Technology Resources, if such disabling will cease to protect against access to materials that are prohibited under the Children's Internet Protection Act. Any student who attempts to disable the technology protection measures will be subject to discipline.

The Superintendent may temporarily or permanently unblock access to websites or online educational services/apps containing appropriate material, if access to such sites has been inappropriately blocked by the technology protection measures. The determination of whether material is appropriate or inappropriate shall be based on the content of the material and the intended use of the material, not on the protection actions of the technology protection measures.

Parents are advised that a determined user may be able to gain access to services and/or resources on the Internet that the Board has not authorized for educational purposes. In fact, it is impossible to guarantee students will not gain access through the Internet to information and communications that they and/or their parents may find inappropriate, offensive, objectionable or controversial. Parents of minors are responsible for setting and conveying the standards that their children should follow when using the Internet.

The Superintendent is directed to prepare guidelines which address students' safety and security while using e-mail, chat rooms and other forms of direct electronic communications, and prohibit disclosure of personal identification information of minors and unauthorized access (e.g., "hacking"), cyberbullying and other unlawful or inappropriate activities by minors online.

Pursuant to Federal law, students shall receive education about the following:

- A. safety and security while using e-mail, chat rooms, social media, and other forms of direct electronic communications;
- B. the dangers inherent with the online disclosure of personally identifiable information;

- C. the consequences of unauthorized access (e.g., "hacking", "harvesting", "digital piracy", "data mining", etc.), cyberbullying and other unlawful or inappropriate activities by students online; and
- D. unauthorized disclosure, use, and dissemination of personally-identifiable information regarding minors.

The Board directs staff members to provide instruction for their students regarding the appropriate use of technology and online safety and security as specified above. Furthermore, staff members will monitor the online activities while students are at school.

Monitoring may include, but is not necessarily limited to, visual observations of online activities during class sessions; or use of specific monitoring tools to review browser history and network, server, and computer logs.

The Superintendent is responsible for providing training so that Internet users under their supervision are knowledgeable about this policy and its accompanying guidelines. The Board expects that staff members will provide guidance and instruction to students in the appropriate use of School Technology Resources. Such training shall include, but not be limited to, education concerning appropriate online behavior, including interacting with other individuals on social media, including in chat rooms, and cyberbullying awareness and response. All users of School Technology Resources (and their parents if they are minors) are required to sign a written agreement to abide by the terms and conditions of this policy and its accompanying guidelines.

Students will be assigned a school email account that they are required to utilize for all School-related electronic communications, including those to staff members, peers, and individuals and/or organizations outside the School with whom they are communicating for School-related projects and assignments. Further, as directed and authorized by their teachers, they shall use their School-assigned email account when signing up/registering for access to various online educational services, including mobile applications/apps that will be utilized by the student for educational purposes.

Students are responsible for good behavior when using School Technology Resources – i.e., behavior comparable to that expected of students when they are in classrooms, school hallways, and other school premises and school sponsored events. Communications on the Internet are often public in nature. General school rules for behavior and communication apply. The Board does not approve any use of its Technology Resources that is not authorized by or conducted strictly in compliance with this policy and its accompanying guidelines.

Students may only use School Technology Resources to access or use social media if it is done for educational purposes in accordance with their teacher's approved plan for such use.

Users who disregard this policy and its accompanying procedures may have their use privileges suspended or revoked, and disciplinary action taken against them. Users are personally responsible and liable, both civilly and criminally, for uses of School Technology Resources that are not authorized by this Board policy and its accompanying guidelines.

The Board designates the Superintendent and Technology Director as the persons responsible for initiating, implementing, and enforcing this policy and its accompanying guidelines as they apply to students' use of School Technology Resources.

Adopted 1/11/10

Revised 10/24/11; 8/13/12; 1/12/15; 1/8/18; 9/9/19

## **STAFF TECHNOLOGY ACCEPTABLE USE AND SAFETY**

Source: P.L. 106-554, Children's Internet Protection Act of 2000  
P.L. 110-385, Title II, Protecting Children in the 21st Century Act  
18 USC 1460  
18 USC 2246  
18 USC 2256  
20 USC 6801 et seq., Part F, Elementary and Secondary Education Act of 1965, as amended (2003)  
47 USC 254(h), (1), Communications Act of 1934, as amended (2003)  
47 C.F.R. 54.520

Technology has fundamentally altered the ways in which information is accessed, communicated, and transferred in society. As a result, educators are continually adapting their means and methods of instruction, and the way they approach student learning, to incorporate the vast, diverse, and unique resources available through the Internet. The Board of Directors provides Technology and Information Resources (as defined by Bylaw 0100) to support the educational and professional needs of its staff and students. The Board provides staff with access to the Internet for limited educational purposes only and utilizes online educational services/apps to enhance the instruction delivered to its students and to facilitate the staff's work. The School's computer network and Internet system does not serve as a public access service or a public forum, and the Board imposes reasonable restrictions on its use consistent with its limited educational purpose.

The Board regulates the use of School Technology and Information Resources by principles consistent with applicable local, State, and Federal laws, and the School's educational mission. This policy and its related administrative guidelines, Policy 7544 and AG 7544 and any applicable employment contracts and collective bargaining agreements govern the staffs' use of the School's Technology and Information Resources and staff's personal communication devices when they are connected to the School's computer network, Internet connection and/or online educational services/apps, or when used while the staff member is on Board-owned property or at a Board-sponsored activity (see Policy 7530.02).

Users are required to refrain from actions that are illegal (such as libel, slander, vandalism, harassment, theft, plagiarism, inappropriate access, and the like) or unkind (such as personal attacks, invasion of privacy, injurious comment, and the like). Because its Technology Resources are not unlimited, the Board has also instituted restrictions aimed at preserving these resources, such as placing limits on use of bandwidth, storage space, and printers.

Users have no right or expectation to privacy when using School's Technology and Information Resources (including, but not limited to, privacy in the content of their personal files, e-mails, and records of their online activity when using the School's computer network and/or Internet connection).

Staff are expected to utilize School Technology and Information Resources to promote educational excellence in our schools by providing students with the opportunity to develop the resource sharing, innovation, and communication skills and tools that are essential to both life and work. The Board encourages the faculty to develop the appropriate skills necessary to effectively access, analyze, evaluate, and utilize these resources in enriching educational activities. The instructional use of the Internet and online educational services will be guided by Board Policy 2521 – Selection of Instructional Materials and Equipment.

The Internet is a global information and communication network that brings incredible education and information resources to our students. The Internet connects computers and users in the School with computers and users worldwide. Through the Internet, students and staff can access relevant information that will enhance their learning and the education

process. Further, School Technology Resources provide students and staff with the opportunity to communicate with other people from throughout the world. Access to such an incredible quantity of information and resources brings with it, however, certain unique challenges and responsibilities.

The Board may not be able to technologically limit access over its Technology Resources, to only those services and resources that have been authorized for the purpose of instruction, study and research related to the curriculum. Unlike in the past when educators and community members had the opportunity to review and screen materials to assess their appropriateness for supporting and enriching the curriculum according to adopted procedures and reasonable selection criteria (taking into account the varied instructional needs, learning styles, abilities, and developmental levels of the students who would be exposed to them), access to the Internet, because it serves as a gateway to any publicly available file server in the world, opens classrooms and students to electronic information resources that may not have been screened by educators for use by students of various ages.

Pursuant to Federal law, the Board has implemented technology protection measures, that protect against (e.g., filter or block) access to visual displays/depictions/materials that are obscene, constitute child pornography, and/or are harmful to minors, as defined by the Children's Internet Protection Act. At the discretion of the Board or Superintendent, the technology protection measures may also be configured to protect against access to other material considered inappropriate for students to access. The Board also utilizes software and/or hardware to monitor online activity of staff members to restrict access to child pornography and other material that is obscene, objectionable, inappropriate and/or harmful to minors. However, the Board is cognizant of the fact that such software and/or hardware is not perfect and relies on Staff members to self-police (and immediately cease viewing) online activity that would otherwise be in conflict with these policies and to immediately report such to the Superintendent. The technology protection measures may not be disabled at any time that students may be using the School Technology Resources, if such disabling will cease to protect against access to materials that are prohibited under the Children's Internet Protection Act. Any staff member who attempts to disable the technology protection measures without express written consent of an appropriate administrator will be subject to disciplinary action, up to and including termination.

The Superintendent may temporarily or permanently unblock access to websites or online educational services/apps containing appropriate material, if access to such sites has been inappropriately blocked by the technology protection measures. The determination of whether material is appropriate or inappropriate shall be based on the content of the material and the intended use of the material, not on the protection actions of the technology protection measures. The Superintendent or Information Technology Personnel may also disable the technology protection measures to enable access for bona fide research or other lawful purposes.

The Superintendent or designee may disable the technology protection measure to enable access for bona fide research or other lawful purposes.

The Superintendent is directed to prepare guidelines which address students' safety and security while using e-mail, chat rooms and other forms of direct electronic communication, and prohibit disclosure of personal identification information of minors and unauthorized access (e.g., "hacking"), cyberbullying and other unlawful or inappropriate activities by minors online. Staff members are reminded that personally identifiable student information is confidential and may not be disclosed without prior written parental permission.

The Board directs staff members to participate in professional development programs in accordance with the provisions of law and this policy. Training shall include:

- A. the safety and security of students while using e-mail, chat rooms, social media and other forms of direct electronic communications;
- B. the inherent danger of students disclosing personally identifiable information online;
- C. the consequences of unauthorized access (e.g., "hacking", "harvesting", "digital piracy", "data mining", etc.), cyberbullying and other unlawful or inappropriate activities by students or staff online; and
- D. unauthorized disclosure, use, and dissemination of personally-identifiable information regarding minors.

Furthermore, the Board directs the Superintendent to cause to provide instruction for students regarding the appropriate use of technology and online safety and security as specified above, and the Superintendent will implement monitoring procedures for the online activities while students are at school.

Monitoring may include, but is not necessarily limited to, visual observations of online activities during class sessions; or use of specific monitoring tools to review browser history and network, server, and computer logs.

The disclosure of personally identifiable information about students online is prohibited.

The Superintendent is responsible for providing training so that Internet users under their supervision are knowledgeable about this policy and its accompanying guidelines. The Board expects that guidance will be provided and instruction offered to students in the appropriate use of the School Technology Resources. Such training shall include, but not be limited to, education concerning appropriate online behavior, including interacting with other individuals on social media including in chat rooms, and cyberbullying awareness and response. All users of School Technology Resources are required to sign a written agreement to abide by the terms and conditions of this policy and its accompanying guidelines.

Staff will be assigned a school e-mail address that they are required to utilize for all school-related electronic communications, including those to students, parents and other constituents, fellow staff members, and vendors or individuals seeking to do business with the School.

With prior approval from the Superintendent or Information Technology Personnel, staff may direct students who have been issued School-assigned email accounts to use those accounts when signing up/registering for access to various online educational services including mobile applications/apps that will be utilized by the students for educational purposes under the teacher's supervision.

The Board expects all School personnel to be responsible for good behavior when using School Technology and Information Resources – i.e., behavior comparable to that expected when in classrooms, school hallways, and other school premises and school sponsored events. Communications on the Internet are often public in nature. The Board does not approve any use of its Technology and Information Resources that is not authorized by or conducted strictly in compliance with this policy and its accompanying guidelines and Policy 7544 and its accompanying procedure.



Staff members may only use School Technology Resources to access or use social media if it is done for educational or business-related purposes.

Staff members use of School Technology Resources to access or use social media is to be consistent with Policy 7544 and its accompanying procedure.

An employee's personal or private use of social media may have unintended consequences. While the Board respects its employees' First Amendment rights, those rights do not include permission to post inflammatory comments that could compromise the School's mission, undermine staff relationships, or cause a substantial disruption to the school environment. This warning includes staff members' online conduct that occurs off school property including from the employee's private computer. Postings to social media should be done in a manner sensitive to the staff member's professional responsibilities.

General School rules for behavior and communication apply.

Users who disregard this policy and its accompanying guidelines may have their use privileges suspended or revoked, and disciplinary action taken against them. Users are personally responsible and liable, both civilly and criminally, for uses of School Technology and Information Resources that are not authorized by this policy and its accompanying guidelines.

The Board designates the Superintendent as the administrators responsible for initiating, implementing, and enforcing this policy and its accompanying guidelines as they apply to staff members' use of School Technology and Information Resources.

In addition, Federal and State confidentiality laws forbid schools and School employees from using or disclosing student education records without parental consent. See Policy 8330. Education records include a wide variety of information; posting personally identifiable information about students is not permitted. School personnel who violate State and Federal confidentiality laws or privacy laws related to the disclosure of confidential employee information may be disciplined.

Adopted 1/11/10

Revised 10/24/11; 8/13/12; 1/12/15; 1/8/18; 7/9/18; 9/9/19

## **SCHOOL-ISSUED STAFF E-MAIL ACCOUNT**

### Staff

The Board of Directors is committed to the effective use of electronic mail ("e-mail") by all School staff and Board members in the conduct of their official duties. This policy and any corresponding guidelines are intended to establish a framework for the proper use of e-mail for conducting official business and communicating with colleagues, students, parents and community members.

When available, the School's e-mail system must be used by employees for any official School e-mail communications. Personal e-mail accounts on providers other than the School's e-mail system may be blocked at any time if concerns for network security, SPAM, or virus protection arise. Furthermore, School staff are expected to exercise reasonable judgment and prudence and take appropriate precautions to prevent viruses from entering the School's network when opening or forwarding any e-mails or attachments to e-mails that originate from unknown sources.

School staff shall not send or forward mass e-mails, even if the e-mails concern School business, without prior approval of the Technology Director and Superintendent.

School staff may join list servs or other e-mail services (e.g. RSS feeds) that pertain to their responsibilities in the School, provided these list servs or other e-mail services do not exceed the staff member's e-mail storage allotment if a staff member is unsure whether s/he has adequate storage or should subscribe to a list serv or RSS feed, s/he should discuss the issue with his/her building principal or the School's IT staff. The Technology Director and Superintendent are authorized to block e-mail from list servs or e-mail services if the e-mails received by the staff member(s) become excessive.

Staff members are encouraged to keep their inbox and folders organized by regularly reviewing e-mail messages, appropriately saving e-mails that constitute a public record or student record and e-mails that are subject to a litigation hold (see Policy 8315 – Information Management), and purging all other e-mails that have been read. If the staff member is concerned that his/her e-mail storage allotment is not sufficient, s/he should contact the School's IT staff.

### Public Records

The School complies with all Federal and State laws pertaining to electronic mail. Accordingly, e-mails written by or sent to School staff and Board members may be public records if their content concerns School business, or education records if their content includes personally identifiable information about a student. E-mails that are public records are subject to retention and disclosure, upon request, in accordance with Policy 8310 – Public Records. E-mails that are student records must be maintained pursuant to Policy 8330 – Student Records. Finally e-mails may constitute electronically stored information ("ESI") that may be subject to a litigation hold pursuant to Policy 8315 – Information Management.

State and Federal law exempt certain documents and information within documents from disclosure, no matter what their form. Therefore, certain e-mails may be exempt from disclosure or it may be necessary to redact certain content in the e-mails before the e-mails are released pursuant to a public records request, the request of a parent or eligible student to review education records, or a duly served discovery request involving ESI.

E-mails written by or sent to School staff and Board members by means of their private e-mail account may be public records if the content of the e-mails concerns School business, or education records if their content includes personally identifiable information about a student. Consequently, staff shall comply with a School request to produce copies of e-mail in their possession that are either public records or education records, or that constitute ESI that is subject to a litigation hold, even if such records reside on a computer owned by an individual staff member, or are accessed through an e-mail account not controlled by the School.

### Retention

Pursuant to State and Federal law, e-mails that are public records or education records, and e-mails that are subject to a litigation hold shall be retained.

E-mail retention is the responsibility of the individual e-mail user. Users must comply with School guidelines for properly saving/archiving e-mails that are public records, student education records, and/or subject to a litigation hold. E-mails sent or received using the School's e-mail service may only be retained for thirty (30) days on the server. This retention is for disaster recovery and not to provide for future retrieval. The School does not maintain a central or distributed e-mail archive of e-mail sent and/or received. Any questions concerning e-mail retention should be directed to the site administrator and/or IT staff.

### Unauthorized E-mail

The Board does not authorize the use of its Technology Resources, including its computer network ("network") to accept, transmit, or distribute unsolicited bulk e-mail sent through the Internet to network e-mail accounts. In addition, Internet e-mail sent, or caused to be sent, to or through the network that makes use of or contains invalid or forged headers, invalid or non-existent domain names, or other means of deceptive addressing will be deemed to be counterfeit. Any attempt to send or cause such counterfeit e-mail to be sent to or through the network is unauthorized. Similarly, e-mail that is relayed from any third party's e-mail servers without the permission of that third party, or which employs similar techniques to hide or obscure the source of the e-mail, is also an unauthorized use of the network. The Board does not authorize the harvesting or collection of network e-mail addresses for the purposes of sending unsolicited e-mail. The Board reserves the right to take all legal and technical steps available to prevent unsolicited bulk e-mail or other unauthorized e-mail from entering, utilizing, or remaining within the network. Nothing in this policy is intended to grant any right to transmit or send e-mail to, or through, the network. The Board's failure to enforce this policy in every instance in which it might have application does not amount to a waiver of its rights.

Unauthorized use of the network in connection with the transmission of unsolicited bulk e-mail, including the transmission of counterfeit e-mail, may result in civil and criminal penalties against the sender and/or possible disciplinary action.

### Authorized Use and Training

Pursuant to Policy 7540.04, staff and Board members using the School's e-mail system shall acknowledge their review of, and intent to comply with, the School's policy on acceptable use and safety by signing and submitting Form 7540.04 F1 annually.

Furthermore, staff and Board members using the School's e-mail system shall satisfactorily complete training annually.

Adopted 1/11/10  
Revised 1/8/18; 9/9/19

## **SCHOOL-ISSUED STUDENT E-MAIL ACCOUNT**

Students assigned a School e-mail account are required to utilize it for all School-related electronic communications, including those to staff members and individuals and/or organizations outside the School with whom they are communicating for School-related projects and assignments. Further, as directed and authorized by their teachers, they shall use their School-assigned e-mail account when signing-up/registering for access to various online educational services, including mobile applications/apps that will be utilized by the student for educational purposes.

This policy and any corresponding guidelines serve to establish a framework for student's proper use of e-mail as an educational tool.

Personal e-mail accounts on providers other than the School's e-mail system may be blocked at any time if concerns for network security, SPAM, or virus protection arise. Students are expected to exercise reasonable judgment and prudence and take appropriate precautions to prevent viruses from entering the School's network when opening or forwarding any e-mails or attachments to e-mails that originate from unknown sources.

Students shall not send or forward mass e-mails, even if educationally-related, without prior approval of their classroom teacher or the site administrator.

Students may join list serves or other e-mail services (e.g. RSS feeds) that pertain to academic work, provided the e-mails received from the list serves or other e-mail services do not become excessive. If a student is unsure whether s/he has adequate storage or should subscribe to a list serv or RSS feed, s/he should discuss the issue with his/her classroom teacher, the building principal or the School's IT staff. The site administrator and/or IT staff is authorized to block e-mail from list serves or e-mail services if the e-mails received by the student becomes excessive.

Students are encouraged to keep their inbox and folders organized by regularly reviewing e-mail messages and purging e-mails once they are read and no longer needed for school.

### Unauthorized E-mail

The Board does not authorize the use of its Technology Resources, including its computer network ("network"), to accept, transmit, or distribute unsolicited bulk e-mail sent through the Internet to network e-mail accounts. In addition, Internet e-mail sent, or caused to be sent, to or through the network that makes use of or contains invalid or forged headers, invalid or non-existent domain names, or other means of deceptive addressing will be deemed to be counterfeit. Any attempt to send or cause such counterfeit e-mail to be sent to or through the network is unauthorized. Similarly, e-mail that is relayed from any third party's e-mail servers without the permission of that third party, or which employs similar techniques to hide or obscure the source of the e-mail, is also an unauthorized use of the network. The Board does not authorize the harvesting or collection of network e-mail addresses for the purposes of sending unsolicited e-mail. The Board reserves the right to take all legal and technical steps available to prevent unsolicited bulk e-mail or other unauthorized e-mail from entering, utilizing, or remaining within the network. Nothing in this policy is intended to grant any right to transmit or send e-mail to, or through, the network. The Board's failure to enforce this policy in every instance in which it might have application does not amount to a waiver of its rights.

Unauthorized use of the network in connection with the transmission of unsolicited bulk e-mail, including the transmission of counterfeit e-mail, may result in civil and criminal penalties against the sender and/or possible disciplinary action.

Authorized Use and Training

Pursuant to Policy 7540.03, students using the School's e-mail system shall acknowledge their review of, and intent to comply with, the School's policy on acceptable use and safety by signing and submitting Form 7540.03 F1 annually.

Furthermore, students using the School's e-mail system shall satisfactorily complete training regarding the proper use of e-mail.

Adopted 1/8/18  
Revised 9/9/19

## PERSONAL INTERNET ACCOUNT PRIVACY - STUDENTS

Reference: Michigan Internet Privacy Information Act, PA 478 of 2012  
M.C.L. 37.271 et. seq.

The School will not:

- A. request a student or prospective student to grant access to, allow observation of, or disclose information that allows access to or observation of the student's or prospective student's personal internet account.
- B. expel, discipline, fail to admit, or otherwise penalize a student or prospective student for failure to grant access to, allow observation of, or disclose information that allows access to or observation of the student's or prospective student's personal internet account.

The following definitions shall be used for this policy:

- A. "Access information" means user name, password, login information, or other security information that protects access to a personal internet account.
- B. "Personal internet account" means an account created via a bounded system established by an internet-based service that requires a user to input or store access information via an electronic device to view, create, utilize, or edit the user's account information, profile, display, communications, or stored data.
- C. The School may:
  - 1. request or require a student to disclose access information to gain access to or operate any of the following:
    - a. An electronic communications device paid for in whole or in part by the School.
    - b. An account or service provided by the School that is either obtained by virtue of the student's admission to the educational institution or used by the student for educational purposes.
  - 2. view, access or utilize information about a student or applicant that can be obtained without any required access information or that is available in the public domain.

Adopted 8/12/13  
Revised 9/9/19

## PERSONAL INTERNET ACCOUNT PRIVACY – STAFF

Reference: Michigan Internet Privacy Protection Act, PA 478 of 2012  
M.C.L. 37.271 et. seq.

The School will not:

- A. request an employee or an applicant for employment to grant access to, allow observation of, or disclose information that allows access to or observation of the employee's or applicant's personal internet account.
- B. discharge, discipline, fail to hire, or otherwise penalize an employee or applicant for employment for failure to grant access to, allow observation of, or disclose information that allows access to or observation of the employee's or applicant's personal internet account.

The following definitions shall be used for this policy:

- A. "Access information" means user name, password, login information, or other security information that protects access to a personal internet account.
- B. "Personal internet account" means an account created via a bounded system established by an internet-based service that requires a user to input or store access information via an electronic device to view, create, utilize, or edit the user's account information, profile, display, communications, or stored data.
- C. The School may:
  - 1. request or require an employee to disclose access information to the School to gain access to or operate any of the following:
    - a. An electronic communications device paid for in whole or in part by the employer.
    - b. An account or service provided by the employer, obtained by virtue of the employee's employment relationship with the employer, or used for the School's business purposes.
  - 2. discipline or discharge an employee for transferring the proprietary or confidential information or financial data to an employee's personal internet account without the School's authorization.
  - 3. conduct an investigation or require an employee to cooperate in an investigation in any of the following circumstances:
    - a. If there is specific information about activity on the employee's personal internet account, for the purpose of ensuring compliance with applicable laws, regulatory requirements, or prohibitions against work-related employee misconduct.



- b. If the School has specific information about an unauthorized transfer of the School's proprietary information, confidential information, or financial data to an employee's personal internet account.
4. restrict or prohibit an employee's access to certain websites while using an electronic communications device paid for in whole or in part by the School or while using the School's network or resources, in accordance with State and Federal law.
5. monitor, review, or access electronic data stored on an electronic communications device paid for in whole or in part by the employer, or traveling through or stored on an School's network, in accordance with State and Federal law.
6. screen employees or applicants prior to hiring or to monitor or retain employee communications that is established under Federal law or by a self-regulatory organization, as defined in section 3(a)(26) of the securities and exchange act of 1934, 15 USC 78c(a)(26).
7. view, access or utilize information about an employee or applicant that can be obtained without any required access information or that is available in the public domain.

Adopted 8/12/13  
Revised 9/9/19

## **ELECTRONIC DATA PROCESSING/INFORMATION SYSTEM DISASTER RECOVERY PLAN**

The Board of Directors is committed to maintaining and protecting the School's Information System. The Board believes that a complete and accurate Information System, including educational, student, fiscal and personnel information, is vital to the Board's ability to deliver uninterrupted educational service to the community it represents. To that end, the Superintendent is directed to develop, test, and maintain an *Electronic Data Processing/Information System Disaster Recovery Plan* for use in the event a disaster should disable the School's electronic data processing equipment.

The Disaster Recovery Plan may include the following:

- A. equipment insurance;
- B. a list of the applications used by the School;
- C. backup storage off-site;
- D. maintenance agreements for hardware and software (including, but not limited to the operating system);
- E. a list of vendor contacts to be called for immediate replacement of disabled equipment or corrupted software;
- F. as a last resort, the emergency procedures to be used to manually create the budgetary checks and to manually perform other necessary accounting functions.

Adopted 1/11/10  
Revised 9/9/19

## **ACCESS TO SCHOOL TECHNOLOGY RESOURCES AND/OR INFORMATION RESOURCES FROM PERSONAL COMMUNICATION DEVICES**

For purposes of this policy, “personal communication device” (PCD) includes computers, tablets (e.g., iPad-like devices), electronic readers (“e-readers”; e.g., Kindle-like devices), cell phones, smartphones (e.g., iPhones, Android devices, Windows Mobile devices, etc.), and/or other web-enabled devices of any type.

The Board permits employees, students, Board members, guests, as well as contractors, vendors, and agents to use their “PCDs” to wirelessly access the School’s Technology and/or Information Resources (as defined in Bylaw 0100) while they are on-site at any School facility.

If the user wants to access the School’s Technology and/or Information Resources through a hard-wired connection, the user’s PCD must first be checked by the Technology Coordinator to verify it meets the established standards for equipment used to access the network.

The Technology Coordinator is charged with developing (or, is directed to develop) the necessary standards for connecting PCDs to the School’s Technology and/or Information Resources. The standards shall be available upon request.

The standards shall be designed and enforced to minimize the Board's exposure to damages, including, but not limited to, the loss of Confidential Data/Information, illegal access to Confidential Data/Information, damage to the School's intellectual property, damage to the District's public image/reputation, and damage to the School's critical internal systems, from unauthorized use.

The use of PCDs must be consistent with the established standards for appropriate use as defined in Policy 7540.03 and AG 7540.03 – Student Technology Acceptable Use and Safety, Policy 7540.04 and AG 7540.04 – Staff Technology Acceptable Use and Safety, Policy 5136 and AG 5136 - Personal Communication Device, Policy 7530.02 - Staff Use of Communication Devices. When an individual connects to and uses the School’s Technology and/or Information Resources, s/he must agree to abide by all applicable policies, administrative procedures and laws (e.g., the user will be presented with a “splash screen” that will set forth the terms and conditions under which s/he will be able to access the School’s Technology and/or Information Resource(s); the user will need to accept the stated terms and conditions before being provided with access to the specified technology resource(s)).

In order to comply with the Children’s Internet Protection Act (“CIPA”), the Board has implemented technology protection measures that protect against (e.g., filter or block”) access to visual displays/depictions/materials that are obscene, constitute child pornography, and/or are harmful to minors. The Board also utilizes software and/or hardware to monitor online activity to restrict access to child pornography and other material that is obscene, objectionable, inappropriate and/or harmful to minors.

Any user who violates the established standards and/or the Board's Acceptable Use policy, or who accesses the School’s technology resources without authorization may be prospectively denied access to the School’s technology resources. If the violation is committed by a contractor, vendor or agent of the School, the contract may be subject to cancellation. Further disciplinary action may be taken if the violation is committed by a student or employee.

The owner of a PCD bears all responsibility and assumes all risk of theft, loss, or damage to, or misuse or unauthorized use of the device while it is on Board property. This provision applies to everyone, regardless of their affiliation or connection to the School.

Adopted 1/11/10

Revised 6/10/13; 7/9/18; 9/9/19

## **UTILIZATION OF THE SCHOOL'S WEBSITE AND REMOTE ACCESS TO THE SCHOOL'S NETWORK**

Parents, students, staff/employees and community members are encouraged to access the School's website, [www.gwcarveracademy.org](http://www.gwcarveracademy.org).

The following resources are available on the School's website:

- A. the School's calendar
- B. (grade book program)
- C. (required State report)
- D. Board agendas and minutes
- E. information concerning the Academy's Anti-Discrimination Policies and Guidelines, including Section 504/ADA complaint procedures
- F. Annual Budget

Parents, students, staff/employees and community members should check the School's website regularly for changes to these resources and for the addition of other resources. Some resources may require a user name and password, or a login procedure due to the personally identifiable nature of the information provided through that resource (e.g., the grade book program and e-mail system). If a user name and password, or login procedure, is necessary to access a resource, the user should contact the applicable school or department for access.

### Access to the School Network through Server

Board members, School employees, students, as well as contractors, vendors, and agents of the School are permitted to use their personally-owned or School-owned computer or workstation and/or web-enabled devices of any type to remotely (i.e. away from School property and facilities) access the School's server and thereby connect to the School's network. This policy is limited to remote access connections that are used to do work on behalf of or for the benefit of the School, including, but not limited to, reading or sending e-mail and reviewing School-provided intranet web resources

Each individual granted remote access privileges pursuant to this policy must adhere to the following standards and regulations:

- A. his/her computer/device must have active on it, an anti-virus program with the latest updates from the manufacturer
- B. the individual may only access the network using his/her assigned user name and password

The individual is prohibited from allowing other persons, including friends and family members, to use his/her user name and password to login into the network. The user may not go beyond his/her authorized access.

- C. his/her device may not be connected to any other network at the same time s/he is connected to the Network, with the exception of personal networks that are under the complete control of the user

- D. his/her device may not, at any time while the individual is using remote access to connect to the network, be reconfigured for the purpose of connecting to another (an additional) network
- E. use of the network, whether connected directly or remotely, is contingent upon the individual abiding by the terms and conditions of the Board's Technology Acceptable Use and Safety policies and guidelines.

Users are required to sign the applicable agreement form (Form 7540.03 F1 or Form 7540.04 F1) prior to being permitted to use remote access.

Additional standards and regulations for remotely accessing and connecting to the School network shall be published in AG 7543 - Standards and Regulations for Remote Access and Connection.

Any user who violates this policy may be denied remote access and connection privileges.

Adopted 1/11/10  
Revised 7/9/18; 9/9/19

## USE OF SOCIAL MEDIA

Reference: 20 U.S.C. 1232g  
34 C.F.R. Part 99  
Protecting Children in the 21st Century Act, Pub. L. No. 110-385, Title II, Stat. 4096 (2008)  
Children's Internet Protection Act (CIPA), Pub. L. No. 106-554 (2001)

Technology is a powerful tool to enhance education, communication, and learning.

The Board of Directors authorizes the use of social media to promote community involvement and facilitate effective communication with students, parents/guardians, staff (including School-approved volunteers), and the general public. Social media is defined in Bylaw 0100.

The Superintendent is charged with designating the School-approved social media platforms/sites.

In designating School-approved social media platforms/sites, the Superintendent shall specify which platforms/sites are appropriate for use at the School-level, the building or department level, for extra-curricular activities, and at the individual level by employees for professional purposes.

It is critical that students be taught how to use social media platforms safely and responsibly. Social media (as defined in Bylaw 0100) are a powerful and pervasive technology that affords students and employees the opportunity to communicate for school and work purposes, and to collaborate in the delivery of a comprehensive education. Federal law mandates that the School provide for the education of students regarding appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms, and regarding cyberbullying awareness and response. See School Board Policy 7540.03 – Student Technology Acceptable Use and Safety.

The School recognizes that employees may use social media for personal, as well as professional reasons. The School neither encourages nor discourages employees' use of social media for personal purposes. The School regulates employees' use of social media for purposes related to their School assignment to the same extent as it regulates any other form of employee communication in that regard.

The School uses approved social media platforms/sites as interactive forms of communication and accepts, invites and welcomes public comments. The School-approved social media platforms/sites are considered limited public forums. As such, the School will monitor posted comments to verify they are on-topic, consistent with the posted rules for use of the forum, and in compliance with the platform/site's applicable terms of service. The Board's review of posted comments will be conducted in a viewpoint neutral manner, and consistent with State and Federal law. Employees' personal posts on the public platforms/sites are limited/restricted to matters of general public interest that are not related to the employee's specific employment and wholly unrelated to the employee's job responsibilities (i.e., matters where it is clear the individual is posting not in an official capacity, but simply as a member of the public). Employees in administrative positions are ordinarily not permitted to post personal comments on matters of general public interest because to do so could be misconstrued as Board-sponsored speech.

Each School-approved social media account/site must contain a statement that specifies its purpose(s) and limits those who access the social media account/site to use of the account/site only for that/those purpose(s), and in accordance with any specified procedures,

and applicable terms of service. Users are personally responsible for the content of their posts.

### Social Media for Instructional and School-Sponsored Activities

Staff (including School-approved volunteers) may, with prior approval/authorization from the Superintendent, use social media platforms/sites for classroom instruction or school-sponsored activities. When a staff member uses a School-approved social media platform/site for an educational purpose, it will be considered an educational activity and will not be considered a limited public forum. Students' use of School-approved social media platforms/sites must be consistent with the Student Code of Conduct, Policy 5722 -School-Sponsored Student Publications and Productions/AG 5722 – School-Student Publications and Productions, Policy 7540.03/AG 7540.03 – Student Technology Acceptable Use and Safety, the instructor's directions/procedures, and the platform/site's applicable terms of service. Students are prohibited from posting or releasing personally identifiable information about students, employees, and volunteers through School-approved social media without appropriate consent.

Staff members (including School-approved volunteers) must provide parents of students involved in a school-sponsored activity the ability to opt-out of having their child use social media platforms/sites for communication purposes associated with that activity, and arrange for an alternative method of communicating with the participating student concerning the school-sponsored activity.

### Expected Standards of Conduct on School-Approved Social Media

Employees and School-approved volunteers who access School-approved social media platforms are expected to conduct themselves in a respectful, courteous, and professional manner. Students, parents, and members of the general public who access School-approved social media platforms are similarly expected to conduct themselves in a respectful, courteous, and civil manner.

School-approved social media sites shall not contain content that is obscene; is vulgar and lewd such that it undermines the school's basic educational mission; is libelous or defamatory; constitutes hate speech; promotes illegal drug use; is aimed at inciting an individual to engage in unlawful acts or to cause a substantial disruption or material interference with School operations; or interferes with the rights of others. The School may exercise editorial control over the style and content of student speech on School-approved social media, if reasonably related to legitimate pedagogical concerns. Staff or students who post prohibited content shall be subject to appropriate disciplinary action.

The School is committed to protecting the privacy rights of students, parents/guardians, staff, volunteers, Board members, and other individuals on School-approved social media sites. School employees and volunteers are prohibited from posting or releasing confidential information about students, employees, volunteers, or School operations through social media, without appropriate consent (i.e., express written consent from the parent of a student, the affected employee or volunteer, or the Superintendent concerning School operations).

### Retention of Public/Student Records

School communications that occur through the use of School-approved social media platforms/sites – including staff members'/volunteers' use of social media with school-sponsored activities, and comments, replies, and messages received from the general



public – may constitute public records or student records, and all such communications will be maintained (i.e., electronically archived) in accordance with the Board's adopted record retention schedule and all applicable State statutes. Records that are not part of the performance of an official function do not become public records by mere retention by the School under this policy. (See AG 8310A – Requests for Public Records)

Staff members and School-approved volunteers cannot rely on social networking platforms (e.g., Facebook, Twitter, etc.) to sufficiently fulfill potential records retention requirements because these platforms, in general, do not guarantee retention and are unlikely to assist in the production of third-party comments and communications that have been edited, deleted, or are otherwise no longer available. Consequently, School employees and volunteers who use such social media accounts for professional communications must operate them in accordance with the general archiving practices and technology instituted by the School so records remain within the School's control and are appropriately retained.

If a staff member uses School-approved social media platforms/sites in the classroom for educational purposes (i.e., classroom instruction), the staff member must consult with the Superintendent concerning whether such use may result in the creation of public and/or education records that must be maintained (i.e., electronically archived) for a specific period of time.

#### Employees' Use of School Technology Resources to Access Social Media for Personal Use

Employees are permitted to use School Technology Resources (as defined in Bylaw 0100) to access social media for personal use during breaks, mealtimes, and before and after scheduled work hours.

They are reminded that the School may monitor their use of School technology resource.

#### Employees' Use of Personal Communication Devices at Work to Access Social Media for Personal Use

Employees are permitted to use personal communication devices to access social media for personal use during work hours, provided it does not interfere with the employee's job performance.

Employees and School-approved volunteers are prohibited from posting or engaging in communication that violates State or Federal law, Board policies, or administrative procedures. If an employee/volunteer's communication interferes with his/her ability to effectively perform his/her job, or violates State or Federal law, Board policies, or administrative procedures, the School may impose disciplinary action and/or refer the matter to appropriate law enforcement authorities.

This policy and its corresponding administrative procedure will be reviewed and updated as necessary.

Adopted 7/9/18  
Revised 9/9/19

## **ELECTRONIC COMMUNICATIONS**

The advancement of technology has provided many new ways for individuals to communicate with one another. These electronic communications include social networking sites, instant messaging, text messaging, e-mailing and photo-sharing, among others. Additional methods of electronic communication can be anticipated as the technology continues to evolve.

However, use of such technology must be approached with caution by School employees. Given the nature of the communications, there is a significant potential both for inappropriate use and for alleged inappropriate use. To protect staff and students, the following restrictions are established:

- A. Electronic communications with students should be appropriate in tone, content, and quantity. Stalking, harassment, or other unwelcome behaviors are prohibited, including any type of sexually suggestive comments, photos, or graphics.
- B. Electronic communications with other employees should be appropriate in tone, content, and quantity. Stalking, harassment, or other unwelcome behaviors are prohibited.
- C. Electronic communications during work time shall only be allowed for work-related matters or personal emergencies. Work time is defined as all paid work time that is not a designated break or meal period.

The School may require the employee to produce records for review when there is reason to believe that this policy has been violated. Records within the School's control may be reviewed periodically to assure that this policy is being complied with. These may include Internet logs, cell phone records, or other similar documentation.

Questions regarding acceptable electronic communications or unwelcomed electronic communications from someone associated with the School should be submitted to the Superintendent.

Adopted 1/11/10  
Revised 9/9/19

## **8000 OPERATIONS**

<b>8120</b>	<b>Iran Economic Sanctions Act Compliance</b>	<b>LR</b>
<b>8142</b>	<b>Criminal History Record Check</b>	<b>LR</b>
<b>8142.01</b>	<b>Weapons</b>	<b>LR</b>
8210	Academy Calendar	LC
8220	School Day	BP
8300	Continuity of Organizational Operations Plan	BP
8305	Information Security	BP
<b>8310</b>	<b>Public Records</b>	<b>LR</b>
8315	Information Management	BP
8320	Personnel Files	BP
<b>8321</b>	<b>Criminal Justice Information Security (Non-Criminal Justice Agency)</b>	<b>LR</b>
8325	Receipt of Legal Documents	BP
<b>8330</b>	<b>Student Records</b>	<b>LR</b>
<b>8340</b>	<b>Letters of Reference</b>	<b>LR</b>
<b>8350</b>	<b>Confidentiality</b>	<b>LR</b>
8351	Breach of Confidential Information	BP
<b>8390</b>	<b>Animals on Academy Property</b>	<b>LR</b>
<b>8400</b>	<b>Academy Safety Information</b>	<b>LR</b>
<b>8401</b>	<b>Fire Safety and Fire Department Notification</b>	<b>LR</b>
<b>8402</b>	<b>Emergency Operations Plan</b>	<b>LR</b>
8405	Environmental Health and Safety Issues	LC
8405.01	Integrated Pest Management	LC
8410	Crisis Intervention	BP
8420	Emergency Situations at the Academy	LC
<b>8431</b>	<b>Preparedness for Toxic Hazards and Asbestos Hazard</b>	<b>LR</b>
8442	Reporting Accidents	BP

8450	Control of Casual-Contact Communicable Diseases	BP
8450.01	Pediculosis (Head Lice)	BP
8452	Automatic External Defibrillators (AED)	LC
8453	Direct Contact Communicable Diseases	BP
8453.01	Control of Blood-Borne Pathogens	LC
8462	Student Abuse and Neglect	LC
<b>8500</b>	<b>Food Services</b>	<b>LR*</b>
<b>8510</b>	<b>Wellness</b>	<b>LR</b>
8510	Appendix A: Specific Goals for Nutrition	
8510	Appendix B: Specific Goals for Physical Activity	
8510	Appendix C: Specific Goals for Other Academy-Based Activities Designed to Promote Student Wellness	
8510	Appendix D: Specific Goals for Nutrition Promotion	
8510	Appendix E: Nutrition Guidelines for All Foods Available On Campus During the School Day	
8510	Appendix F: Wellness Policy Board Resolution	
8531	Free and Reduced-Priced Meals	LC
<b>8540</b>	<b>Vending Machines</b>	<b>LR*</b>
8710	Insurance	LC
8740	Bonding	BP
8800	Religious/Patriotic Ceremonies and Observances	LC
8805	Flags and Displays	LC
8900	Anti-Fraud	BP

LR\* These policies are only legally required if the Academy serves food to students and receives direct or indirect federal aid for the program.

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Adoption Date: **02.10**

Classification:

Revised Dates: **10/24/11; 8/13/12; 6/10/13; 8/12/13; 1/13/14; 8/18/14; 9/15/14; 1/12/15; 6/8/15; 1/11/16; 9/12/16; 11/14/16; 01/09/17; 8/14/17; 1/8/18; 6/24/19; 9/9/19; 2/10/20; 05/26/2020; 7/12/21; 12/13/2021; 12.22**

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## IRAN ECONOMIC SANCTIONS ACT COMPLIANCE

Reference: M.C.L. 329.311 – 329.316

The School will not enter into or renew a contract with any Iran linked business while Iran is a State sponsor of terror as defined under Section 2 of the Divestment From Terror Act, 2008 PA 234, MCL 129.292. To this end, and in accordance with the Iran Economic Sanctions Act of Michigan, the School shall require a person that submits a bid on a request for proposal with the School to certify that it is not an Iran linked business.

If the School determines, using credible information available to the public, that a person has submitted a false certification, the School shall provide the person with written notice of its determination and of the intent not to enter into or renew a contract with the person. The notice shall include information on how to contest the determination and specify that the person may become eligible for a future contract with the School if the person ceases the activities that cause it to be an Iran linked business. The person shall have ninety (90) days following receipt of the notice to respond in writing and to demonstrate that the determination of false certification was made in error. If a person does not make that demonstration within ninety (90) days after receipt of the notice, the School may terminate any existing contract and shall report the name of the person to the attorney general together with information supporting the determination.

"Person" means any of the following:

- A. An individual, corporation, company, limited liability company, business association, partnership, society, trust, or any other nongovernmental entity, organization, or group.
- B. Any governmental entity or instrumentality of a government, including a multilateral development institution, as defined in section 1701(c)(3) of the international financial institutional act, 22 U.S.C. 262r(c)(3).
- C. Any successor, subunit, parent company, or subsidiary of, or company under common ownership or control with, any entity described in subparagraph A. or B.

"Iran Linked Business" means either of the following:

- A. A person engaging in investment activities in the energy sector of Iran, including a person that provides oil or liquefied natural gas tankers or products used to construct or maintain pipelines used to transport oil or liquefied natural gas for the energy sector of Iran.
- B. A financial institution that extends credit to another person, if that person will use the credit to engage in investment activities in the energy sector of Iran.

"Iran" means any agency or instrumentality of Iran.

"Energy Sector of Iran" means activities to develop petroleum or natural gas resources or nuclear power in Iran.

"Investment" means one (1) or more of the following:

- A. A commitment or contribution of funds or property.
- B. A loan or other extension of credit.
- C. The entry into or renewal of a contract for goods or services.

"Investment activity" means one (1) or more of the following:

- A. A person who has an investment of \$20,000,000.00 or more in the energy sector of Iran.
- B. A financial institution that extends \$20,000,000.00 or more in credit to another person, for forty-five (45) days or more, if that person will use the credit for investment in the energy sector of Iran.

Adopted 1/13/14  
Revised 9/9/19

## CRIMINAL HISTORY RECORD CHECK

Reference: M.C.L. 380.1230 et. seq., 380.1535, 380.1535a, 380.1809, 28.722

Before the School hires any employee (full or part-time) or allows any individual under contract to continuously and regularly work in the schools, a criminal history records check shall be conducted in accordance with State law.

"Under contract" shall apply to individuals, as well as owners and employees of entities, who contract directly with the School or with a third-party vendor, management company, or similar contracting entity, to provide food, custodial, transportation, counseling or administrative services on more than an intermittent or sporadic basis. It shall also apply to individuals or entities providing instructional services to students or related auxiliary services to special education students.

Prior to allowing an individual, who is subject to the criminal history record check requirement, to work in the School, the School shall submit a fingerprint-based check on the individual, using Michigan State Police (MSP) Form RI-030 (7/2012), regardless of whether the individual will work directly for the School or be contracted through a third-party vendor, management company or similar contracting entity ("Private Contractors"). Except as provided below, the report from the MSP must be received, reviewed and approved by the School prior the individual commencing work.

Such Private Contractors cannot receive or retain criminal history record information ("CHRI").<sup>1</sup> Where the School will contract with a Private Contractor for the services of an individual, the School will notify the Private Contractor(s), after review of the MSP report, whether the individual has been approved to work within the School. The School may not give any details, including the fact that a criminal history check was run. Notice for approval to work in the School should use the Affidavit of Assignment or similar "red light/green light" procedure.

Should it be necessary to employ a person or contract for a person to maintain continuity of the program prior to receipt of the criminal history report, the **CHRI Representative** may contract on a provisional basis until the report is received. Any such provisional hire requires that:

- A. the record check has been requested;
- B. the applicant has signed a disclosure of all convictions and acknowledges that employment may be terminated if there are discrepancies; and
- C. the hiring occurs during the school year or not more than thirty (30) days before the beginning of the school year.

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<sup>1</sup> Individuals who submit and receive such criminal history record checks on behalf of the School must be direct employees of the School or, if such access is approved by the Board, ESP personnel who are provided view only access by the Local Agency Security Officer. Notwithstanding this, Information Technology contractors and vendors may be granted access to CHRI subject to successful completion of a national fingerprint-based criminal history record check as detailed in Policy 8321.



For substitute teachers or substitute bus drivers currently working in another district, public school academy or non-public school in the State, the CHRI Representative may use a report received from the State Police by such school to confirm the individual has no criminal history. Absent such confirmation, a criminal history record check shall be performed.

Individuals working in multiple districts or Schools may authorize the release of a prior criminal history records check with another district or School in lieu of an additional check for either direct employment or working regularly and consistently under contract in the schools.

Individuals who previously received a statutorily required criminal background check and who have been continuously employed by a school district, intermediate school district, public school academy or non-public school within the State, with no separation, may have their previous record check sent to the School in lieu of submitting to a new criminal background check. If this method is used, the CHRI Representative must confirm that the record belongs to that individual and whether there have been any additional convictions by processing the individual's name, sex and date of birth through the Internet Criminal History Access Tool (ICHAT).

"No separation," for purposes of the preceding paragraph, means a lay-off or leave of absence of less than twelve (12) months with the same employer; or the employee transfers without a break in service to another school district, intermediate school district, public school academy or non-public school within the State.

All criminal history record check reports received from the State Police or produced by the State Police and received by the School from another proper source will be maintained in the individual's personnel record.

When the School receives a report that shows an individual has been convicted of a listed offense under state statutes or any felony, the CHRI Representative shall take steps to verify that information using public records, in accordance with the procedures provided by the State Department of Education.

Verified convictions may result in termination of employment or rejection of an application. The School will not hire or continue to employ any individual, either directly or as a contracted employee to work regularly and continuously in the schools, who has been convicted of a "listed" offense as defined in M.C.L. 28.722. The School will not hire or continue to employ any individual, either directly or as a contracted employee to work regularly and continuously in the schools, who has been convicted of any felony unless both the CHRI Representative and the Board provide written approval.

The School must report as directed by and to the State Department of Education the verified information regarding conviction for any listed offense or conviction for any felony and the action taken by the School with regard to such conviction. Such report shall be filed within sixty (60) days of receipt of the original report of the conviction.

The CHRI Representative shall establish the necessary procedures for obtaining from the Criminal Records Division of the State Police any criminal history on the applicant maintained by the State Police. In addition, the CHRI Representative shall request the State Police to obtain a criminal history records check from the Federal Bureau of Investigation.

An applicant must provide, at the School's expense, a set of fingerprints, prepared by an entity approved by the Michigan State Police, upon receiving an offer of employment, or as required by State law for continued employment.

#### Confidentiality

All information and records obtained from such criminal background inquiries and disclosures are to be considered confidential and shall not be released or disseminated to those who have not been given access to the CHRI by the Superintendent or the Board. Records involving misdemeanor convictions for sexual or physical abuse or any felony are not subject to these restrictions. Violation of confidentiality is considered a misdemeanor punishable by a fine up to \$10,000.

Any notification received from the Michigan Department of Education or Michigan State Police regarding School employees with criminal convictions shall be exempt from disclosure under the Freedom of Information Act (FOIA) for the first fifteen (15) days until the accuracy of the information can be verified. Thereafter, only information about felony convictions or misdemeanor convictions involving physical or sexual abuse may be disclosed in reference to a FOIA request.

Criminal history reports may be released with the written authorization of the individual.

Records may also be released, in accordance with statute, upon the request of a school district, intermediate school district, public school academy or non-public school when the individual is an applicant for employment at such school and there has been no separation from service, as defined in this policy and by statute.

Adopted 8/15/14  
Revised 1/8/18; 9/9/19

## **WEAPONS**

The Board prohibits any person who is under contract from possessing, storing, making, or using a weapon in any setting that is under the control and supervision of the School for the purpose of school activities approved and authorized by the School including, but not limited to, property leased, owned, or contracted for by the School, a School-sponsored event, including athletic events, or in a School vehicle.

"Under contract" shall apply to individuals, as well as owners and employees of entities, who contract directly with the School or with a third-party vendor, Employee Leasing Company, or similar contracting entity, to provide staffing, educational, food, custodial, transportation, counseling or administrative services to the School. It shall also apply to individuals or entities providing instructional services to students or related auxiliary services to special education students.

The term "weapon" means any object which, in the manner in which it used, is intended to be used, or is represented, is capable of inflicting serious bodily harm or property damage, as well as endangering the health and safety of persons. Weapons include, but are not limited firearms, guns of any type including spring, air and gas-powered guns (whether loaded or unloaded) that will expel a BB, pellet, or paint balls, knives, razors, clubs, electric weapons, metallic knuckles, martial arts weapon, ammunition, and explosives or any other weapon described in 18 U.S.C. 921.

The Superintendent and/or Employee Leasing Company shall refer an individual who violates this policy to law enforcement officials. The School may also take other action against the individual and/or his/her employer, including, but not limited to, requiring that the individual not be allowed to provide services to the School in the future and/or terminating any contractual relationship with the individual and/or the employer.

Individuals under contract shall immediately report knowledge of dangerous weapons and/or threats of violence by students, staff members, or other individuals to the Superintendent.

Adopted 11/14/16  
Revised 9/9/19

## SCHOOL CALENDAR

Reference: MCL 380.1284, 1284(a), 1284(b), 1175, 388.1701  
AC Rule R340.10 et. seq.  
Pupil Accounting Manual 2019-2020, Michigan Department of Education

The Board of Directors, shall ensure that its school calendar complies with the common calendar adopted by the Wayne RESA Intermediate School District (ISD), unless the School is statutorily exempt from this requirement or receives a waiver from the Superintendent of Public Instruction in compliance with State law. The common calendar will identify the specific dates for each school year when the School will not be in session for at least a winter holiday break, and a spring break for at least the next five (5) school years, and may further describe them more generally for subsequent school years as long as the dates can be readily determined. This calendar shall be posted on the School's web site and distributed to the School's constituents. The calendar shall provide for the instructional program of the academies, for orderly educational planning, and for the efficient operation of the School.

The Board shall determine annually the total number of days the School will be in session for instructional purposes. To avoid withholding of State school aid payments, the number of days and hours will be in accordance with Michigan law. The Board shall ensure the School is not in session for students before Labor Day, unless the School is statutorily exempt from this requirement or receives a waiver from the Superintendent of Public Instruction in compliance with State law.

If the School receives services from the Intermediate School District and is located within the ISD, the board shall ensure that the School calendar complies with the common school calendar adopted by the ISD. The School Leader is authorized to work with the ISD on the development of a common calendar for all of the public schools in the Intermediate School District.

A school session shall not be held on the following public holidays in Michigan Public Schools: January 1 (New Year's Day); the last Monday of May (Memorial or Decoration Day); July 4<sup>th</sup>, (Independence Day); the first Monday in September (Labor Day); the fourth Thursday of November (Thanksgiving Day); and December 25 (Christmas Day).

If any of these days falls on Sunday, the Monday following shall be a public holiday in the public schools.

The School shall provide at least 1,098 hours during 180 days of pupil instruction per school year, unless it obtains a waiver from this requirement.

No more than thirty (30) hours of student instruction lost due to conditions not within the control of the School such as severe storms, fires, epidemics, and health conditions can be counted as a part of the required minimum hours of instruction. All subsequent hours lost for instruction cannot be counted for state school aid, unless they occur after April 1, are due to unusual and extenuating occurrences resulting from conditions not within the control of the School authorities such as those conditions described above and are approved by the State Superintendent of Instruction. Hours lost due to strikes by School staff or to teacher conferences, unless approved as qualifying professional development in accordance with State law, shall not be counted as hours of instruction.

The Superintendent shall certify to the Department of Education by no later than August 1st of each year, the number of hours of student instruction during the previous school year.

Adopted 2/8/10  
Revised 9/9/19; 5/26/20

## **SCHOOL DAY**

Reference: MCL 380.1284

The Board of Directors authorizes the School day to be arranged and scheduled by the Superintendent. It is to offer the maximum education for the time spent within the limitations of School facilities and the laws and regulations of the State.

The Superintendent may close the School, delay the opening of school, or dismiss school early when such alteration in the regular session is required for the protection of the health and safety of students and staff members. The Superintendent shall prepare rules for the proper and timely notification of concerned persons and parents in the event of any emergency closing of the School.

The Superintendent shall have the authority to determine which School-related activities may be conducted if the School is closed for a period of time. The Superintendent shall prepare appropriate guidelines for communication to students, parents, and others regarding the scheduling and conduct of such activities.

Adopted 2/8/10  
Revised 9/9/19

## **CONTINUITY OF ORGANIZATIONAL OPERATIONS PLAN**

The Continuity of Organizational Operations Plan (COOP) provides the School with the capability of conducting its essential operations under all threats and conditions with or without warning. Having a plan to recover from any type of disaster regardless of the severity and consequences of the emergency is critical to recovery of operations and can minimize the impact on the School's teaching and learning, personnel, facilities, technology, transportation, food service, and other functional resources.

### Scope of the Continuity Plan

The primary objective of the COOP is to restore the School's critical operational functions and the learning environment as quickly as possible after a crisis or threat event has occurred. A COOP contains critical and sensitive information that is confidential and exempt from public disclosure.

Planning for the continuity of operations of a school system in the aftermath of a disaster is a complex task. The current changing threat environment and recent emergencies, including acts of nature, accidents, technological emergencies, and terrorist attacks and threats, have increased the need for viable continuity capabilities and plans that enable the School to resume and continue the essential functions in an all-hazards environment across a full spectrum of emergencies. Such conditions have increased the importance of having continuity plans in place that provide stability of essential functions across the various levels of public government and private enterprises.

The planning and development of continuity of an organizational operations plan, as well as the ongoing review and revision of such a plan, is important for the overall School and department in the School.

The School-wide plan describes how the School will respond as a total organization to a given emergency and describes the centralized resources and how they will be organized to implement command and control necessary to function during the life cycle of the event. Individual school and departmental plans contain the details related to the continuity plan for those specific sites and functional areas to prepare for an event, communicate throughout the duration of an event, assess the impact of an event on essential functions in the unit, respond to the event, and detail what will be done to recover from the event.

Preparation for, response to, and recovery from a disaster affecting administrative, educational, and support functions of the School's operations requires the cooperative efforts of external organizations, in partnership with the functional areas supporting the business of the School. This includes local government agencies, law enforcement, emergency management, medical services, and vendors necessary to School operations. The COOP outlines and coordinates all efforts by the School in cooperation with other local and State agencies and businesses to restore the essential functions of the School to the larger local community post-disaster.

The Superintendent shall recommend the COOP for Board of Directors review and approval; however, the COOP shall be considered a confidential document not subject to release under State public records laws and accordingly no copies shall be provided for public review during the adoption process.

The Superintendent shall conduct a periodic review of the COOP.

Adopted 8/14/17  
Revised 9/9/19



## **INFORMATION SECURITY**

The School collects, classifies, and retains data/information from and about students, staff, vendors/contractors, and other individuals, about programs and initiatives undertaken by the school system, and about and related to the business of the School. This information may be in hard copy or digital format, and may be stored in the School or offsite with a third party provider.

Data/information collected by the School shall be classified as Confidential, Controlled, or Published. Data/information will be considered Controlled until identified otherwise.

Protecting School Information Resources (as defined in Bylaw 0100) is of paramount importance. Information security requires everyone's active participation to keep the School's data/information secure. This includes Board of Education members, staff members/employees, students, parents, contractors/vendors, and visitors who use School Technology Resources (as defined in Bylaw 0100) and Information Resources.

Individuals who are granted access to data/information collected and retained by the School must follow established procedures so that the information is protected and preserved. Board members, administrators, and all School staff members, as well as contractors, vendors, and their employees, granted access to data/information retained by the School are required to certify annually that they shall comply with the established information security protocols pertaining to School data/information. Further, all individuals granted access to Confidential Data/Information retained by the School must certify annually that they will comply with the information security protocols pertaining to Confidential Data/Information. Completing the appropriate section of the Staff Technology Acceptable Use and Safety form (Form 7540.04F1) shall provide this certification.

All Board members, staff members/employees, students, contractors/vendors, and visitors who have access to Board-owned or managed data/information must maintain the security of that data/information and the School Technology Resources on which it is stored.

If an individual has any questions concerning whether this Policy and/or its related administrative guidelines apply to him/her or how they apply to him/her, the individual should contact the School's Technology Director or Information Technology Department/Office.

The Superintendent shall develop administrative guidelines that set forth the internal controls necessary to provide for the collection, classification, retention, access, and security of School Data/Information.

Further, the Superintendent is authorized to develop procedures that would be implemented in the event of an unauthorized release or breach of data/information. These procedures shall comply with the School's legal requirements if such a breach of personally-identifiable information occurs.

The Superintendent shall require the participation of staff members in appropriate training related to the internal controls pertaining to the data/information that they collect, to which they have access, and for which they would be responsible for the security protocols.

Third-party contractors/vendors who require access to Confidential Data/Information collected and retained by the School will be informed of relevant Board policies that govern access to

and use of Information Resources, including the duty to safeguard the confidentiality of such data/information.

Failure to adhere to this Policy and its related administrative guidelines may put data/information collected and retain by the School at risk. Employees who violate this policy and/or the administrative guidelines promulgated consistent with this policy may have disciplinary consequences imposed, up to and including termination of employment, and/or referral to law enforcement. Students who violate this Policy and/or AGs will be subject to disciplinary action, up to and including expulsion, and/or referral to law enforcement. Contractors/vendors who violate this Policy and/or AGs may face termination of their business relationships with and/or legal action by the School. Parents and visitors who violate this Policy and/or AGs may be denied access to the School's Technology Resources.

The Superintendent shall conduct a periodic assessment of risk related to the access to and security of the data/information collected and retained by the School.

Adopted 8/14/17  
Revised 9/9/19

## **PUBLIC RECORDS**

Reference:

MCL 15.231 et seq.  
MCL 445.81 et seq.  
Michigan Federation of Teachers v. University of Michigan, 481 Mich. 657 (2008)

The Board of Directors recognizes its responsibility to maintain the public records of this School and to make such records available to residents of Michigan for inspection and reproduction.

The public records of this School include any writing or other means of recording or retaining meaningful content prepared, owned, used, in the possession of, or retained by the School, its Board, officers, or employees, subject to certain exemptions according to the Michigan Freedom of Information Act (FOIA).

Any person may make a written request for any public records of the School. The person may inspect, copy, or receive copies of the public record requested. The School shall respond to such requests within five (5) working days after receipt unless otherwise agreed to in accordance with the Freedom of Information Act.

An individual may purchase copies of the School's public records upon payment of a fee. No original public record may be removed from the office in which it is maintained except by a Board officer or employee in the course of the performance of his/her duties. Neither the Board nor its employees shall permit the release of the social security number of an employee, student, or other individual except as authorized by law (see Policy 8350 and AG 8350).

The Board chooses not to provide for enhanced access to any of its public records.

The Board has determined that personal and confidential information provided to and retained by the School on parents, students, staff and others will be considered exempt from disclosure pursuant to a Freedom of Information Act request, unless advised specifically by the School's legal counsel that the particular information must be released. Such personal and confidential information shall include home addresses, telephone numbers, e-mail addresses or website pages (e.g. My Space, Facebook), except as they are specifically related to the operation of the schools, or specifically authorized for release by the individual, or the parent/guardian if the individual is a minor.

Nothing in this policy shall be construed as preventing a Board member from inspecting in the performance of his/her official duties any record of this School, except student records and certain portions of personnel records.

The Superintendent is authorized to dispose of correspondence on a daily basis including those transmitted by means of voice mail or E-mail, providing the message does not alter existing School records.

The Superintendent is responsible for transmission of data contained in the single record student data base established by the Michigan Department of Education. Such transmission shall be in accordance with procedures established by the Wayne Intermediate School District and the Center for Educational Performance and Information (CEPI).

The Superintendent shall establish administrative guidelines to ensure proper compliance with the intent of this policy and the Freedom of Information Act.

Adoption Date: **02.10**  
Classification:  
Revised Dates: **9/9/19; 12.21**

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## INFORMATION MANAGEMENT

Source: Federal Rules of Civil Procedure 34, 37(f)

The Board of Directors recognizes its responsibility, in certain circumstances, to maintain information created, maintained or otherwise stored by the School outside the "Records Retention Schedule". In such situations, a "Litigation Hold" procedure will be utilized to identify and preserve information relevant to a specific matter. "Information" includes both paper documents and electronically stored information ("ESI"). When implementing the "Litigation Hold," the School will identify individuals in possession or custody of paper documents, ESI and electronic media containing ESI, and inform them of their obligation to preserve the documents and ESI outside the "Records Retention Schedule". The School will also identify third parties with custody or control over paper documents, ESI, or electronic media storing ESI, and request them to preserve that information. All information falling within a "Litigation Hold," which is under the control of the School, must be preserved in a readily accessible form and cannot be disposed of under the "Records Retention and Disposal" requirements. Failure to comply with a Litigation Hold notice may result in disciplinary action, up to and including possible termination.

Instances where the Board must maintain information outside the "Records Retention Schedule" include:

- A. when the Board has specific information and/or written notice from an individual, parent or student of an intent to file an appeal of student discipline to State court;
- B. when the Board has specific information and/or written notice that litigation is imminent even though the litigation has not yet been filed in Federal or State court;
- C. when the Board is served with litigation, including, but not limited to, notice of a lawsuit in Federal or State court, or notice of a student disciplinary appeal to State court;
- D. when the Board receives specific information and/or written notification from an employee, labor union, or other person of an intent to file a claim against the Board, its members, employees or agents at an administrative agency such as the Equal Employment Opportunity Commission, Michigan Employment Relations Commission, U.S. Department of Education Office for Civil Rights, State Personnel Board of Review, or a Civil Service Commission regarding a claim against the Board, its members, employees or agents;
- E. when the Board receives specific information and/or written notification from an administrative agency such as the Equal Employment Opportunity Commission, Michigan Employment Relations Commission, U.S. Department of Education Office for Civil Rights, State Personnel Board of Review, or a Civil Service Commission regarding a claim against the Board, its members, employees or agents;

- F. when the Board receives written notification from a third party requesting that the Board maintain information that could be at issue in litigation or potential litigation against that third party;
- G. when the Administrator recommends the termination of an employee to the Board pursuant to a labor contract;
- H. when the Board explores, contemplates or initiates litigation.

### Definitions

"Documents" includes, but is not limited to, writings, drawings, graphs, charts, photographs, blueprints, sound recordings, images and other data or data compilations stored in any medium from which information can be obtained or translated if necessary.

"ESI" includes, but is not limited to, writings, drawings, graphs, charts, photographs, blueprints, sound recordings, images and other data or data compilations stored in any electronic media from which information can be obtained or translated if necessary. It includes, but is not limited to, e-mails, e-mail attachments, instant messages, word processing files, spreadsheets, pictures, application program and data files, databases, data files, metadata, system files, electronic calendar appointments, scheduling program files, TIFF files, PDF files, MPG files, JPG files, GIF files, network share files, internal websites, external websites, newsgroups, directories, security and access information, legacy data, audio recordings, voice mails, phone logs, faxes, internet histories, caches, cookies or logs of activity on computer systems that may have been used to process or store electronic data.

"Electronic media" includes, but is not limited to, hard drives (including portable hard disk drives "HDD's"), floppy drives, disaster recovery media, and storage media (including DVD's, CD's, floppy discs, Zip discs/drives, Jazz discs/drives, USB memory drives, jump disc/drives, flash discs/drives, keychain discs/drives, thumb discs/drives, smart cards, micro-film, backup tapes, cassette tapes, cartridges, etc.), accessed, used and/or stored on/in/through the following locations: networks and servers; laptop and desktop work computers; home and personal computers; other computer systems; backup computers or servers; archives; personal digital assistants ("PDAs" – including Palm, Blackberry, cellular phone, tablet PC, etc.); pagers; firewalls; audit trails and logs, printers; copiers; scanners; digital cameras; photographic devices; and video cameras and devices. Electronic media shall also include any item containing or maintaining ESI that is obtained by the School for Board member or employee usage or that an employee uses for such purpose (even if privately owned by the Board member or employee) from the date this policy is adopted into the future.

### Initiation and Removal of a "Litigation Hold"

The Board or the Administrator may initiate a "Litigation Hold" under this policy. If the Administrator initiates a "Litigation Hold," s/he or the Board's legal counsel will notify the Board of the reason the Litigation Hold was instituted and its scope. When implementing a Litigation Hold, the Board or Administrator may utilize an Electronically Stored Information Team ("ESI Team"). The Board's legal counsel shall be involved in implementation of the "Litigation Hold Procedure" outlined in AG 8315.

A "Litigation Hold" shall remain in place until removed by the Board. A "Litigation Hold" may be removed when the litigation or administrative agency matter has been resolved or can no longer be initiated. Any information maintained under this policy shall fall back under the "Records Retention Schedule" once the "Litigation Hold" is removed.

The Superintendent shall develop administrative guidelines outlining the procedures to be followed by Board members and employees when initiating and implementing a "Litigation Hold." This policy and its related administrative guidelines shall be posted and distributed in the manner described in AG 8315.

Adopted 2/8/10

Revised 9/9/19

## **PERSONNEL FILES**

The Employee Leasing Company, as the employer of record for all staff, shall be responsible for establishing and maintaining appropriate personnel files.

Adopted 2/8/10

Revised 9/9/19



## **CRIMINAL JUSTICE INFORMATION SECURITY (NON-CRIMINAL JUSTICE AGENCY)**

Reference: Criminal Justice Information Services - Security Policy (Version 5.2, 2013),  
U.S. Dept. of Justice and Federal Bureau of Investigation  
Noncriminal Justice Agency Compliance Audit Review, Michigan State  
Police, Criminal Justice Information, Center, Audit and Training Section  
Conducting Criminal Background Checks, Michigan State Police, Criminal Justice Information  
Center

The School is required by State law to obtain both a State and a Federal Bureau of Investigation (FBI) criminal history record information (CHRI) background check report for all employees of the School and contractors, vendors and their employees who work on a regular and continuous basis in the School. The School shall comply with all rules established by the Michigan State Police (MSP) and the FBI while processing, storing, and sharing CHRI.

Adopted 6/10/13

Revised 9/15/14; 1/11/16; 01/09/17; 9/9/19

## **CRIMINAL JUSTICE INFORMATION SECURITY (NON-CRIMINAL JUSTICE AGENCY)**

Reference:

Criminal Justice Information Services - Security Policy (Version 5.2, 2013),  
U.S. Dept. of Justice and Federal Bureau of Investigation  
Noncriminal Justice Agency Compliance Audit Review, Michigan State  
Police, Criminal Justice Information, Center, Audit and Training Section  
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### **Incident Handling and Responses**

Information system security incidents shall be tracked using Form CJIS-016 and documented on an ongoing basis. Incident-related information may be obtained from audit monitoring, network monitoring, physical access monitoring, and user/administrator reports. The LASO shall maintain completed security incident reporting forms for three (3) years or until legal action (if warranted) is complete, whichever timeframe is greater. The School shall implement steps for incident handling capabilities, for both digital and physical CHRI media. At a minimum, the following will be implemented:

	Physical - Hard Copy CHRI	Digital - Digitally Saved CHRI
1. Preparation	The CHRI container will be locked at all times in the business office where it is stored. The office must be locked when the office staff is not present.	Firewalls, virus protection, and/or malware/spyware protection shall be implemented and maintained to prevent unauthorized access or intrusion of the information systems.
2. Detection	Unauthorized activities or physical intrusions to the building shall be monitored by building alarm or video surveillance. Doors must be locked and checked at night.	Electronic intrusions shall be monitored and detected by the firewalls, virus protection, and/or malware/spyware protection software.

3. Analysis	The LASO will work with police authorities to determine how the incident occurred and what data was affected.	The LASO shall work with the IT department to determine what systems or data were compromised and affected.
4. Containment	The LASO shall lock uncompromised CHRI information in a secure container, or transport CHRI to a secure area.	The IT department shall stop the spread of any intrusion of the information systems and prevent further damage.
5. Eradication	The LASO shall work with law enforcement to remove any threats and compromised CHRI data.	The IT department shall remove the intrusion of the information systems before restoring the system. All steps necessary to prevent recurrence shall be taken before restoring the system.
6. Recovery	The Police shall handle and/or oversee the recovery of stolen CHRI media. The LASO may contact MSP for assistance in re-fingerprinting if necessary.	The IT department shall restore the agency information system and media to a safe environment.

When an incident involving the security of CHRI or systems with access to CHRI is discovered, the following procedures shall be followed:

- A. The LASO shall be notified immediately.
- B. The breach shall be assessed and steps taken to correct the situation:
  - 1. access shall be stopped for any unauthorized user;
  - 2. media shall be secured;
  - 3. systems shall be shut down as necessary to avoid further exposure to unauthorized access or dissemination of CHRI;
  - 4. such other steps are deemed necessary by the LASO or authorized personnel involved in assessing the incident.
- C. All necessary information regarding the security breach and School responses shall be recorded, analyzed, and preserved, including who was involved in taking incident response measures.
- D. The LASO shall be responsible for filing the incident report with the MSP.
 

The LASO shall monitor MSP information/guidance on incident reports and train authorized users with access to CHRI on detection and response to security incidents.
- E. Mobile Device - Incident Handling and Response

1. The LASO shall be notified immediately.
2. The breach shall be assessed and steps taken to correct the situations:
  - a. access shall be stopped immediately, and remotely if necessary, for any authorized user;
  - b. media shall be secured and steps taken to identify how the incident occurred and what systems or data were compromised or affected:
  - c. systems shall be shut down as necessary to avoid further exposure to unauthorized access or dissemination of CJI;
  - d. such other steps as are deemed necessary by the LASO or authorized personnel involved in assessing the incident.
3. All necessary information regarding the security breach and School responses shall be recorded, analyzed, and preserved, including who was involved in taking incident response measures.
4. Steps shall be taken to restore the device and media to a safe environment.
5. The LASO shall be responsible for filing the incident report with the MSP using form CJIS-016. A copy of the completed form shall be retained and produced to MSP upon request.

When a device is lost the School shall document and indicate how long the device has been lost. Special reporting procedures for mobile devices shall apply in any of the following situations:

1. for a lost device, report if the owner:
    2. believed the device was locked;
    3. believed the device was unlocked;
    4. could not validate the device's locked state.
      1. for a total loss of a device, report if:
        - i. CHRI was stored on the device;
  5. the device was locked or unlocked;
  6. capable of remote tracking or wiping of device.
  7. report any compromise of a device when the intrusion occurs while still in the owner's possession
8. report any compromise outside of the United States

### **Collection of Evidence**

Where an information security incident involves legal action against the School or an individual (either civil or criminal), evidence shall be collected, retained, and presented in accordance with the rules of evidence of the relevant jurisdiction(s).

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Adoption Date: **06.13**

Classification: **Legally Required**

Revised Dates: **9/15/14; 1/11/16; 01/09/17; 9/9/19; 07.21**

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## **RECEIPT OF LEGAL DOCUMENTS**

### Service of Process on the Board of Directors

In suits against the Board, only the Board President or Superintendent accepts service on behalf of the Board.

### Service of Legal Documents on Board Employees

Board employees may be served with legal documents (1) requesting not only public records (such as employees' personnel files), but also student education records and other documents and electronically stored information maintained by the School, or (2) directing them to testify at a deposition or hearing concerning issues that fall within the employees' employment responsibilities.

An employee served with legal documents in his/her official capacity as a Board employee shall immediately provide copies of those legal documents to his/her Board of Directors.

The Superintendent shall immediately furnish copies to the Board of Directors and the Board attorney.

Generally, confidential personnel records, student records, or personal observations or opinions about student behavior/academic performance do not have to be disclosed. The law makes an exception for a subpoena or court order.

Board policy requires the Superintendent to release only the documents specifically identified in the subpoena or order. In circumstances where, in responding to a subpoena or order, information is developed or summarized from the student's education records, a copy of that information and a statement of the purpose for which it was prepared shall be filed in the student's cumulative folder.

If doing so is in the Board's best interest, the Superintendent or Board attorney shall accompany the employee to the deposition or hearing.

### Actions Against the Board

In actions against the Board, it is not unusual for Board employees to be served with subpoenas and/or called as witnesses. Board legal counsel and the Board of Directors will assist Board employees in these matters.

### Independent Legal Counsel

This policy does not prohibit Board employees from consulting with their own independent legal counsel, but they are prohibited from discussing or releasing student personally identifiable information to a third party except as expressly authorized by Board Policy (Policy 8330).

Adopted 9/9/19

## **STUDENT RECORDS**

Reference:

MCL 380.1135  
Letter, April 6, 2004 Jeremy Hughes, Deputy Supt. Department of Education  
34 C.F.R. Part 99, 2002  
Section 444 of subpart of part C of the General Education Provisions Act  
Title IV of Public Law 90-247  
20 USC, Section 1232f through 1232i (FERPA)  
20 USC 1400 et seq., Individuals with Disabilities Education Improvement Act  
20 USC 7165(b)  
26 USC 152  
20 USC 7908

In order to provide appropriate educational services and programming, the Board of Directors must collect, retain, and use information about individual students. Simultaneously, the Board recognizes the need to safeguard student's privacy and restrict access to student's personally identifiable information.

After June 26, 2021, if the parent or legal guardian of a student provides the School with notice that s/he/they have received a participation card issued by the attorney general under the address confidentiality program act, the School shall not disclose the confidential address of the student, regardless of any other provision of this policy. The School Leader and Superintendent, or his or her designee, shall develop a process to ensure that a student's participation in the address confidentiality program act is appropriately noted to avoid disclosure of this information to any person or entity.

Student "personally identifiable information" ("PII") includes, but is not limited to: the student's name; the name of the student's parent or other family members; the address of the student or student's family; a personal identifier, such as the student's social security number, student number, or biometric record; other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name; other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or information requested by a person who the School reasonably believes knows the identity of the student to whom the education record relates.

The Board of Directors is responsible for maintaining records of all students attending this School. Only records mandated by the State or Federal government and/or necessary and relevant to the function of the School or specifically permitted by this Board will be compiled by Board employees. The Board hereby authorizes collection of the following student records, in addition to the membership record required by law:

- A. observations and ratings of individual students by professional staff members acting within their sphere of competency
- B. samples of student work
- C. information obtained from professionally acceptable standard instruments of measurement such as:
  - 1. interest inventories and aptitude tests
  - 2. vocational preference inventories
  - 3. achievement tests

- D. authenticated information provided by a parent or eligible student concerning achievements and other school activities which the parent or student wants to make a part of the record
- E. verified reports of serious or recurrent behavior patterns
- F. academic honors earned
- G. attendance records
- H. health records
- I. custodial arrangements

In all cases, permitted, narrative information in student records shall be objectively-based on the personal observation or knowledge of the originator.

Student records shall be available only to students and their parents, eligible students, and designated school officials who have a legitimate educational interest in the information, or to other individuals or organizations as permitted by law. The term "parents" includes legal guardians or other persons standing in loco parentis (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the welfare of the child). The term "eligible student" refers to a student who is eighteen (18) years of age or older or a student of any age who is enrolled in a postsecondary institution.

In situations in which a student has both a custodial and a noncustodial parent, both shall have access to the student's educational records unless stipulated otherwise by court order. In the case of eligible students' parents will be allowed access to the records without the student's consent, provided the student is considered a dependent under section 152 of the Internal Revenue Code.

A school official is a person employed by the Employee Leasing Company, Board of Directors or designee as an administrator, supervisor, teacher/instructor (including substitutes), or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the Board. The Board further designates the following individuals as entities as "school officials" for the purpose of FERPA:

- A. persons or companies with whom the Board has contracted to perform a specific task (such as an attorney, auditor, insurance representative, or medical consultant);
- B. contractors, consultants, volunteers or other parties to whom the Board has outsourced a service or function otherwise performed by the Board employees (e.g. a therapist, authorized information technology (IT) staff, and approved online Employee Leasing Companies).

The above-identified outside parties must (a) perform institutional services or functions for which the Board would otherwise use its employees, (b) be under the direct control of the Board with respect to the use and maintenance of education records, and (c) be subject to the requirements of 34 CFR 99.33(a) governing the use and re-disclosure of PII from education records.

Finally, a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his/her tasks (including volunteers) is also considered a "School official" for purposes of FERPA provided s/he meets the above-referenced criteria applicable to other outside parties.

"Legitimate educational interest" shall be defined as a "direct or delegated responsibility for helping the student achieve one (1) or more of the educational goals of the School" or if the record is necessary in order for the school official to perform an administrative, supervisory or instructional task or to perform a service or benefit for the student or the student's family. The Board directs that reasonable and appropriate methods (including but not limited to physical and/or technological access controls) are utilized to control access to student records and to make certain that school officials obtain access to only those education records in which they have legitimate educational interest.



The Board authorizes the administration to:

- A. forward student records, including any suspension and expulsion action against the student, on request to a school or school district in which a student of this School seeks or intends to enroll upon condition that the student's parents be notified of the transfer, receive a copy of the record if desired, and have an opportunity for a hearing to challenge the content of the record;
- B. forward student records, including disciplinary records with respect to suspensions and expulsions, upon request to a public school or school Board in which a student in foster care is enrolled. Such records shall be transferred within three (3) school day of the enrolling school's request;
- C. provide "personally-identifiable" information to appropriate parties, including parents of an eligible student, whose knowledge of the information is necessary to protect the health or safety of the student or other individuals, if there is an articulable and significant threat to the health or safety of a student or other individuals, considering the totality of the circumstances;
- D. report a crime committed by a child with or without a disability to appropriate authorities and, with respect to reporting a crime committed by a student with a disability, to transmit copies of the student's special education records and disciplinary records including any suspension and expulsion action against the student to the authorities and school officials for their consideration;
- E. release de-identified records and information in accordance with Federal regulations;
- F. disclose personally identifiable information from education records, without consent, to organizations conducting studies "for, or on behalf of" the School for purposes of developing, validating or administering predictive tests, administering student aid programs, or improving instruction;

Information disclosed under this exception must be protected so that students and parents cannot be personally identified by anyone other than representative of the organization conducting the study, and must be destroyed when no longer needed for the study. In order to release information under this provision, the School will enter into a written agreement with the recipient organization that specifies the purpose of the study. (See Form 8330 F14.) Further, the following personally identifiable information will not be disclosed to any entity: a student or his/her family member's social security number(s); religion; political party affiliation; voting history; or biometric information.

This written agreement must include:

- 1. a statement requiring the organization to prohibit personal identification of parents and students by anyone other than a representative of the organization with legitimate interests; and
- 2. a requirement that the organization destroy all personally identifiable information when it is no longer needed for the study, along with a specific time period in which the information must be destroyed.

While the disclosure of personally identifiable information (other than social security numbers, religion, political party affiliation, voting record, or biometric information) is allowed under this exception, it is recommended that de-identifiable information be used whenever possible. This reduces the risk of unauthorized disclosure.

- G. disclose personally identifiable information from education records without consent, to authorized representatives of the Comptroller General, the Attorney General, and the Secretary of Education, as well as state and local educational authorities. The disclosed records must be used to audit or evaluate a federal or state supported education program, or to enforce or comply with Federal requirements related to those education programs. A written agreement between the parties is required under this exception. (See Form 8330 F16)

The School will verify that the authorized representative complies with FERPA regulations.

- H. request each person or party requesting access to a student's record to abide by the Federal regulations concerning the disclosure of information.

The Board will comply with a legitimate request for access to a student's records within a reasonable period of time but not more than forty-five (45) days after receiving the request or within such shorter period as may be applicable to students with disabilities. Upon the request of the viewer, a record shall be reproduced, unless said record is copyrighted, and the viewer may be charged a fee equivalent to the cost of handling and reproduction. Based upon reasonable requests, viewers of education records will receive explanation and interpretation of the records.

The Board shall maintain a record of those persons to whom information about a student has been disclosed. Such disclosure records will indicate the student, person viewing the record, information disclosed, date of disclosure, and date parental/eligible student consent was obtained (*if required*).

Upon written request by a student's parent or legal guardian, the School shall disclose to the parent or legal guardian any personally identifiable information concerning the student that is collected or created by the School as part of the student's education records.

If the School provides any personally identifiable information concerning the student that is collected or created by the School as part of the student's education records to any person, agency, or organization, then the School shall disclose to the student's parent or legal guardian upon his or her written request:

- A. The specific information that was disclosed.
- B. The name and contact information of each person, agency, or organization to which the information has been disclosed.
- C. The legitimate reason that the person, agency, or organization had in obtaining the information.

This information shall be provided without charge within 30 days after the School receives the written request and without charge to the parent or legal guardian.

The School is not required to disclose to the parent or legal guardian, even upon written request, any personally identifiable information concerning the student that is collected or created by the School as part of the student's education records and is provided to any person, agency, or organization in any of the following situations:

- A. Provision of such information to the Michigan Department of Education or CEPI.
- B. Provision of such information to the student's parent or legal guardian.
- C. Provision of such information to its authorizing body or to an educational management organization with which it has a management agreement.
- D. Provision of such information to or from its intermediate school board or to another intermediate school board providing services to the School or its students pursuant to a written agreement.
- E. Provision of such information to a person, agency, or organization with written consent from the student's parent or legal guardian or, if the student is at least age 18, the student.
- F. Provision of such information to a person, agency, or organization seeking or receiving records in accordance with an order, subpoena, or ex parte order issued by a court of competent jurisdiction.
- G. Provision of such information as necessary for standardized testing that measures the student's academic progress and achievement.

- H. Provision of such information that is covered by the opt-out form described above, unless the student's parent or legal guardian or, if the student is at least age 18 or is an emancipated minor, the student has signed and submitted the opt-out form referenced below.

Only "directory information" regarding a student shall be released to any person or party, other than the student or his/her parent, without the written consent of the parent; or, if the student is an eligible student, the written consent of the student, except those persons or parties stipulated by the Board policy and administrative guidelines and/or those specified in the law.

The Board shall exempt from disclosure directory information, as requested for the purpose of surveys, marketing, or solicitation, unless the Board determines that the use is consistent with the educational mission of the Board and beneficial to the affected students. The Board may take steps to ensure that directory information disclosed shall not be used, rented, or sold for the purpose of surveys, marketing, or solicitations. Before disclosing the directory information, the Board may require the requester to execute an affidavit stating that directory information provided shall not be used, rented, or sold for the purpose of surveys, marketing, or solicitation.

### **DIRECTORY INFORMATION**

Each year the Superintendent shall provide public notice to students and their parents of the School's intent to make available, upon request, certain information known as "directory information." The Board designates as student "directory information":

- A. a student's name;
- B. dates of attendance;
- C. awards received;
- D. honor rolls;
- E. scholarships;
- F. telephone numbers only for inclusion in school or PTO directories;
- G. school photographs or videos of students participating in school activities, events or programs.

The School designates School-assigned email accounts as "directory information" for the limited purpose of facilitating students' registration for access to various online educational services, including mobile application/apps that will be utilized by the student educational purposes and for inclusion in internal email address books. School-limited purpose(s) and to any person or entity but the specific online Employee Leasing Company and internal users of the School's Education Technology.

The Superintendent will also develop a list of uses for which the School commonly would disclose a student's directory information and develop an opt-out form that lists all of the uses or instances and allows a parent or legal guardian to elect not to have his or her child's directory information disclosed for 1 or more of these uses.

Each student's parent or legal guardian will be provided with the opt-out form within the first 30 days of the school year. The form shall also be provided to a parent or legal guardian at other times upon request.

If an opt-out form is signed and submitted to the School by a student's parent or legal guardian, the School shall not include the student's directory information in any of the uses that have been opted out of in the opt-out form. A student who is at least age 18 or is an emancipated minor may act on his or her own behalf with respect to the opt-out form.

Parents and eligible students may also refuse to allow the School to disclose any or all of such "directory information" upon written notification to the School within ten (10) days after receipt of the School's public notice.

## **Armed Forces Recruiting**

The Board shall provide United States Armed Forces recruiters with at least the same access to the high school campus and to student directory information (names, addresses (except for students participating in the address confidentiality program act), and telephone listings of secondary students) as is provided to other entities offering educational or employment opportunities to those students. "Armed forces of the United States" means the armed forces of the United States and their reserve components and the United States Coast Guard.

If a student or the parent or legal guardian of a student submits a signed, written request to the Board that indicates that the student or the parent or legal guardian does not want the student's directory information to be accessible to official recruiting representatives, then the officials of the school shall not allow that access to the student's directory information. The Board shall ensure that students and parents and guardians are notified of the provisions of the opportunity to deny release of directory information.

Public notice shall be given regarding the right to refuse disclosure of any or all "directory information" including to the armed forces of the United States and the service academies of the armed forces of the United States.

A fee, not to exceed the actual costs incurred by the high school, for copying and mailing student directory information under this section, may be charged an official recruiting representative.

Directory information received under armed services authorization request shall be used only to provide information to students concerning educational and career opportunities available in the armed forces of the United States or the service academies of the armed forces of the United States. An official recruiting representative who receives student directory information under this section shall not release that information to a person who is not involved in recruiting students for the armed forces of the United States or the service academies of the armed forces of the United States.

Annually, the Board will notify male students age eighteen (18) or older that they are required to register for the selective service.

Requests to the School Records Officer shall be presented on a standardized form developed by the armed forces of the United States requesting access to a high school campus and a time for the access. Requests should bear the signature of the ranking recruiting officer of the armed service making the request.

Whenever consent of the parent(s)/eligible student is required for the inspection and/or release of a student's education records or for the release of "directory information", either parent may provide such consent unless stipulated otherwise by court order. If the student is under the guardianship of an institution, the Superintendent shall appoint a person who has no conflicting interest to provide such written consent.

The Board may disclose "directory information" on former students without student or parental consent, unless the parent or eligible student previously submitted a request that such information not be disclosed without their prior written consent.

The School shall not sell or otherwise provide to a for-profit business entity any personally identifiable information that is part of a student's education records. This does not apply to any of the following situations:

- A. Providing the information to an educational management organization with which the School has a management agreement.
- B. Providing the information as necessary for standardized testing that measures the student's academic progress and achievement.
- C. Providing the information as necessary to a person that is providing educational or educational support services to the student under a contract with the School.

The parent of a student or an eligible student has the right to inspect upon request any instrument used in the collection of personal information before the instrument is administered or distributed to a student.

Personal information for this section is defined as individually identifiable information including a student or parent's first and last name, a home or other physical address (including street name and the name of the city or town, unless a parent is prohibited from doing so due to a student's participation in the address confidentiality program act), a telephone number, or a Social Security identification number. In order to review the instrument, the parent or eligible students, must submit a written request to the building principal at least five (5) work days before the scheduled date of the activity. The instrument will be provided to the parent within two (2) business days of the principal receiving the request.

The Superintendent shall directly notify the parent(s) of a student and eligible students, at least annually at the beginning of the school year, of the specific or approximate dates during the school year when such activities are scheduled or expected to be scheduled.

This section does not apply to the collection, disclosure or use of personal information collected from students from the exclusive purpose of developing, evaluating, or providing educational products or service for, or to, students or educational institutions, such as the following:

- A. college or other postsecondary education recruitment, or military recruitment;
- B. book clubs, magazines, and programs providing access to low-cost literary products;
- C. curriculum and instructional materials used by elementary and secondary schools;
- D. tests and assessments used by elementary and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments;
- E. the sale by students of products or services to raise funds for school-related or education-related activities; and
- F. student recognition programs.

The Board may establish online access for the parents or the eligible student to the student's confidential academic and attendance record. To authorize such access, the parents or the eligible student must sign a release (see Form 8330 F10). This release shall remind the parents or eligible student that the account and confidential information about the student is only as secure as they keep their account information. Neither the Board or the Superintendent nor its employees will be held responsible for any breach of this policy by the parent/eligible student or any unauthorized party.

The Superintendent shall prepare administrative guidelines to ensure that students and parents are adequately informed each year regarding their rights to:

- A. inspect and review the student's education records;
- B. request amendments if the record is inaccurate, misleading, or otherwise in violation of the student's rights;
- C. consent to disclosures of personally-identifiable information contained in the student's education records, except to unauthorized disclosures allowed by the law;
- D. challenge the Board's noncompliance with a parent's request to amend the records through a hearing;
- E. file a complaint with the United States Department of Education;
- F. obtain a copy of the Board's policy and administrative guidelines on student records.

The Superintendent shall also develop procedural guidelines for:

- A. the proper storage and retention of records including a list of the type and location of records;
- B. informing Board employees of the Federal and State laws concerning student records.

The Board authorizes the use of the microfilm process or electromagnetic processes of reproduction for the recording, filing, maintaining, and preserving of records.

No liability shall attach to any member, officer, or Employee Leasing Company employee of this School specifically as a consequence of permitting access or furnishing student records in accordance with this policy and regulations.

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Adoption Date: **02.10**

Classification: **Legally Required**

Revised Dates: **10/24/11; 8/13/12; 1/12/15; 8/14/17; 9/9/19; 7/12/21; 12.21**

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## LETTERS OF REFERENCE

Reference: MCL 423.452, 380.1230(b)  
Section 8546 of the Every Student Succeeds Act (ESSA)

The Board of Directors recognizes any current or former employee's request to an administrator for a letter of reference is an opportunity to share information about the staff member's performance with a prospective employer. The Board, however, does not require such references to be provided. A current or former employee should not expect a letter of reference will be written upon request. The decision to comply with such a request shall be solely at the discretion of the administrator and the Employee Leasing Company (ELC).

However, if an administrator decides to prepare such a letter, the Board expects that administrator to provide specific and truthful comments concerning the employee's actual performance, which can be substantiated by the individual's personnel file. The letter must be reviewed by the Superintendent before it may be released.

In accordance with State law, an administrator who provides such a letter of reference is entitled to at least a qualified privilege for statements made in the letter, provided such statements were made in good faith, without malice.

All School employees, including but not limited to an administrator who prepares a letter of reference or provides an employment reference pursuant to this policy, are prohibited from assisting a School employee, contractor or agent in obtaining a new job if s/he knows or has reasonable cause to believe that such School employee, contractor or agent engaged in sexual misconduct regarding a minor or student in violation of State or Federal law. "Assisting" does not include the routine transmission of administrative and personnel files. The only exceptions permitted are those authorized by the Every Student Succeeds Act, such as where the matter has been investigated by law enforcement and the matter was officially closed due to lack of probable cause or where the individual was acquitted or otherwise exonerated of the alleged misconduct.

This policy does not excuse the School from providing responses to requests for information about unprofessional conduct, as required by State law.

Adopted 2/8/10  
Revised 8/14/17; 9/9/19

## CONFIDENTIALITY

Reference: Freedom of Information Act 1976, paragraph 15.243 et seq.  
MCL 445.83, 445.84

Neither the Superintendent nor any of its employees shall divulge confidential information contained in the records and files of this Board, except to employees who may need such information in connection with their duties and to parties authorized in accordance with proper procedures.

When the School, in trust from public agency, receives information identified to be confidential or exempt from disclosure under the Freedom of Information Act, Common Law, Privilege Case Law, or Federal Law, the Board will maintain the confidentiality of said information to the maximum extent permitted by the law.

The Board shall not permit the release of the social security number of an employee, student, or other individual, except as authorized by law (see AG 8350). Access to documents containing social security numbers shall be restricted to those employees who have a need to know that information or a need to access those documents. When documents containing social security numbers are no longer needed, they shall be shredded by an employee who has authorized access to such records.

Freedom of Information Act requests shall only be responded to in accordance with the School's Policy.

If the Superintendent is approached to provide information inappropriately, the Superintendent shall refuse to release the requested information and shall refer the requestor to the School's legal counsel.

To prohibit the unauthorized disclosure of information identified as confidential by a sending public agency, the Board may seek to obtain court protection by denying requests for release of such information (absent subpoena or court order) or by pursuing motions to quash or protective orders to prohibit unauthorized disclosure.

When possible, the Superintendent will attempt to notify the sending public agency about the request for release of such information prior to complying with the request.

The Board shall hold the Superintendent accountable for any inappropriate release of information or for any uses of confidential information for personal reasons.

Employees who intentionally violate this policy are subject to discipline up to, and including, discharge.

The Superintendent shall assure that employees receive a copy of, and have readily available access to, this policy.

Adopted 2/8/10  
Revised 9/9/19



## **BREACH OF CONFIDENTIAL INFORMATION**

Reference: MCL 445.61 et. seq.

It is the policy of the Board of Directors that when unauthorized access or acquisition of data occurs, which would compromise the confidentiality or security of personal information maintained by the School, the School will take appropriate action to assess the risk and notify the affected individuals.

A “breach” means the unauthorized access and acquisition of data that compromises the security or confidentiality of personal information maintained by the School. Unauthorized access may be considered incidental access by an employee or other individual if the access meets all of the following:

- A. The individual acted in good faith in accessing the data;
- B. The access was related to the activities of the agency or person
- C. The individual did not misuse any personal information or disclose any personal information to an unauthorized person.

Personal information for purposes of this policy means the person’s last name with either the first name or initial when linked to one of more of the following:

- A. Social security number
- B. Driver’s license
- C. Demand deposit or other financial account numbers (including credit/debit card numbers, when combined with access code, security code or password which would allow access to the financial accounts)

Upon determining that a breach has occurred, the individual shall notify the Superintendent in writing. The Superintendent shall promptly determine and implement the steps necessary to correct the unauthorized access and notify those individuals whose personal information may have been compromised.

Individuals who intentionally violate this policy shall be reported to the appropriate law enforcement agency and may be subject to criminal penalties.

Adopted 2/8/10  
Revised 9/9/19

## ANIMALS ON SCHOOL PROPERTY

Reference: 28 C.F.R. 35.104  
Section 504 of the Rehabilitation Act of 1973, as amended (Section 504)  
The Americans with Disabilities Act, as amended (ADA)  
The Individuals with Disabilities Education Improvement Act (IDEIA)

### Introduction

The Board of Directors recognizes that there are many occasions when animals are present on School property and many reasons for those animals' presence. Animals are commonly utilized by teachers during classroom presentations and are often housed in classrooms and other locations on campus. Additionally, employees, students, parents, vendors, and other members of the public may be accompanied at the School by a service or therapy animal in accordance with Federal and State law and this policy.

This policy applies to all animals on School property, including service animals.

### Definitions

- A. "Animal": includes every vertebrate other than a human.
- B. "Service animal": pursuant to 28 C.F.R. Section 35.104, "means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the individual's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition."

The Americans with Disabilities Act (ADA) also defines a miniature horse as an animal that can serve as a service animal, so long as the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability. To better determine whether the Board must allow for the use of a miniature horse or make modifications to buildings, the Board should refer to Section 35.136 (c) through (i) of the ADA.

### Non-Service Animals in the School and Elsewhere on School Property

Animals permitted in the School and elsewhere on School property shall be limited to those necessary to support specific curriculum-related projects and activities, those that provide assistance to a student or staff member due to a disability (e.g., seizure disorder), those that provide a reasonable accommodation to a student in accordance with a Section 504 Plan, or those that serve as service animals as required by Federal and State law.

Taking into consideration that some animals can cause or exacerbate allergic reactions, spread bacterial infections, or cause damage and create a hazard if they escape from confinement, the Superintendent may permit non-service animals to be present in classrooms to support curriculum-related projects and activities only under the following conditions:

- A. the staff member seeking approval to have a non-service animal in his/her classroom shall:
  1. provide a current satisfactory health certificate or report of examination from a veterinarian for the animal;
  2. take precautions deemed necessary to protect the health and safety of students and other staff;
  3. ensure that the animal is treated humanely, keeping it in a healthy condition and in appropriate housing (e.g., a cage or tank) that is properly cleaned and maintained; and,
  4. keep the surrounding areas in a clean and sanitary condition at all times;
- B. other staff members and parents of students in areas potentially affected by animals have been notified in writing and adjustments have been made to accommodate verified health-related or other concerns.

Except where required by law, the presence of a non-service animal shall be disallowed if documented health concerns of a student or staff member cannot be accommodated.

### Service Animals for Students

A service animal is permitted to accompany a student with a disability to whom the animal is assigned anywhere on the School campus where students are permitted to be.

A service animal is the personal property of the student and/or parents. The Board does not assume responsibility for training, daily care, or healthcare or supervision of service animals. The Board does not assume responsibility for personal injury or property damage arising out of or relating to the presence or use of service animals on School property or at School-sponsored events.

A service animal that meets the definitions set forth in the ADA and this policy shall be under the control of the student with a disability, or a separate handler if the student is unable to control the animal. A service animal shall have a harness, leash, or other tether, unless either the student with a disability is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's

safe, effective performance of work or tasks, in which case the service animal must be otherwise under the student's control (e.g., voice control, signals, or other effective means), or under the control of a handler other than the student.

If the student with a disability is unable to control the service animal and another person serves as the animal's handler, that individual shall be treated as a volunteer and, as such, will be subject to Policy 4120.09.

#### Removing and/or Excluding a Student's Service Animal

If a service animal demonstrates that it is not under the control of the student or its handler, the Superintendent is responsible for documenting such behavior and for determining if and when the service animal is to be removed and/or excluded from the School.

Similarly, in instances when the service animal has demonstrated that it is not housebroken, the Superintendent shall document such behavior and determine whether the service animal is to be removed and/or excluded from School property.

The Superintendent shall be notified when a service animal is removed and/or excluded, and, immediately subsequent to such notification, document the reasons for the removal and/or exclusion.

The Superintendent's decision to remove and/or exclude a service animal from School property may be appealed in accordance with the complaint procedure set forth in Policy 2260 – Nondiscrimination and Access to Equal Educational Opportunity.

The procedures set forth in Policy 2260 – Nondiscrimination and Access to Equal Educational Opportunity do not interfere with the rights of a student and his/her parents or an eligible student to pursue a complaint with the United States Department of Education's Office for Civil Rights or the Department of Justice.

#### Eligibility of a Student's Service Animal for Transportation

A student with a disability shall be permitted to access School transportation with his/her service animal. There may also be a need for the service animal's handler, if the handler is someone other than the student, to also access School transportation.

When a service animal is going to ride on a school bus or other Board-owned or leased vehicle, the student and his/her parents, or eligible student, and the handler, if s/he is someone other than the student, shall:

- A. Meet with the Superintendent and the Transportation Supervisor to discuss critical commands needed for daily interaction and emergency/evacuation, and to determine whether the service animal should be secured on bus/vehicle with a tether or harness.
- B. At the discretion of the Superintendent and the Transportation Supervisor an orientation will take place for students and staff who will be riding the bus/vehicle with the service animal regarding the animal's functions and how students should interact with the animal.

The service animal shall board the bus by the steps with the student, not a lift, unless the student uses the lift to enter and exit the bus. The service animal must participate in bus evacuation drills with the student.

While the bus/vehicle is in motion, the service animal shall remain positioned on the floor, at the student's feet.

Situations that would cause cessation of transportation privileges for the service animal include:

- A. the student, or handler, is unable to control the service animal's behavior, which poses a threat to the health or safety of others; or
- B. the service animal urinates or defecates on the bus.

The student and his/her parents shall be informed of behaviors that could result in cessation of transportation privileges for the service animal, in writing, prior to the first day of transportation.

If it is necessary to suspend transportation privileges for the service animal for any of the above reasons, the decision may be appealed to the Superintendent.

Although transportation may be suspended for the service animal, it remains the School's responsibility to transport the student. Furthermore, unless the behavior that resulted in the service animal's removal from the bus is also documented during the school day, the service animal may still accompany the student in school.

#### Service Animals for Employees

In accordance with Policy 1623, Policy 3123, and Policy 4123 - Section 504/ADA Prohibition Against Disability Discrimination in Employment, the Board provides qualified individuals with disabilities with reasonable accommodation(s). An employee with a disability may request authorization to use a service animal while on duty as such an accommodation. The request will be handled in accordance with the ADA mandated interactive process.

#### Service Animals for Parents, Vendors, Visitors, and Others

Individuals with disabilities who are accompanied by their service animals are permitted access to all areas of the School's facilities where members of the public, as participants in services, programs or activities, as vendors, or as invitees, are permitted to go. Individuals who will access any area of the School's facilities with their service animals should notify the Superintendent that their service animal will accompany them during their visit.

An individual with a disability who attends a School event will be permitted to be accompanied by his/her service animal in accordance with Policy 9160 - Public Attendance at School Events.

Adopted 1/13/14  
Revised 6/8/15; 9/9/19

## **SCHOOL SAFETY INFORMATION**

Reference:

Title IX, Section 9532 of the Elementary and Secondary Education Act, as amended  
MCL 380.1241, 380.1308, 380.1308a, 380.1310a, 752.913, 771.2a

The Board of Directors is committed to maintaining a safe School environment. The Board believes crime and violence at the School are potential, multifaceted problems that need to be addressed by utilizing the best resources and coordinated efforts of School personnel, law enforcement agencies, and families. The Board further believes the School and local law enforcement officials must work together to provide for the safety and welfare of students while at the School, at a School-sponsored activity or while enroute to or from the School or a School-sponsored activity. The Board also believes the first step in addressing School crime and violence is to assess the extent and nature of the problem(s), then plan and implement strategies that promote safety and minimize the likelihood of crime and violence at the School.

In furtherance of its commitment to a safe school environment, the Board has prohibited weapons on school property and at school-sponsored events, except in very limited circumstances. See Board Policy 3217, and Policy 5772. This prohibition is reasonably related to legitimate educational concerns, including the ability to provide a safe and secure learning and social environment for its students and controlling and minimizing disruptions to the educational process. The presence of dangerous weapons on school property or at school-sponsored events, except under very controlled circumstances, creates a potentially dangerous situation for students, staff and visitors, and may trigger precautionary safety responses, which disrupt the educational process and learning environment for students.

Federal law establishes a "Student Safety Zone" that extends 1,000 feet from the boundary of any school property in relation to weapons and drugs. Individuals are prohibited from possessing or using weapons or drugs at any time on school property, within the Student Safety Zone, or at any school-related event.

The School will work with local officials in arranging signage defining the 1,000-foot boundary.

The Superintendent shall hold a meeting for the purpose of conferring regarding the *School Safety Information Policy Agreement* and making modifications deemed necessary and proper; discussing additional training that might be needed; and, discussing any other such related matters as may be deemed to be necessary by the participants. Participants in this meeting shall include the Superintendent, members of the Board of Directors, the County Prosecutor or his/her designee, and representatives from the local law enforcement agencies. Others may also be invited to participate in the meeting.

The Superintendent shall make a report to the Board about all such reviews and recommend the approval and adoption of any proposed revisions or additions.

### **School Contact Person**

Furthermore, in accordance with state law, the Board hereby designates the Superintendent as the School contact person who shall receive information from law enforcement officials, prosecutors and the court officials, including receipt of information provided from the Michigan State Police relating to the student safety act hotline ("OK2Say"). The current contact information for the Superintendent shall be provided to the Michigan State Police in the manner and frequency required by law.

The School contact person shall notify the Superintendent of the school of attendance of a student about whom information is received from law enforcement officials, prosecutors, or court officials within twenty-four (24) hours of the receipt of that information. The Superintendent shall, in turn, notify the building staff members who s/he determines have a need to know the information that has been received within twenty-four (24) hours of receipt of that information.

The Superintendent shall notify the appropriate law enforcement officials when an eligible student commits any offense listed as a reportable incident in the *School Safety Information Policy Agreement* and shall report all information that is required to be reported to State or local law enforcement agencies and prosecutors. Reporting such information is subject to 20 USC 1232g, commonly referred to as the Family Educational Rights and Privacy Act of 1974.

If a student is involved in an incident that is reported to law enforcement officials pursuant to the school's *School Safety Information Policy Agreement*, then, upon request by school officials, the student's parent or legal guardian shall execute any waivers or consents necessary to allow school officials access to school, court, or other pertinent records of the student concerning the incident and action taken as a result of the incident.

### **Required Reporting**

The Superintendent shall submit a report at least annually to the Superintendent of Public Instruction, in the form prescribed by the Superintendent of Public Instruction, stating the number of students expelled from the School during the preceding school year and the reason for the expulsion.

The Superintendent shall post a report on the School website at least annually, in the form prescribed by the Superintendent of Public Instruction, stating the incidents of crime occurring at the School. At least once annually, a copy of the most recent report of incidents of crime, disaggregated by school building, shall be made available to the parent or legal guardian of each student enrolled in the School. This report will minimally include crimes involving any of the following:

- A. physical violence;
- B. gang related acts;
- C. illegal possession of a controlled substance, controlled substance analogue or other intoxicant;
- D. trespassing;
- E. property crimes, including, but not limited to, theft and vandalism, as well as an estimate of the cost to the School that results from the property crime.

The Superintendent shall collect weekly and keep current the information required for the report on incidents of crime, and must provide that information, within seven (7) days, upon request.

Each School building shall collect and keep current on a weekly basis the information required from the report of incidents of crime, and must provide that information, within seven (7) days, upon request.

Additionally, the School shall report all incidents of and attempted commissions of the crimes listed above to the Michigan State Police, in the form and manner prescribed by the Michigan State Police, within twenty-four (24) hours after the incident occurs.

### **Law Enforcement Information Network (LEIN)**

The Board authorizes the Superintendent to request vehicle registration information for suspicious vehicles within 1,000 feet of School property through the Law Enforcement Information Network (LEIN).

### **Threat Assessment**

The primary purpose of a threat assessment is to minimize the risk of targeted violence at the school. This policy is designed to be consistent with the process for identifying, assessing, and managing students who may pose a threat as set forth in the joint U.S. Secret Service and Department of Homeland Security publication, *Enhancing School Safety Using a Threat Assessment Model: An Operational Guide for Preventing Targeted School Violence*. The goal of the threat assessment process is to take appropriate preventive or corrective measures to maintain a safe school environment, protect and support potential victims, and provide assistance, as appropriate, to the student being assessed.

The threat assessment process is centered upon an analysis of the facts and evidence of behavior in a given situation. The appraisal of risk in a threat assessment focuses on actions, communications, and specific circumstances that might suggest that an individual intends to cause physical harm and is engaged in planning or preparing for that event.

The Board of Directors authorizes the Superintendent to create building-level, trained threat assessment teams. Each Team shall be headed by the School Leader and include a school counselor, school psychologist, instructional personnel, and, where appropriate, the school Resource Officer. At the discretion of the Superintendent a threat assessment team may serve more than one (1) school when logistics and staff assignments make it feasible.

The Team will meet on a regular basis and when the School Leader learns a student has made a threat of violence or engages in concerning communications or behaviors that suggest the likelihood of a threatening situation.

The Team is empowered to gather information, evaluate facts, and make a determination as to whether a given student poses a threat of violence to a target. If an inquiry indicates that there is a risk of violence in a specific situation, the Team may collaborate with others to develop and implement a written plan to manage or reduce the threat posed by the student in that situation.

The Board authorizes the Superintendent to create guidelines for the purpose of:

- A. identifying team participants by position and role;
- B. requiring team participants to undergo appropriate training;
- C. defining the nature and extent of behavior or communication that would trigger a threat assessment and/or action pursuant to a threat assessment;
- D. defining what types of information may be gathered during the assessment;
- E. stating when and how parents/guardians of the student making the threat shall be notified and involved;
- F. designating the individuals (by position) who would be responsible for gathering and investigating information;
- G. identifying the steps and procedures to be followed from initiation to conclusion of the threat assessment inquiry or investigation.

Board employees, volunteers, and other school community members, including students and parents, shall immediately report to the Superintendent any expression of intent to harm another person or other statements or behaviors that suggest a student may intend to commit an act of violence.

Nothing in this policy overrides or replaces an individual's responsibility to contact 911 in an emergency.

Regardless of threat assessment activities or protocols, disciplinary action and referral to law enforcement shall occur as required by State law and Board policy.

Threat assessment team members shall maintain student confidentiality at all times as required by Board Policy 8330 – Student Records, and State and Federal law.

### **Persistently Dangerous Schools**

The Board recognizes that State and Federal law requires that the School report annually incidents, which meet the statutory definition of violent criminal offenses that occur in the School, on School grounds, on a School conveyance, or at a School-sponsored activity. It is further understood that the State Department of Education will then use this data to determine whether or not a School is considered "persistently dangerous," as defined by State policy.



Pursuant to the Board's stated intent to provide a safe School environment, School administrators are expected to respond appropriately to any and all violations of the Student Code of Conduct, especially those of a serious, violent nature. In any year where the number of reportable incidents of violent criminal offenses in the School exceed the threshold number established in State policy, the Superintendent shall discuss this at the annual meeting for the purpose of reviewing the school Safety Plan so that a plan of corrective action can be developed and implemented in an effort to reduce the number of these incidents in the subsequent year.

The Superintendent shall make a report to the Board about this plan of corrective action and shall recommend approval and adoption of it.

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Adoption Date: **02.10**

Classification:

Revised Dates: **1/11/16; 6/24/19; 9/9/19; 2/10/20; 5/26/20; 07.21**

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## **FIRE SAFETY AND FIRE DEPARTMENT NOTIFICATION**

Reference: Michigan R 29.1908(3); R 29.2009(3)

The School administration shall develop written procedures that provide for all of the following:

- The designation of the Superintendent and a Maintenance member on each shift to be responsible for notifying the local fire department in the event of a fire;
- The availability at all times of a non-pay telephone for designated employees to notify the local fire department;
- The conspicuous posting of the telephone number of the local fire department near the telephone;
- A requirement that notification of the fire department is incorporated into all fire drills.

Adopted 2/8/10  
Revised 9/9/19

## EMERGENCY OPERATIONS PLAN

References: M.C.L.380.1308a

By no later than January 1, 2020, each School shall 1) develop an emergency operations plan or 2) adapt its statewide school information policy (referred to as the "Plan" throughout the remainder of this Policy) to comply with the requirements of this Policy. This action shall be taken with input from the public. School building means any building intended to be used to provide instruction to students and any recreational or athletic structure or field intended to be used by students.

Beginning in the 2019-2020 school year, and at least biennially thereafter, the School shall conduct a review of its Plan, including a review of the vulnerability assessment, with at least one law enforcement agency that has jurisdiction over the School.

The Plan must include guidelines and procedures that address all of the following:

- A. school violence and attacks
- B. threats of school violence and attacks
- C. bomb threats
- D. fire
- E. weather-related emergencies
- F. intruders
- G. parent and pupil reunification
- H. threats to an school-sponsored activity or event whether or not it is held on school premises
- I. a plan to train teachers on mental health and pupil and teacher safety
- J. a plan to improve school building security
- K. an active violence protocol
- L. continuity of operations after an incident
- M. a vulnerability assessment

The School shall notify the Michigan Department of Education not later than thirty (30) days after it adopts its Plan and after each biennial review in the form and manner prescribed by the Department.

Adopted 6/24/19  
Revised 9/9/19

## **ENVIRONMENTAL HEALTH AND SAFETY ISSUES**

The Board of Directors recognizes its responsibility relative to student, employee, and visitor health and safety and to the need for the development of a comprehensive program designed to provide a healthy, safe, and secure environment on School property and at School-sponsored activities. To achieve this, the Board intends for the School to take advantage of the most current, proven technologies in the fields of health, safety, and environmental sciences.

### **Student, Employee, and Visitor Health and Safety**

The Superintendent shall develop and implement a positive, proactive environmental health and safety program that integrates responsibilities within the School and promotes and incorporates the following:

- A. Procedures that describe a hazard identification and abatement program requiring the following: periodic inspection of School facilities; the implementation of immediate and programmed corrective actions, when deemed necessary by such inspections; and the development of a School-wide hazard reporting procedure that enables employee/parent/school community participation. This program should also provide procedures for identifying and responding to hazards created by outside entities, inspecting activities of contractors, and inspecting new facilities to determine if appropriate requirements for environmental health and safety have been met.
- B. Procedures that promote environmental health and safety awareness among employees, students, parents and community. These procedures shall include, but not be limited to, the establishment of School safety committees and the establishment of a program of regular communication with students, employees, and parents about pertinent safety and health issues through available mediums in the School.
- C. Procedures that address the safety and health of students during transportation to the School, in the School, on School property, and during participation in School-related activities. These procedures shall include, but not be limited to, promoting bus safety for students; assessing the safety of School traffic patterns; operating School clinics; administering medication and medical treatment; promoting laboratory and shop safety; promoting safety in sports and other outdoor activities; inspecting playground equipment and promoting safety on playgrounds; and assessing environmental exposure.
- D. Procedures that relate to School employees' health and safety issues, including, but not limited to, provision of work areas free from recognized hazards; OSHA-related programs required by Federal and State law (e.g., employee safety and health training and training in hazard recognition); and definition of employer and employee responsibilities and expectations related to health and safety.
- E. Procedures that establish a system for reporting and investigating accidents, including identification of root causes, determination of remedial and programmed corrective actions, and communication about accidents to employees, parents and members of the School community.

- F. Procedures that detail plans for foreseeable emergencies and fire prevention.

**Phase-out/Banned Products**

The Superintendent shall immediately ban the use, on Board property, of any chemicals, insecticides, or other materials, which the Federal government is phasing out and/or banning by a certain date.

**Indoor Environmental Quality (IEQ)**

The Board recognizes that excessive moisture levels within the School can lead to conditions optimum for the development of biological contaminants (e.g., mold and fungi on building surfaces). The Board further recognizes the presence of these contaminants can be harmful on contact with respiratory tissue.

Contributing factors to excessive moisture levels include the following:

- A. roof leaks;
- B. structural defects in the building;
- C. improperly controlled humidity levels;
- D. faulty HVAC systems.

As preventive measures, the School shall do the following:

- A. address prevention of water intrusion as a priority IEQ issue and implement strategies toward its elimination;
- B. maintain environmental conditions in occupied areas in compliance with applicable regulations and strive to conform to industry standards;
- C. implement a preventative maintenance program for HVAC systems that includes, but is not be limited to, periodic filter replacement; inspection; cleaning and disinfecting processes; and procedures to eliminate the contribution to indoor air quality problems caused by this equipment;
- D. implement a system to ensure materials used (and purchased for use) in the construction, furnishing and maintenance (including cleaning), do not contribute to health hazards for employees and students by degrading the quality of indoor air. In addition, activities that create indoor air quality health hazards shall not be permitted.

In addition, the Superintendent shall develop Administrative Guidelines for properly monitoring factors that contribute to excessive moisture and for developing mitigation plans when, and if, problems with IEQ are identified.

**Diesel Exhaust and School Bus Idling**

In accordance with the Environment Protection Agency's initiative to reduce pollution caused by buses on School property, the Board will take the recommended steps to reduce the

negative effects of diesel exhaust on indoor and outdoor air quality on School campuses, including, but not limited to, reducing bus idling time and reinforcing smart driving practices. The Superintendent shall develop the Administrative Guidelines necessary to establish these practices in the School (see AG 8615).

**Pollution Control and Prevention**

In an effort to comply with environmental policy and applicable regulations, the School shall develop and implement procedures designed to prevent air and water pollution; minimize or eliminate waste streams, where possible; and identify possible sources of air and water pollution.

*See also the following related Policies:*

Policy	7430	Safety Standards
Policy	8410	Crisis Intervention
Policy	8420	Emergency Evacuation of Schools
Policy	8431	Preparedness for Toxic Hazard and Asbestos Hazard
Policy	8442	Reporting Accidents
Policy	8450	Control of Casual-Contact Communicable Diseases
Policy	8453	Direct Contact Communicable Diseases
Policy	8453.01	Control of Blood-Borne Pathogens

Adopted 2/8/10

Revised 1/13/14; 9/9/19

## INTEGRATED PEST MANAGEMENT

Reference: MCL 324.8316 [This policy applies to all pest control activities and pesticide use in the school building and related facilities including grounds. Recipients of this policy include faculty, other staff, or any employees or independent contractors monitoring or treating pest problems. Each recipient is required to follow this policy.]

### Purpose

The goal of this integrated pest management policy is to provide a safe and healthy learning environment that is relatively pest-free with the least possible use of pesticides. To achieve this goal, it is the policy of the School to develop, implement and maintain an integrated pest management program for the control of pests and minimize pesticide exposure to children, faculty, and staff. This policy is consistent with MCL 324.8316, which encourages schools to adopt an IPM strategy.

Sanitizers, germicides, disinfectants, or antimicrobials are exempt from the IPM notification requirements. This policy adheres to the principles of IPM and is conducted in accordance with all federal and state laws and regulations and local ordinances.

Pests are controlled to protect the health and safety of students and staff, maintain a productive learning environment and maintain the integrity of the school building and grounds. IPM is a pest management system that uses all suitable techniques in a total management system to prevent pests from reaching unacceptable levels or to reduce existing pest populations to acceptable levels while balancing the risk of the pest with the potential risk of the management technique.

### Development of IPM program

The School's IPM program written under this policy states the School's goals regarding the management of pests and the use of pesticides. It reflects the School's site-specific needs and includes the following elements as required by law:

- Site evaluation, including site description, inspection, and monitoring and the concept of threshold levels;
- Consideration of the relationship between pest biology and pest management methods;
- Consideration of all available pest management methods, including population reduction techniques, such as mechanical, biological, and chemical techniques and pest prevention techniques, such as habitat modification;
- Pest controls methods selection, including consideration of the impact on human health, especially for children, and the environment; and
- Continued evaluation of the integrated pest management program.

The Superintendent or designee for the School shall be responsible for ensuring that an IPM program is developed and is in compliance with MCL 324.8316.

### Education /Training

The School community will be educated about potential pest problems and IPM methods used to achieve the pest management objectives.

The IPM Coordinator, School staff and pesticide applicators involved with implementation of the School IPM program will be trained in appropriate components of IPM as it pertains to the School environment.

Students, parents/guardians will be provided with information on this policy and instructed on how they can contribute to the success of the IPM program.

### Record keeping

Records of pesticide use shall be maintained on-site to meet the requirements of the Michigan Department of Agriculture and the School Board. Records shall also include, but are not limited to, pest surveillance data sheets and other non-pesticide pest management methods and practices utilized.

### Notification/Posting

The Superintendent or IPM Coordinator of the School is responsible for timely pre- notification to students' parents or guardians and the School staff of pesticide treatments pursuant to the requirements under the Natural Resources and Environmental Protection Act, MCL 324.8316.

### Re-entry

In accordance with the Natural Resources and Environmental Protection Act, Part 83, reentry to a pesticide treated area may not occur less than 4 hours after application unless the product label requires a longer reentry period. Outdoor ornamental and turf applications of liquid spray pesticides shall not be made on School grounds within 100 feet of an occupied classroom during normal school hours or when persons are using the treatment area.

### Pesticide applicators

The IPM coordinator shall ensure that pesticide applicators, as well as School staff and volunteers follow state regulations, including licensing requirements, applicator certification or registration, and IPM training, label precautions, and comply with all components of the IPM Program.

### Evaluation

Annually, the Superintendent will report to the School Board on the effectiveness of the IPM plan and make recommendations for improvement as needed.

The Superintendent is responsible to develop guidelines for the implementation of this policy.

Adopted 2/8/10  
Revised 9/9/19



## **CRISIS INTERVENTION**

The Board of Directors believes the School's employees, students, and visitors are entitled to function in a safe environment. In this regard, the Board has adopted policies that relate to conduct in the School setting and address various crisis situations.

The Superintendent shall develop Administrative Guidelines for responding to a crisis situation, developing a prevention plan, and providing effective intervention for students who may show signs warning of potentially violent or other troubling behaviors.

Adopted 2/8/10  
Revised 9/9/19

## EMERGENCY SITUATIONS AT THE SCHOOL

Reference: MCL 29.19  
A.C. 1301:7-7-01, 3301-35-03 (D), 3301-83-15  
HB No. 4713 (2013)

### A. Emergency Preparedness

The School shall develop emergency preparedness procedures that address the following goals and/or objectives:

1. the health and safety of students and staff are safeguarded;
2. the time necessary for instructional purposes is not unduly diverted;
3. minimum disruption to the educational program occurs;
4. students are helped to learn self-reliance and trained to respond sensibly to emergency situations.

All threats to the safety of School facilities shall be identified by appropriate personnel and responded to promptly in accordance with the plan for emergency preparedness.

School personnel, including teachers, shall provide for unrestricted emergency egress during school hours and when the school is open to the public.

### B. Drills

1. Each School shall conduct a minimum of five (5) fire drills each school year. Three (3) of the fire drills shall be held by December 1<sup>st</sup> of the school year, and two (2) shall be held during the remaining part of the school year, with a reasonable spacing interval between each drill.
2. Each School shall conduct a minimum of two (2) tornado safety drills each school year. At least one (1) of the tornado safety drills shall be conducted during March of the school year. These drills shall be conducted for the purpose of preventing injuries caused by severe weather.
3. Each School shall conduct a minimum of three (3) drills in which the occupants are restricted to the interior of the building and the building secured each school year. At least one (1) of these drills shall be conducted by December 1<sup>st</sup> of the school year, and at least one (1) shall be conducted after January 1<sup>st</sup> of the school year, with a reasonable spacing interval between each drill. Such drills shall include security measures that are appropriate to an emergency such as the release of a hazardous material or the presence of a potentially dangerous individual on or near the premises. The Superintendent shall seek input from local public safety officials on the nature of the drills to be conducted under this subsection.
4. Each School shall conduct at least one (1) of the drills required under Sections 2(A)-(C) during a lunch or recess period, or at another time when a significant number of the students are gathered but not in the classroom.

5. Schools shall not conduct a drill required under Sections 2(A)-(C) at a time that would interfere with the conduct of a state-mandated assessment.
6. Not later than September 15<sup>th</sup> of each school year, the Superintendent shall provide a list of the scheduled drill days to the county emergency management coordinator.
7. If a drill is not conducted on a scheduled drill day due to conditions not within the control of school authorities, such as severe storms, fires, epidemics, utility power unavailability, water or sewer failure, or health conditions as defined by the city, county, or state health authorities, the school shall reschedule the drill to occur within ten (10) school days after the scheduled date of the cancelled drill. The Superintendent shall notify the county emergency management coordinator of the rescheduled date for the drill.

C. Drill Result Publication

1. The Superintendent shall provide that documentation of a completed school safety drill is posted on the school's website within thirty (30) school days after the drill is completed and is maintained on the website for at least three (3) years.
2. The documentation posted on the website shall include at least all of the following:
  - a. Name of the School
  - b. School year of the drill
  - c. Date and time of the drill
  - d. Type of drill completed
  - e. Number of completed drills for that school year for each type of drill required under Sections 2(A)-(C)
  - f. Signature of the Superintendent or his/her designee acknowledging the completion of the drill.
  - g. Name of the individual in charge of conducting the drill, if other than the Superintendent.

D. Cardiac Emergency Response Plan

1. Use and regular maintenance of the automated external defibrillators, if available.
2. Activation of a cardiac emergency response team during an identified cardiac emergency.
3. A plan for effective and efficient communication throughout the school campus.

4. If the school includes grades 9 to 12, a training plan for the use of an automated external defibrillator and in cardiopulmonary resuscitation techniques.
5. Incorporation and integration of the local emergency response system and emergency response agencies with the school's plan.
6. An annual review and evaluation of the cardiac emergency response plan.

Adopted 2/8/10  
Revised 8/18/14; 9/9/19

## PREPAREDNESS FOR TOXIC HAZARD AND ASBESTOS HAZARD

Reference: MCL 324.8316, 380.1256  
15 USC 2601  
20 USC 4022  
20 USC 4014  
20 USC 4011  
20 USC 4011 et. seq.  
Asbestos Hazard Emergency Response Act of 1986 (AHERA)  
Asbestos School Hazard Abatement Act of 1984  
Asbestos School Hazard Abatement Reauthorization Act of 1990

The Board of Directors is concerned for the safety of the students and staff members and will comply with all Federal and State statutes and regulations concerning hazards resulting from industrial accidents beyond the control of School officials and/or from the presence of asbestos materials used in previous construction.

### ***Toxic Hazards***

These hazards exist in chemicals, pesticides, and other substances used in School settings such as laboratories, science classrooms, and kitchens. Such toxins are also found in the cleaning supplies for the School's rooms and equipment. The Superintendent will appoint an employee to serve as Toxic Hazard Preparedness (THP) Officer. The THP Officer will be responsible for the following:

#### *Hazard Determination*

Identifying potential sources of toxic hazards, in cooperation with material suppliers, who shall supply the Toxic Hazard Preparedness Officer with Material Safety Data Sheets (MSDSs). The Superintendent will rely on MSDSs from material suppliers to meet hazard determination requirements.

#### *Labeling*

Ensuring that all incoming materials are properly labeled with the identity of the chemical, the hazard warning, and the name and address of the manufacturer or responsible party and making certain that any containers to which the materials are transferred are also properly labeled.

#### *Material Safety Data Sheets*

Maintaining a current file of MSDSs for all hazardous materials present on School property. The MSDS files will be kept at the School office, with additional copies for employees' use will be located at the Employee Leasing Company (ELC) and Maintenance staff offices.

MSDSs will be available for review by all employees. Copies will be available upon request of the Toxic Hazard Preparedness Officer. Posters will be displayed, identifying the person responsible for monitoring MSDSs and where MSDSs are located at the School office, Employee Leasing Company (ELC), and Maintenance staff offices. When new MSDs are received, notification posters for employees will be displayed in the same location.

The Toxic Hazard Preparedness Office shall contact the supplier, in writing, if a required MSDS is not received and shall promptly procure the MSDS before releasing the material for use.

If he/she is unable to obtain an MSDS from a supplier, he/she should contact MIOSHA's Occupational Health Division (OHD) or General Industry Safety Division for assistance in obtaining the MSDS.

### ***Multi-Employer Work Sites – Informing Contractors***

Informing contractors and their employees of any hazardous substances to which they may be exposed; determining measures to be employed to control or eliminate exposure; labeling system for container and pipes used onsite; and informing staff where applicable MSDSs can be reviewed or obtained. Whenever School employees may potentially be exposed to hazards brought on site by contractors, the THP Officer will obtain information from the contractor pertaining to the chemicals brought on-site, and the measures that should be taken to control or eliminate exposure the chemicals.

### ***Employee Information and Training***

Providing information and conducting a training program for all School employees on topics such as detection of hazards, explanation of the health hazards to which they could be exposed in their work environment, and the School's plan for communication and labeling. Information given to employees shall include the following:

- A. regulations of MIOSHA's hazardous communication standard;
- B. all operations in the employee's work area in which hazardous chemicals are present;
- C. location and availability of written hazardous communication policy and program, with the list of hazardous chemicals and the MSDSs in the School.

Employee training should include the following:

- A. techniques used to detect the presence or release of hazardous chemicals in a work area;
- B. physical and health hazards of hazardous chemicals;
- C. measures the employees should take to protect themselves from these hazards;
- D. details of the hazardous communication program including an explanation of the labeling system and MSDSs and how employees can obtain and use hazard information.

Employees shall be informed of the employer's anti-discrimination/discharge policy for employees accessing hazard information and how the employee can contact the Michigan Department of Industry and Consumer Services, Bureau of Safety Regulation and Occupational Health for assistance in obtaining an MSDS if he/she is unable to obtain the MSDS from the employer.

Records of each employee's hazardous communication training should be maintained, and all new employees should receive training regarding any hazardous chemicals with which they may potentially have contact as part of their job.

### ***Hazardous non-routine tasks***

Before an employee is required to start a non-routine task (e.g., enter confined space), the employee will be given information about the hazards of the area, including specific chemical hazards, the procedures for protection or safety to lessen the hazard, and measures the company has taken to eliminate or control the hazard.

Any staff member or contractor who applies pesticides on School property shall meet the requirements of AG 8413A, in addition to requirements established by the State. He/She shall provide written notification each year, prior to any application, to all parents and staff members regarding the pesticide to be applied; the type of pesticide; its potential side effects; the location of the application; and the scheduled date of the application.

In fulfilling these responsibilities, the THP Officer may enlist the aid of county and municipal authorities and, if possible, the owners or operators of identified potential sources of toxic hazard.

At its discretion, the Board may appoint and charge an ad hoc committee of community representatives to assist the THP Officer.

### ***Asbestos***

In its efforts to comply with Asbestos Hazard Emergency Response Act (AHERA) and the Michigan Occupational Safety and Health Act (MIOSHA), the Board recognized its responsibility to:

- A. inspect the building for the existence of asbestos or materials containing asbestos;
- B. take appropriate actions, in accordance with State Law and EPA regulations, based on the inspections;
- C. establish a program for dealing with friable asbestos, if found;
- D. maintain a program of periodic surveillance and inspection of facilities or equipment containing asbestos;
- E. comply with EPA regulations governing the transportation and disposal of asbestos and materials containing asbestos.

The Superintendent shall appoint a person to develop and implement the School's Asbestos-Management Program to ensure proper compliance with Federal and State laws and appropriate instruction of staff and students. Upon completion the School's Asbestos Plan must be submitted to the Michigan Department of Consumer and Industry Services, Occupational Health Division, Lansing, Michigan 48909.

When conducting asbestos abatement projects, the Superintendent shall also ensure each contractor employed by the School is licensed, pursuant to the Michigan Department of Health Regulations.

Nothing in this policy should be construed in any way as an assumption of liability by the Board for any death, injury, or illness that may be a consequence of an accident, an equipment failure, a negligent act, or a deliberate act beyond the control of the Board or its officers and employees.

However, the Board may provide legal representation and indemnification against civil liability regarding claims or actions resulting from, or arising out of, negligence (or alleged negligence) of persons responsible for inspecting, monitoring, removing, treating asbestos or material containing asbestos or supervising these activities -- provided the employee was performing the duties while in the course of his/her employment or while acting within the scope of his/her authority. The Board reserves the right to deny representation and indemnification in those circumstances wherein the employee's actions demonstrate gross negligence or willful and wanton misconduct.

This policy may apply to work performed by authorized employees prior to the date of its adoption.

Adopted 2/8/10  
Revised 9/9/19



## **REPORTING ACCIDENTS**

The Board of Directors directs all reasonable efforts shall be made to ensure a safe learning and working environment for the students and employees. The Board requires that accidents be reported to the Superintendent and evaluated. Any accident resulting in an injury, however slight, to a student, staff member or visitor to the School must be reported promptly, in writing, to the Superintendent. Injured persons shall be referred immediately to the appropriate personnel for medical attention.

The staff member responsible for an injured student, the injured employee, or the injured visitor shall complete a form that includes the date, time, and place of the incident; names of persons involved; nature of the injury (to the extent known); and description of all relevant circumstances.

Any staff member who suffers a job-related injury must report the injury and its circumstances to the Superintendent, following established procedures, as soon as possible following the occurrence of the injury.

Adopted 2/8/10  
Revised 9/9/19

## **CONTROL OF CASUAL-CONTACT COMMUNICABLE DISEASES**

Reference: MCL 380.1169

The Board of Directors recognizes control of communicable diseases spread through casual contact is essential to the well-being of the community and the efficient operation of the School.

For purposes of this policy, *casual-contact communicable disease* shall include the following:

- A. diphtheria;
- B. scarlet fever and other strep infections;
- C. whooping cough;
- D. mumps;
- E. measles;
- F. rubella;
- G. and others diseases designated by the Michigan Department of Community Health.

To protect the health and safety of students, Superintendent personnel, and the community at large, the Board shall follow all State statutes and Health Department regulations pertaining to immunization and other means for controlling casual contact communicable diseases spread through normal interaction (casual contact) in the School setting.

If a student exhibits symptoms of a communicable disease, the Superintendent will isolate the student in the building and contact the parents/guardians. Protocols established by the County Health Department shall be followed.

The Superintendent shall develop Administrative Guidelines for the control of casual-contact communicable diseases to provide for the following:

- A. instruction of professional staff members about the detection of these common diseases and the measures to be taken for their prevention and control;
- B. removal of students from School property and into the care of a responsible parent;
- C. preparation of standards for the readmission of students who have recovered from casual-contact communicable diseases;
- D. submission of reports, as required by statute State Department of Education and the State Department of Community Health.

Adopted 2/8/10  
Revised 10/24/11; 9/9/19

## **PEDICULOSIS (HEAD LICE)**

Whenever a student is found to be infested with head lice, he/she shall be sent home immediately for treatment and shall not be readmitted until the parent completes form 8450A F3 and confirmation has been made by the School that the child is free of nits.

The necessary treatment is contained in Form 8450A F1 which is to be sent to the parent along with the cover letter (Form A F2).

The other students in the infested student's classroom and the student's sibling(s) should be examined for evidence of either lice or lice eggs (nits). The examinations should be done by one or more of the following:

- A. each student's parents;
- B. the classroom teacher;
- C. the School secretary;
- D. the Superintendent or Building Leader.

Adopted 2/8/10  
Revised 9/9/19

## **AUTOMATIC EXTERNAL DEFIBRILLATORS (AED)**

Reference: 21 CFR §801.109

The Board of Directors and the Superintendent has determined that safety may be enhanced at the School by having an automatic external defibrillator (AED) placed in building(s) within the School.

An AED is a medical device containing a heart monitor and defibrillator, used to administer an electric shock through a person's chest wall to the heart. The built-in computer system of the AED assesses the patient's heart rhythm, determines whether defibrillation is needed, and then administers a shock, if necessary. Audible and/or visual prompts guide the user through the process of using the AED.

The Board directs the Superintendent to develop guidelines that govern the use of the AED, placement of the AED, AED training, and oversight by a medical doctor or by the local EMS Medical Director. The Board also directs the Superintendent, in conjunction with the Medical Director, to review the guidelines, as appropriate. The AED devices will be located at the School office for use by employees with proper AED training.

Adopted 2/8/10

Revised 9/9/19

## DIRECT-CONTACT COMMUNICABLE DISEASES

Reference: MCL 380.1169

The Board of Directors directs the Superintendent to provide a safe, healthy environment for students and staff. This can best be accomplished when all persons within the School community understand the method of transmission and prevention of diseases not contracted through air-borne pathogens, but rather through direct contact with body fluids and excretions, especially blood, vomit, feces, or urine. The Board also assures the confidential status of individuals who may be diagnosed with a blood-borne communicable disease.

For purposes of this policy, these *direct-contact communicable diseases* shall include the following: HIV (human immunodeficiency virus); AIDS (acquired immune deficiency syndrome); AIDS-related complex (condition); HAV, HBV, HCV (Hepatitis A, B, C); and other diseases specified by the Michigan Department of Community Health as contact communicable diseases.

The Superintendent recognizes the fact that individuals who have contracted these diseases may not exhibit symptoms for many years after exposure and may, in fact, not be aware they have the disease. However, these individuals are able to transmit the disease to other individuals.

The Board of Directors directs the Superintendent to assure that any students or staff members who reveal the fact that they have contracted one of these diseases will have their status safeguarded in accordance with Federal and State statutes dealing with confidentiality, and that their civil rights will be respected. Staff members will have access to leave policies in accordance with Administrative Guidelines and opportunities for reasonable accommodation, as described by the Americans with Disabilities Act. Should a student be unable to attend school as a result of illness, an alternative education program shall be provided, in accordance with the Board's policy and Administrative Guidelines dealing with Homebound Instruction.

Additionally, the Board directs the Superintendent to develop an educational program in accordance with Michigan law to ensure proper instruction by guidance counselors, nurses (need not be included if the nurse is licensed), teachers, and/or other School personnel who teach students about HIV and AIDS. Such an educational program shall include information about the following:

- A. the nature of the disease;
- B. its causes and effects;
- C. the means of detecting its presence and preventing its transmission;
- D. the availability of appropriate sources of counseling and referral; and
- E. any other appropriate information, considering the age and grade levels of students.

The Superintendent shall develop Administrative Guidelines that establish procedures to fulfill the intent of this policy.

Adopted 2/8/10  
Revised 9/9/19

## **CONTROL OF BLOOD-BORNE PATHOGENS**

Reference: 29 CRF 1910.1030

The Board of Directors directs the Superintendent to protect staff members who may be exposed to blood-borne pathogens and other potentially infectious materials in their performance of assigned duties.

The Superintendent shall implement Administrative Guidelines that will do the following:

- A. identify those categories of employees whose duties create a reasonable anticipation of exposure to blood and other infectious materials;
- B. provide for inoculation of the Hepatitis B vaccine at no cost to the staff member and in accordance with Federally-mandated scheduling;
- C. ensure proper training in the universal precautions against exposure and/or contamination including the provision of appropriate protective supplies and equipment;
- D. establish appropriate procedures for reporting, evaluating, and following-up any and all incidents of exposure;
- E. provide for record-keeping of all of the above that complies with both Federal and State laws;
- F. develop an exposure control plan.

Adopted 2/8/10  
Revised 9/9/19

## **STUDENT ABUSE AND NEGLECT**

Reference: MCL 380.1505, 722.621 et. seq.

The Board of Directors is concerned with the physical and mental well-being of the students in this School and will cooperate in identifying and reporting cases of child abuse or neglect, in accordance with law.

Any staff and all other persons employed by MM1/HR Services who are mandatory reporters under the law with reasonable cause to suspect child abuse or neglect shall be responsible for immediately reporting every case, whether ascertained or suspected, of abuse or neglect resulting in physical or mental injury to a student by other than accidental means.

The staff member or other mandatory reporter shall immediately notify the local office of the Central Registry of the Michigan Department of Health and Human Services (MDHHS) Family Independence Agency, by telephone, or, if available, through the online reporting system, of the suspected child abuse or child neglect. If an oral report is made by telephone, the reporting person shall file a written report within seventy-two (72) hours of making the oral report as required by the Child Protection Law.

The identity of the reporting person shall be confidential, subject to disclosure only by consent or court order. A reporting employee shall not be dismissed or otherwise penalized for making a report of child abuse or neglect.

Information concerning alleged child abuse is confidential. Any unauthorized disclosure by an official or employee of the School is a violation of law and subjects the disseminator to civil liability for any resulting damages.

The Superintendent should be mindful of the possibility of physical or mental abuse inflicted on a student by a staff member. Any such instances, whether real or alleged, should be handled in accordance with the Administrative Guidelines established by the Superintendent.

Adopted 2/8/10

Revised 9/9/19; 2/10/20; 5/26/20



## **FOOD SERVICES**

Reference:

Healthy, Hunger-Free Kids Act of 2010 and Richard B. Russell National School Lunch Act, 42 USC 1751 et seq.  
Child Nutrition Act of 1966, 42 USC 1771 et seq.  
7 CFR Parts 15b, 210, 215, 220, 225, 226, 240, 245, 3015  
OMB Circular No. A-87 USDA Smart Snacks in School Food Guidelines (effective July 1, 2014)  
SP 32-2015 Statements Supporting Accommodations for Children with Disabilities in the Child Nutrition Programs

The Food Service Vendor may provide food service for the purchase and consumption of lunch for all students.

The Food Service Vendor may also provide a breakfast program in accordance with procedures established by the State Department of Education.

The Board's Policy 2260 – Nondiscrimination and Access to Equal Educational Opportunity shall apply to any food service program offered by the School.

Any food-service program shall comply with Federal and State regulations pertaining to the selection, preparation, delivery, consumption, and disposal of food and beverages, including but not limited to the current USDA school meal pattern requirements and the USDA Smart Snacks in School nutrition standards, and to the fiscal management of the program. Operation of such a program shall be as follows:

### **Substitutions**

If determined appropriate by a student's Section 504 team, substitutions to the standard meal requirements shall be made, at no additional charge, for students for whom a healthcare provider who has prescriptive authority in the State of Michigan has provided medical certification that the student has a disability which restricts his/her diet, in accordance with all applicable law.

If determined appropriate by a team of qualified individuals, substitutions to the standard meal requirements may be made, at no additional charge, for a student who is not a "disabled person" but has a signed statement from a qualified medical authority that the student cannot consume certain food items due to medical or other special dietary needs.

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

The operation and supervision of the food-service program shall be the responsibility of the Superintendent and Food Service Vendor. Food services shall be operated on a self-supporting, nonprofit basis with revenue from students, staff, Federal reimbursement, and surplus food. The Board shall assist the program by furnishing available space, initial major equipment, and utensils. Maintenance and replacement of equipment is the responsibility of the program. In addition, as required by law, a food safety program based on the principles of the Hazard Analysis and Critical Control Point (HACCP) system shall be implemented with the intent of preventing food-borne illnesses. For added safety and security, access to the facility and the food stored and prepared therein shall be limited to food service staff and other authorized persons.

A periodic review of the food-service accounts shall be made by the Superintendent and such accounts shall be audited as part of the School's annual audit.

Bad debt incurred through the inability to collect lunch payment from students is not an allowable cost chargeable to any Federal program. Any related collection cost, including legal cost, arising from such bad debt after they have been determined to be uncollectable are also unallowable.

The Superintendent is authorized to develop and implement an administrative guideline regarding meal charge procedures. This guideline will provide consistent directions for students who are eligible for reduced price or paid meals but do not have funds in their account or in hand to cover the cost of their meal at the time of service and shall also address feeding students with unpaid meal balances without stigmatizing them.

This guideline shall be provided in writing to all households at the start of each school year and to households transferring to the School during the school year.

With regard to the operation of the School food service program, the Superintendent shall ensure:

- A. the maintenance of sanitary, neat premises, free from fire and health hazards;
- B. the preparation of food that complies with Federal food safety regulations;
- C. the purchase of foods and supplies, in accordance with State and Federal law, USDA regulations, and Board policy
- D. complying with food holds and recalls in accordance with USDA regulations;
- E. the management (accounting and disposition) of food-service funds pursuant to Federal and State law and USDA regulations;
- F. the safety and safekeeping and storage of food and food equipment pursuant to State and Federal law and USDA regulations;

The School shall serve only nutritious food as determined by the Food Service Program in compliance with the current USDA Nutrition Standards for the National School Lunch and School Breakfast Programs and the USDA Smart Snacks in School nutrition guidelines. Foods and beverages unassociated with the food-service program must comply with the current USDA Nutrition Standards for the National School Lunch and School Breakfast Programs and the USDA Smart Snacks in School nutrition guidelines, and may be vended, subject to Board Policy 8540.

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Revised Dates: **10/24/11; 1/12/15; 1/11/16; 9/12/16; 8/14/17; 6/24/19; 9/9/19; 07.21**

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## WELLNESS

Reference:

42 USC §§ 1751, Sec. 204 42 USC § 1771  
7 CFR Parts 210 and 220

The Board recognizes that good nutrition and regular physical activity affect the health and well-being of the School's students. Furthermore, research concludes that there is a positive correlation between a student's health and well-being and his/her ability to learn. Moreover, schools can play an important role in the developmental process by which students establish their health and nutrition habits by providing nutritious meals and snacks through the schools' meal programs, by supporting the development of good eating habits, and by promoting increased physical activity both in and out of school.

The Board, however, believes this effort to support the students' development of healthy behaviors and habits with regard to eating and exercise cannot be accomplished by the schools alone. It will be necessary for not only the staff, but also parents and the public at large to be involved in a community-wide effort to promote, support, and model such healthy behaviors and habits.

The Board sets the following goals in an effort to enable students to establish good health and nutrition habits:

A. With regard to nutrition education, the School shall:

*(Specific goals need to be inserted here. See Appendix A.)*

B. With regard to physical activity, the School shall:

*(Specific goals need to be inserted here. See Appendix B.)*

C. With regard to other school-based activities the School shall:

*(Specific goals need to be inserted here. See Appendix C.)*

D. With regard to nutrition promotion, the School shall:

*(Specific goals need to be inserted here. See Appendix D.)*

Furthermore, with the objectives of enhancing student health and well-being, and reducing childhood obesity, the following guidelines are established:

*(Specific guidelines need to be inserted here. See Appendix E.)*

The Board designates the Superintendent as the individual(s) charged with operational responsibility for verifying that the School meets the goals established in this policy.

The Superintendent shall appoint a School wellness committee that meets at least four (4) times per year and includes parents, students, representatives of the School food authority, educational staff (including health and physical education teachers), mental health and social services staff, school health professionals, members of the public and School administrators to oversee development, implementation, evaluation and periodic update of the wellness policy. The Wellness Committee shall be an ad hoc committee with members recruited and chosen annually. School-level health advisory teams may assist in the planning and implementation of these Wellness initiatives.

The Wellness Committee shall be responsible for:

- A. assessment of the current School environment;
- B. review of the School's wellness policy;
- C. presentation of the wellness policy to the Board for approval;
- D. measurement of the implementation of the policy;
- E. recommendation for the revision of the policy, as necessary.

Before the end of each school year the Wellness Committee shall recommend to the Superintendent any revisions to the policy it deems necessary and/or appropriate. In its review, the Wellness Committee shall consider evidence-based strategies determining its recommendations.

The Superintendent shall report annually to the Board on the progress of the Wellness Committee and on its evaluation of policy implementation and areas for improvement, including status of compliance by individual schools and progress made in attaining goals of policy.

The Superintendent is also responsible for informing the public, including parents, students and community members, on the content and implementation of this policy. In order to inform the public, the Superintendent shall distribute information at the beginning of the school year to families of School children, include information in the student handbook, and post the policy on the School's website, including the Wellness Committee's assessment of the implementation of the policy.

The School shall assess the Wellness Policy at least once every three (3) years on the extent to which Academies are in compliance with the School policy, the extent to which the School policy compares to model wellness policies, and the progress made in attaining the goals of the School Wellness Policy. The assessment shall be made available to the public:

- A. in the parent and staff handbooks
- B. on the School website.

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Adoption Date: **02.10**

Classification: **Legally Required**

Revised Dates: **1/13/14; 1/12/15; 8/14/17; 9/9/19; 07.21**

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## **SPECIFIC GOALS FOR NUTRITION**

Select one or more of the following:

- A. Nutrition education shall be included in the Health curriculum so that instruction is sequential and standards-based and provides students with the knowledge, attitudes, and skills necessary to lead healthy lives.
- B. Nutrition education shall be included in the sequential, comprehensive Health curriculum in accordance with the curriculum standards and benchmarks established by the State.
- C. Nutrition education shall be integrated into other subject areas of the curriculum, when appropriate, to complement, but not replace, the standards and benchmarks for health education.
- D. Nutrition education standards and benchmarks shall be age-appropriate and culturally relevant.
- E. The standards and benchmarks for nutrition education shall be behavior focused.
- F. Nutrition education shall include enjoyable, developmentally appropriate and culturally relevant participatory activities, such as contests, promotions, taste testing, and others.
- G. Nutrition education shall include opportunities for appropriate student projects related to nutrition, involving, when possible, community agencies and organizations.
- H. Nutrition education shall extend beyond the classroom by engaging and involving the school's food service staff.
- I. Nutrition education posters, such as the Food Pyramid Guide, will be displayed in the cafeteria.
- J. The school cafeteria shall serve as a learning lab by allowing students to apply the knowledge, attitudes, and skills taught in the classroom when making choices at mealtime.
- K. Nutrition education shall extend beyond the school by engaging and involving families and the community.
- L. Nutrition education shall reinforce lifelong balance by emphasizing the link between caloric intake (eating) and exercise in ways that are age-appropriate.
- M. Nutrition education benchmarks and standards include a focus on media literacy as it relates to food marketing strategies.

- N. Nutrition education standards and benchmarks promote the benefits of a balanced diet that includes fruits, vegetables, whole grain products, and low-fat and fat-free dairy products.
- O. Staff responsible for providing instruction in nutrition education shall regularly participate in professional development activities designed to better enable them to teach the benchmarks and standards.
- P. Instruction related to the standards and benchmarks for nutrition education shall be provided by highly qualified teachers.
- Q. The Academy shall provide information to parents that is designed to encourage them to reinforce at home the standards and benchmarks being taught in the classroom.

Adopted 2/8/10  
Revised 9/9/19

## **SPECIFIC GOALS FOR PHYSICAL ACTIVITY**

### Physical Education

- A. A sequential, comprehensive physical education program shall be provided for students in K-12 in accordance with the standards and benchmarks established by the State.
- B. The physical education curriculum shall provide sequential instruction related to the knowledge, attitudes, and skills necessary to participate in lifelong, health-enhancing physical activity.
- C. Physical education classes shall provide students with opportunities to learn, practice, and be assessed on developmentally appropriate knowledge, health-enhancing physical activity.
- D. The sequential, comprehensive physical education curriculum shall stress the importance of remaining physically active for life.
- E. The sequential, comprehensive physical education curriculum shall provide students with opportunities to learn, practice, and be assessed on developmentally appropriate knowledge, attitudes, and skills necessary to engage in lifelong, health-enhancing physical activity.
- F. Planned instruction in physical education shall be sufficient for students to achieve a proficient level with regard to the standards and benchmarks established by the State.
- G. The K-8 program shall include instruction in physical education as well as opportunities to participate in competitive and non-competitive team sports to encourage lifelong physical activity.
- H. Planned instruction in physical education shall require students to be engaged in moderate to vigorous physical activity for at least fifty percent (50%) of scheduled class time.
- I. Properly certificated, highly qualified teachers shall provide all instruction in physical education.
- J. All physical education classes shall have a student/teacher ratio comparable to the student/teacher ratio in other curricular areas.
- K. Planned instruction in physical education shall teach cooperation, fair play, and responsible participation.
- L. Planned instruction in physical education shall meet the needs of all students, including those who are not athletically gifted.
- M. Planned instruction in physical education shall be presented in an environment free of embarrassment, humiliation, shaming, taunting, or harassment of any kind.

- N. Planned instruction in physical education shall include cooperative as well as competitive games.
- O. Planned instruction in physical education shall take into account gender and cultural differences.
- P. Planned instruction in physical education shall promote participation in physical activity outside the regular school day.

Physical Activity

- A. Physical activity shall not be employed as a form of discipline or punishment.
- B. Physical activity and movement shall be integrated, when possible, across the curricula and throughout the school day.
- C. Schools shall encourage families to provide physical activity outside the regular school day, such as outdoor play at home, participation in sports sponsored by community agencies or organizations, and in lifelong physical activities like bowling, swimming, or tennis.
- D. All students in grades K-8 shall be provided with a daily recess period at least fifteen (15) minutes in duration. Recess shall not be used as a reward or punishment.
- E. The Academy shall provide information to families to encourage and assist them in their efforts to incorporate physical activity into their children's daily lives.
- F. The Academy shall encourage families and community organizations to institute programs that support physical activity of all sorts.
- G. All students in grades K-8 shall have the opportunity to participate in extracurricular activities and intramural programs that emphasize physical activity.
- H. All after-school programs shall provide developmentally appropriate physical activity for the students who participate.
- I. Schools shall discourage extended periods of student inactivity, defined as two (2) hours or more without some physical activity.

Adopted 2/8/10  
Revised 1/13/14; 9/9/19



## **SPECIFIC GOALS FOR OTHER ACADEMY-BASED ACTIVITIES DESIGNED TO PROMOTE STUDENT WELLNESS**

Free drinking water shall be available to students during designated meal times and may be available throughout the school day.

Select one or more of the following:

- A. The schools shall provide at least thirty (30) minutes daily for students to eat.
- B. The schools shall schedule mealtimes so there is minimum disruption by bus schedules, recess, and other special programs or events.
- C. The School shall provide attractive, clean environments in which the students eat.
- D. Students are permitted to have bottled water only in the classroom.
- E. Activities, such as tutoring or club meetings, shall not be scheduled during mealtimes, unless students may eat during those meetings.
- F. Schools may limit the number of celebrations involving serving food during the school day.
- G. The schools may demonstrate support for the health of all students by hosting health clinics and screenings and encouraging parents to enroll their eligible children in Medicaid or in other children's health insurance programs for which they may qualify.
- H. Students are discouraged from sharing their foods or beverages with one another during meal times, given concerns about allergies and other restrictions on some students' diets.

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## **SPECIFIC GOALS FOR NUTRITION PROMOTION**

With regard to nutrition promotion, any foods and beverages marketed or promoted to students on the school campus, during the school day, will meet or exceed the USDA Smart Snacks in School nutrition standards.

Additionally, the School shall:

- A. encourage students to increase their consumption of healthful foods during the school day;
- B. provide opportunities for students to develop the knowledge and skills for consuming healthful foods.

Adopted 1/13/14  
Revised 8/14/17; 9/9/19

## **NUTRITION GUIDELINES FOR ALL FOODS AVAILABLE ON CAMPUS DURING THE SCHOOL DAY**

- A. In accordance with Policy 8500, entitled Food Service, the food service program shall comply with Federal and State regulations pertaining to the selection, preparation, consumption, and disposal of food and beverages, including but not limited to the USDA Dietary Guidelines for Americans and the USDA Smart Snacks in School nutrition standards, as well as to the fiscal management of the program.
- B. As set forth in Policy 8531, entitled Free and Reduced Price Meals, the guidelines for reimbursable school meals are not less restrictive than the guidelines issued by the U.S. Department of Agriculture (USDA).

The sale of foods of minimal nutritional value in the food service area during the lunch period is prohibited.

- C. The sale of foods and beverages to students that do not meet the USDA Dietary Guidelines for Americans and the USDA Smart Snacks in School nutrition standards to be consumed on the school campus, defined as the School's physical plant as delineated in the School's charter during the school day is prohibited.
- D. All food items and beverages available for sale to students for consumption on the school campus (any area of property under the jurisdiction of the school that is accessible to students during the school day) between midnight and thirty (30) minutes after the close of the regular school day (the "School day"), as defined in the School's charter contract shall comply with the current USDA Dietary Guidelines for Americans and the USDA Smart Snacks in School nutrition standards, including, but not limited to, competitive foods that are available to students a la carte or as entrees in the dining area (except entrée items that were offered on the National School Lunch Program (NSLP) or School Breakfast Program (SBP) menu on the day of and the day after they are offered from vending machines, from school stores, or as authorized fundraisers including those operated by student clubs and organizations, parent groups, or boosters clubs.
- E. All foods offered on the school campus during the school day shall comply with the current USDA Dietary Guidelines for Americans, including competitive foods that are available to students a la carte in the dining area, as classroom snacks, or from vending machines.
- F. All food and beverages that are provided, other than through sale, on the school campus during the school day (which may include classroom snacks, for classroom parties, and at holiday celebrations) shall comply with the food and beverage standards approved by the Superintendent.
- G. The food service program will strive to be financially self-supporting; however, if it is necessary to subsidize the operation, it will not be through the sale of foods with minimal nutritious value.
- H. The food service program will provide all students affordable access to the varied and nutritious foods they need to be healthy and to learn well regardless of unpaid meal balances and without stigma.
- I. All foods available to students in the dining area during school food service hours shall comply with the current USDA Dietary Guidelines for Americans, including competitive foods available to student a la carte or from vending machines.

- J. The school food service program may involve students, parents, staff, and school officials in the selection of competitive food items to be sold in the schools.
- K. The food service program shall be administered by a qualified nutrition professional.

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## BOARD RESOLUTION

WHEREAS children need access to healthy foods and opportunities to be physically active in order to grow, learn and thrive; and

WHEREAS good health fosters student attendance and education; and

WHEREAS obesity is increasing rapidly in the United States, affecting adults and children of all races, ethnicities, and income levels; and

WHEREAS the prevalence of overweight children aged 6-11 has more than doubled in the last 20 years and the number of overweight adolescents aged 12-19 has more than tripled in that same time; and

WHEREAS overweight children and adolescents are more likely than not to remain overweight, become obese adults, and develop related chronic illnesses; and

WHEREAS reversing the obesity epidemic among children will require a long-term, well-coordinated approach to reach young people where they live, learn, and play; and

WHEREAS schools can effectively partner with other public, non-profit, and private sector organizations in an effort to re-shape social and physical environments and provide information and practical strategies to help children and adults adopt more healthy lifestyles; and

WHEREAS the Child Nutrition and WIC Reauthorization Act of 2004 established a new requirement that all Academies with a Federally-funded school meals program develop and implement wellness policies that address nutrition and physical activity no later than the beginning of the 2006 – 2007 school year;

THEREFORE BE IT RESOLVED that it is the intent of the Board of Directors of the George Washington Carver Academy to comply fully with 42 USC 1751 Section 204, which requires that any local educational agency participating in the National School Lunch Program establish a local school wellness policy; and

BE IT FURTHER RESOLVED that the Superintendent shall seek the involvement of parents, students, representatives of the school food service program, the school board, school administrators, and the public as this School's wellness policy is developed, and shall recommend a policy to the Board not later than May, 2014 and

BE IT FURTHER RESOLVED that the Board reserves the right to modify the recommended policy as it deems necessary; and

BE IT FURTHER RESOLVED that said policy shall be adopted no later than September, 2014 and shall be effective on the first day of the school year beginning after July 1, 2006.

Adopted 1/13/14  
Revised 9/9/19

## **FREE AND REDUCED-PRICED MEALS**

Reference: 380.1272 et seq.  
42 USC 1751 et seq.  
42 USC 1771 et seq.

The Board of Directors recognizes the importance of good nutrition to each student's educational performance. The Board [shall/may] provide eligible students with breakfast and lunch at a reduced rate or at no charge to the student. A student's eligibility for free or reduced-price meals shall be determined by the criteria established by the Child Nutrition Program. These criteria are issued annually by the Federal government through the MDE.

The Board designates the Superintendent to determine in accordance with Board standards, the eligibility of students for free and/or reduced-price meals. The School shall annually notify all families of the availability, eligibility requirements, and/or application procedure for free and reduced-price meals by distributing an application to the family of each student enrolled in the School and [shall/may] seek out and apply for such Federal, State, and local funds as may be applied to the School's program of free and reduced-price meals.

Adopted 2/8/10  
Revised 9/9/19

## **VENDING MACHINES**

Reference: 42 USC 1779  
7 CFR Parts 210 and 220

The Board of Directors recognizes that vending machines can produce revenues which are useful to augment programs and services to students and staff. It will, therefore, authorize their use in school facilities providing that the following conditions are satisfied.

Food items and beverages available for sale to students in vending machines for consumption on the School campus (any area of property under the jurisdiction of the School that is accessible to students during the school day) shall comply with the current USDA Dietary Guidelines for Americans and the USDA Smart snacks in School nutrition standards.

The Superintendent shall develop and implement Administrative Guidelines which will require that these conditions are adhered to on a continuing basis.

Adopted 1/12/15  
Revised 9/9/19

## **INSURANCE**

Reference: MCL 129.51, 380.124, 380.1269, 380.1332

The Board of Directors shall purchase with School funds the type and amount of insurance necessary to protect the School from major financial losses.

Insurance purchased shall include, but need not be limited to, the following:

- A. negligent acts or omissions that cause personal injury or wrongful death;
- B. fire and extended coverage on buildings and contents;
- C. comprehensive bodily injury, property damage on automobiles, buses, and trucks;
- D. boiler and machinery;
- E. special coverage for equipment not ordinarily covered under a standard policy;
- F. legal liability for Board members and employees.

Insurance for a given coverage shall be obtained at the lowest possible cost, assuming service and company reliability are satisfactory. The Superintendent shall administer the insurance program.

Adopted 2/8/10  
Revised 9/9/19



## **BONDING**

Reference: MCL 380.85, 380.124, 380.243, 380.317

The Board of Directors recognizes that prudent trusteeship of the resources of this School dictates that School employees be bonded, if they are responsible for the safekeeping of School monies and property.

The School shall be indemnified against loss of money and property by bonding School employees who hold the responsible positions. The amounts of the bonds shall be determined by the Board, in accordance with State law.

All other School employees handling money shall be covered under a blanket bond for an amount determined by the Board.

The School shall bear the cost of bonding each employee required to be bonded by this policy.

Adopted 2/8/10  
Revised 9/9/19

## RELIGIOUS AND PATRIOTIC CEREMONIES AND OBSERVANCES

Reference: 20 USC 4071 et. seq.  
Gregoire vs. Centennial School 907 F2d 1366, (3rd Circuit, 1990)  
Lee vs. Weisman, 112 S. Ct 2649, 120 L. Ed. 2d 467 (1992)  
M.C.L. 380.1347, 380.1347a, 380.1565

Decisions of the United States Supreme Court have determined that public schools must neither advance nor inhibit religious beliefs or practices. Under the First and Fourteenth Amendments to the Constitution, this remains the inviolate province of the individual and the church of his/her choice. The rights of any minority, no matter how small, must be protected. No matter how well intended, either official or unofficial sponsorship of religiously oriented activities by the School are offensive to some and tend to supplant activities that should be the exclusive province of individual religious groups, churches, private organizations, and/or the family.

Staff members shall not use prayer, religious readings, or religious symbols as a devotional exercise or in an act of worship or celebration. The School shall not function as a disseminating agent for any person or outside agency for any religious or anti-religious document, book, or article. Distribution of such materials on School property by any party shall be prohibited in accordance with Policy and Administrative Guidelines 7510 - Use of School Facilities and 9700 - Relations with Special Interest Groups.

The Board acknowledges that it is prohibited from adopting any policy or rule respecting or promoting the establishment of religion or prohibiting any person from the free, individual, and voluntary exercise or expression of the individual's/person's religious beliefs. However, such exercise or expression may be limited to lunch periods or other non-instructional time periods when individuals are free to associate.

Observance of religious holidays through devotional exercises or acts of worship is also prohibited. However, acknowledgement, explanation, and instruction about the special holidays of various religions are encouraged. Celebration activities, involving nonreligious decorations and use of secular works, are permitted. Nonetheless, faculty members have the responsibility to ensure that such activities are strictly voluntary, do not place an atmosphere of social compulsion or ostracism on minority groups or individuals, and do not interfere with the educational program of the School.

The Board shall not conduct or sanction a baccalaureate service in conjunction with graduation ceremonies.

The Board shall not include religious invocations, benedictions, or formal prayer at any School-sponsored event.

### The United States Flag and Pledge of Allegiance

The flag of the United States shall be raised above each public school building operated by the School at all times during school hours, weather permitting. This flag shall measure at least 4 feet 2 inches by 8 feet. A United States flag shall also be displayed in every classroom or other instructional site in which students recite the Pledge of Allegiance.

All students in attendance at school will be provided an opportunity to recite the Pledge each day that school is in session. However, no student shall be compelled to recite the Pledge of

Allegiance. No student shall be penalized for failure to participate in the Pledge and the professional staff shall protect any such students from bullying as a result of their not participating in the Pledge.

The Superintendent or administrator shall be responsible for determining the appropriate time and manner for reciting the Pledge, with due regard to the need to protect the rights and the privacy of a nonparticipating student.

Adopted 2/8/10  
Revised 8/12/13; 9/9/19

## **FLAGS AND DISPLAYS**

This policy is adopted by the Board of Directors as a content-neutral policy with respect to the appropriate usage and display of items in School buildings and on/in School property, including flags, banners, posters, electronic insignia, and similar items (collectively "Displays"). In addition to the use of the American flag as addressed in Policy 8800, the only Displays that may be flown, posted, or affixed to the grounds, stadiums, fencing, walls, doors, ceilings, or any other furnishings or appurtenances of any public school system building, vehicle, or facility owned or operated by the Board or posted on any electronic messaging, including emails, on the School's network, are as follows:

- A. The current Michigan flag.
- B. The current school flag.
- C. Displays from colleges or universities.

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## **ANTI-FRAUD**

This policy is implemented to advise School personnel about activities which may be fraudulent, illegal or otherwise unethical. The Board will not tolerate such activities and disciplinary measures will be implemented as appropriate.

### Scope

This policy applies to any fraud, or suspected fraud, involving School personnel as well as consultants, vendors, contractors, outside agencies doing business with employees of such agencies, and any other parties with a business relationship with the School.

### Policy

Fraud and fraudulent activity is strictly prohibited.

School personnel shall be responsible for reporting any observed or suspected fraud or fraudulent activity to the Superintendent or Board President.

All administrators shall be vigilant for any conduct that may appear to constitute fraud within the areas of their responsibility.

All reporting and investigation shall be done in accordance with the School's guidelines on this subject.

### Fraud – Definitions

Fraud is defined as the intentional, false representation or concealment of a material fact for the purpose of inducing another to act upon his/her injury.

The following are examples of prohibited acts:

- A. Falsification of any record with the intent to conceal information to the School's detriment or the individual's advantage, particularly financial records;
- B. Forgery of a check, bank draft, wire transfer or any other financial document;
- C. Unauthorized alteration of a financial document or account belonging to the School;
- D. Misappropriation of funds, supplies or other assets of the School;
- E. Impropriety in the handling or reporting of money or financial transactions;
- F. Disclosing confidential and proprietary information to outside parties for personal gain (either directly or indirectly);
- G. Asking for or accepting anything of material value from contractors, vendors or persons providing services or materials to the School, except as provided in gift policies;

- H. Unauthorized destruction, removal, or use of records, furniture, fixtures and/or equipment for personal gain (either directly or indirectly);
- I. Misuse of State or Federal funds for other than their designated purposes.

This list is meant to illustrate the types of activities that are prohibited. It is not comprehensive. Other misconduct of a similar nature is similarly prohibited.

#### Confidentiality

The School will maintain confidentiality with regard to the reports of suspected misconduct and the investigation, to the extent consistent with the conduct of an appropriate investigation and its obligations under the Freedom of Information Act. However, absolute confidentiality for reporting witnesses and investigation results cannot be guaranteed.

Except as authorized by the Superintendent or his/her designee, the reporting witness and others interviewed are not to discuss the allegations or investigation with other School personnel or officials, vendors or contractors. Such discussions may interfere with the investigation. Further, because of the nature of the alleged misconduct, unsubstantiated allegations which are not privileged could harm an innocent individual's reputation and result in potential civil liability.

#### Non-Retaliation

Those who, in good faith, report suspected fraudulent activity will not be subject to any retaliation as a result of bringing the suspected misconduct forward.

Adopted 1/13/14  
Revised 9/9/19

## 9000 RELATIONS

9111	Telephone Communications	BP
9120	Academy Information Program	BP
9130	Public Complaints	BP
9150	Academy Visitors	BP
9160	Public Attendance at Academy Events	LC
9211	Academy Support Organizations	BP
<b>9250</b>	<b>Parent/Legal Guardian Review of Instructional Materials and Observation of Instructional Activities</b>	<b>LR</b>
9500	Relations with Educational Institutions and Organizations	BP
9555	Partnerships with Business	BP
9700	Relations with Special Interest Groups	BP
9700.01	Advertising and Commercial Activities	BP
9710	Volunteers	BP

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## **TELEPHONE COMMUNICATIONS**

The Board of Directors is vitally interested in maintaining effective communication with parents, members of the community, vendors, and others who have dealings with the School. The Board realizes that, although advances in technology provide the possibility of enhancing communications, some innovations can also inhibit effective contact between the public and School personnel.

The Board directs incoming calls during regular school hours to be answered by a School staff member or volunteer, not by a computer-generated voice to ensure that each caller's concern is handled in an expeditious, personal manner.

Under certain rare circumstances, if it is not possible for a staff member or volunteer to be available to answer a telephone call to a main office number, a computer message may be substituted, provided the message tells the caller how to contact a School staff member who will personally respond to the caller's need.

Under no circumstances is the telephone system to operate in such a way that a caller is unable to talk directly to someone who can assist the caller. In cases of emergency, lack of effective telephone contact could be critical.

Adopted 1/11/10  
Revised



## **SCHOOL INFORMATION PROGRAM**

The Board of Directors directs the Superintendent to employ reasonable means to keep parents and other interested parties informed on matters of importance regarding School policies, finances, programs, personnel, and operations. The Superintendent shall develop Administrative Guidelines for this purpose.

Adopted 1/11/10  
Revised 9/9/19

## **PUBLIC COMPLAINTS**

Reference: 20 USC 1232 (h)

Any person or group having a legitimate interest in the operations of this School shall have the right to present a request, suggestion, or complaint concerning staff, the curriculum, or operations of the School. At the same time, the Board of Directors has a duty to protect staff from unnecessary harassment. The purpose of this policy is to provide the means for judging each public complaint in a fair, impartial manner and to seek a remedy, when appropriate.

The Board desires to rectify any misunderstandings between the public and the School by direct, informal discussions among the interested parties. More formal procedures shall be employed only when such informal meetings fail to resolve the differences.

Any requests, suggestions, or complaints reaching the Board, Board members, and/or the administration shall be referred to the Superintendent or the Board for consideration, according to the procedures detailed below.

### ***Matters Regarding a Staff Member***

#### ***First Step***

The complainant must first address the matter to the staff member, who shall discuss it promptly with the complainant and shall make every effort to provide a reasoned explanation or take appropriate action within his/her authority and Administrative Guidelines.

This level does not apply if the matter involves suspected child abuse, substance abuse, or any other serious allegation which may require investigation or inquiry by School officials.

As appropriate, the staff member shall report the complaint to the Superintendent and explain whatever action may have been taken.

#### ***Second Step***

If the complaint cannot be satisfactorily resolved, the complainant shall discuss it with the staff member's supervisor and/or Superintendent.

#### ***Third Step***

If a satisfactory solution is not achieved by discussion with the Superintendent, the complainant may submit a written request for a conference to the Superintendent. This request should include the following:

- A. the specific nature of the complaint and a brief statement of the factors giving rise to it;
- B. the manner in which the complainant (or child of the complainant) alleges he/she has been affected adversely;
- C. the reason(s) the matter could not be resolved in discussions with the Superintendent;
- D. the relief sought by the complainant and the reasons such relief is needed.

Should the matter be resolved in conference with the Superintendent, the Board shall be advised of the matter and its resolution.

*Fourth Step*

If the matter is still unresolved or still requires a Board decision or action, the complainant shall request, in writing, a hearing by the Board.

After reviewing all material relating to the case, the Board may grant a hearing before the Board or a committee of the Board.

The complainant shall be advised, in writing, of the Board's decision no more than thirty (30) business days following the Board's decision or action. The Board's decision will be final on the matter, and the Board will not provide a meeting to other complainants on the same issue.

If the complainant contacts an individual Board member to discuss the matter, the Board member shall inform the complainant that he/she has no authority to act in his/her individual capacity and that the complainant must follow the procedure described in this policy.

***Matters Regarding the School Leader***

*First Step*

The complainant must first address the matter to the Superintendent, who shall discuss it promptly with the complainant and shall make every effort to provide a reasoned explanation or take appropriate action within her/his authority and the School's Administrative Guidelines.

*Second Step*

If the complaint regarding the Superintendent cannot be resolved through discussion, the complainant may submit a written request to the Board for a conference. This request should include the following:

- A. the specific nature of the complaint and a brief statement of the facts giving rise to it;
- B. the manner in which the complainant (or child of the complainant) alleges he/she has been affected adversely;
- C. the reason(s) the matter was not able to be resolved with the Superintendent;
- D. the relief sought by the complainant and the reasons such relief is needed.

The complainant shall be advised, in writing, of the Board's decision within ten (10) business days. The Board's decision will be final and not subject to appeal.

***Matters Regarding the Educational Program, Services, or Operations***

If the request, suggestion, complaint, or grievance relates to a matter of educational program, services, or operations, it should first be addressed to the Superintendent. Should the matter still not be resolved, or if it is one beyond the Superintendent's authority and requires a Board decision or action, the complainant shall request, in writing, a hearing by the Board.

After reviewing all material relating to the case, the Board may grant a hearing, before the Board or a committee of the Board.

The complainant shall be advised, in writing, of the Board's decision no more than thirty (30) business days following the next regular meeting. The Board's decision will be final on the matter, and the Board will not provide a meeting to other complainants on the same issue.

If the complainant contacts an individual Board member to discuss the matter, the Board member shall inform the complainant that s/he has no authority to act as an individual member of the Board and that the complainant must follow the procedure described in this policy

### ***Matters Regarding Instructional Materials***

The Superintendent shall prepare Administrative Guidelines to ensure students and parents are adequately informed each year regarding their right to inspect instructional materials and regarding the procedure for completing such an inspection per Policy 2210.01.

If the request, suggestion, complaint, or grievance relates to instructional materials such as textbooks, library books, reference works, and other instructional aids used in the School, the following procedure shall be followed:

- A. The criticism is to be addressed to the Superintendent, in writing, and shall include:
  1. author;
  2. title;
  3. publisher;
  4. the complainant's familiarity with the material;
  5. sections objected to, by page and item;
  6. reasons for each objection.
- B. Upon receipt of the information, the Superintendent shall appoint a review committee, consisting of any/all of the following:
  1. one (1) or more professional staff members;
  2. one (1) or more Board member;
  3. one (1) or more lay persons;
  4. The Superintendent (as an ex official member of the committee).
- C. In evaluating the questioned material, the committee shall be guided by the following criteria:
  1. the appropriateness of the material for the age and maturity level of the students with whom it is being used;

2. the accuracy of the material;
  3. the objectivity of the material;
  4. the instructional use being made of the material.
- D. The material in question may be withdrawn from use, pending the committee's recommendation to the Superintendent.

The committee's recommendation shall be reported to the Superintendent, in writing, within thirty (30) business days following the formation of the committee. The Superintendent will advise the complainant, in writing, of the committee's recommendation and will advise the Board of the action taken or recommended.

Within thirty (30) business days, the complainant may appeal this decision to the Board, through a written request. The Superintendent shall forward to the Board all written material relating to the matter.

The Board shall review the case and advise the complainant, in writing, of its decision within ten (10) business days.

No challenged material may be removed from the curriculum or from a collection of resource materials except by action of the Board, and no challenged material may be removed solely because it presents ideas that may be unpopular or offensive to some. Any Board action to remove material will be accompanied by the Board's statement of its reasons for the removal.

Adopted 1/11/10  
Revised 9/9/19

## **SCHOOL VISITORS**

The Board of Directors welcomes and encourages visits to school by parents, other adult residents of the community and interested educators. But in order for the educational program to continue undisturbed when visitors are present and to prevent the intrusion of disruptive persons into the schools, it is necessary to establish visitor guidelines.

The Superintendent has the authority to prohibit the entry of any person to this School or to expel any person when there is reason to believe the presence of such person would be detrimental to the good order of the School. If such an individual refuses to leave the school grounds or creates a disturbance, the Superintendent is authorized to request from the local law enforcement agency whatever assistance is required to remove the individual.

Individuals who are registered sex offenders and wish to participate in academy activities may be allowed on campus. Conditions may be imposed by the Superintendent on the individual's campus visit(s) governing the terms and conditions of the visit. These conditions may include, but are not limited to, the need to receive prior permission before entering campus, required check-in, an approved escort in the building or at an event, and time or location limitations while on campus.

Non-staff access to students and classes must be limited and only in accordance with a schedule which has been determined by the Superintendent after consultation with the teacher whose classroom is being visited. Classroom visitations must be non-obtrusive to the educative process and learning environment and should not occur on an excessive basis.

Parent concerns about any aspect of their child's educational program should be presented through the procedure set forth in Board Policy 9130 - Public Complaints, a copy of which is available at the Board office and at each school.

Except as set forth in School policy, canines brought on the premises by law enforcement personnel for law enforcement purposes, or in the case of "service animals" required for use by a person with a disability, no other animals may be brought or released onto school premises at any time.

The Superintendent shall promulgate such Administrative Guidelines as are necessary to protect students and employees from disruption to the educational program or the efficient conduct of their assigned tasks.

Rules regarding entry of persons other than students, staff, and faculty upon school grounds or premises shall be posted conspicuously at or near the entrance to such grounds or premises if there are no formal entrances, and at the main entrance to each school building.

Individual Board members who are interested in visiting schools or classrooms on an unofficial basis shall make the appropriate arrangements with the Superintendent. In keeping with Board bylaws, such Board member visits shall not be considered to be official.

The Board member shall be visiting as an interested individual in a similar capacity of any parent or citizen of the community. These visits should not be considered to be inspections nor as supervisory in nature.

If, during a visit to a school or program, a Board member observes a situation or condition which causes concern, the Board member should discuss the situation first with the Superintendent as soon as convenient or appropriate. Such a report or discussion shall not be considered an official one from the Board.

Adoption Date: **01.10**

Classification: **Best Practice**

Revised Dates: **10/24/11; 9/9/19; 12.22**

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## **PUBLIC ATTENDANCE AT SCHOOL EVENTS**

Reference: 28 C.F.R. Part 35

The Board of Directors welcomes the attendance of members of the community at athletic and other public events held in the School, but the board also acknowledges its duty to maintain order and preserve the facilities of the School during the conduct of such events.

No qualified person with a disability will, because the School's facilities are inaccessible to or unusable by persons with disabilities, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity to which Section 504/ADA applies.

For facilities constructed or altered after June 3, 1977, the School will comply with applicable accessibility standards. For those existing facilities constructed prior to June 3, 1977, the School is committed to operating its programs and activities so that they are readily accessible to persons with disabilities. This includes, but is not limited to, providing accommodations to parents with disabilities who desire access to their child's educational program or meetings pertinent thereto.

The Board directs that no alcoholic beverage or other controlled substance be possessed, consumed, or distributed

The Board directs that no betting occur at any function occurring on School premises.

Individuals with disabilities shall have an equal opportunity to purchase tickets for events that have been sanctioned or approved by the Board in accordance with the provisions of the Americans with Disabilities Act, as amended.

Further, in accordance with the provisions of the Americans with Disabilities Act, as amended, the Board shall permit individuals with disabilities to be accompanied by their service animals in all areas of the School's facilities where members of the public, as participants in services, programs or activities, or as invitees, are allowed to go. (See also Policy 8390)

Smoking and/or the use of tobacco and/or tobacco substitute products is prohibited at any time within any enclosed facility owned or leased or contracted for by the Board, and in areas directly or indirectly under the control of the Board immediately adjacent to locations of ingress or egress to such facilities. Such prohibition also applies to:

- A. School grounds;
- B. any School-related event;

The Board is aware of the increasing desire of many parents and other members of an audience to make audio and/or video recordings of school events.

Such recordings can be made by parents or other members of the audience without restriction if the performance is not of copyrighted material. However, if the performance is of copyrighted material, recording can be made if the appropriate license authorizing such recordings has been secured in advance by the School. If the performance is of copyrighted material and the necessary license has not been secured in advance by the School, the audience shall be advised before the performance begins that audio and/or video recordings



that will be re-broadcast or distributed in any way, such as posting on the internet, are prohibited.

The Board authorizes the Superintendent to establish rules and procedures governing the use of non-school audio/visual recording equipment at any School sponsored event or activity. Such rules are to be distributed in such a manner that members of the audience who wish to record the event are aware of the rules early enough to make proper arrangements to obtain their recordings without causing delay or disruption to an activity.

Any person or organization seeking to film students or a School activity that is not a public event shall obtain prior permission from the Superintendent.

The Superintendent shall ensure that all notices, signs, schedules, and other communications about School events contain the following statement:

“Upon submission of a request to the Superintendent, the School shall make reasonable accommodation for a disabled person to be able to participate in this activity.”

Adopted 1/11/10

Revised 6/22/10; 1/10/12; 1/13/14; 9/9/19

## **SCHOOL SUPPORT ORGANIZATIONS**

The Board of Directors appreciates the formation and efforts of organizations whose objectives are to enhance the educational experiences of students in the School, to help meet educational needs of students, and/or provide extra educational benefits not currently provided for by the Board.

The Board recognizes that parent-teacher organizations and other school-related organizations are channels through which School personnel, parents, and other citizens may discuss educational concerns, problems, and needs and then work together toward solutions.

No organization may hold itself out as affiliated in any manner with the School unless directly approved to do so by the School Board of Directors, and then only as a “booster” or PTA/PTO organization for support purposes. No support organization shall be, or hold itself out as, an agent of the School for any purpose whatsoever.

Adopted 1/11/10

Revised 1/12/15; 1/11/16; 9/9/19

## **PARENT/LEGAL GUARDIAN REVIEW OF INSTRUCTIONAL MATERIALS AND OBSERVATION OF INSTRUCTIONAL ACTIVITY**

Reference: MCL 380.1137

Where the term “parent” or “parents” is used in this policy, it shall include legal guardians.

Parents have the right to inspect any instructional materials used as part of the educational curriculum for their student. “Instructional materials” includes curricula, textbooks, teaching materials and other instructional content, regardless of format, that is provided to the student, including printed or representational materials, audio-visual materials, and materials available in electronic or digital formats (such as material accessible through the Internet). “Instructional materials” does not include academic tests or academic assessments.

Parents also have the right to be present, to a reasonable degree, and at reasonable times and subject to reasonable restrictions, to observe instructional activity (excluding testing) in a class or course in which the parent’s pupil is enrolled and present.

The Superintendent shall develop guidelines for addressing the rights of parents and to assure timely response to parental requests to review instructional material or to observe instructional activity. The guidelines also shall address reasonable notification to parents and students of their rights pursuant to this policy.

This policy shall not supersede any rights provided under the Family Educational Rights and Privacy Act.

Adopted 1/11/10  
Revised 9/9/19

## **RELATIONS WITH EDUCATIONAL INSTITUTIONS AND ORGANIZATIONS**

The Board of Directors directs that strong lines of communication be maintained by the School with other schools, institutions, and organizations that provide School students with programs, training, or services not available in the School.

The Superintendent may recommend for Board approval such cooperative ventures with institutions or organizations for the purpose of providing programs correlated to the School's curriculum and helping students better accomplish the educational outcomes established by the Board.

Before entering into any agreements, the Superintendent shall keep the Board advised of any arrangements that would affect the use of School resources or require any additional resources of the School.

Adopted 1/11/10  
Revised 9/9/19

## **PARTNERSHIPS WITH BUSINESS**

The Board of Directors is well aware of the role that education plays in increasing the nation's productivity and future well-being. To ensure success requires the combination of talent and resources within the region between business and education. The Board also recognizes the School needs to operate as an integral part of the economic community, if students are to receive the type of education and training they will need to function effectively in the twenty-first century.

The Board may establish partnerships between the School and individual companies. The purpose of such partnerships will be to seek opportunities for students and staff to share in new strategies and technologies being created in the business world and to offer, in exchange, the knowledge and skill of School personnel in creating more effective continuing education for employees and members of the community. Properly planned and implemented, such partnerships could have significant impact on the nature and content of the curriculum and on the manner in which students are taught to learn.

The Superintendent is authorized to actively seek and present such partnerships for Board approval.

Adopted 1/11/10  
Revised 9/9/19

## **RELATIONS WITH SPECIAL INTEREST GROUPS**

The Board of Directors directs that students, staff members, and School facilities not be used for advertising or promoting the interests of any non-School agency or organization, public or private, without the approval of the Board or its delegated representative; and any such approval, granted for whatever cause or group, shall not be construed as an endorsement of said cause or group by this Board.

### **Political Interests**

All materials or activities proposed by outside political or commercial sources for student or staff use or participation shall be reviewed by the Superintendent on the basis of their

- A. educational contribution to part or all of the School program,
- B. benefit to students, and no such approval shall have the primary purpose of advancing the name, product, or special interest of the proposing group.

The Board shall not permit the use of any type of educational material, program, or equipment in its curricular, co-curricular, or extra-curricular activities or at any time during the school day, if such materials, programs, or equipment contain partisan political messages or are designed to persuade students or staff members to acquire a particular product or service offered by a named individual, company, organization, association, or agency. With the approval of the Superintendent, the professional staff may, however, utilize appropriate political materials, or those provided by special interest groups, in adopted courses of study

School facilities or equipment may not be used as a means of producing or disseminating to the community any materials that advertise or promote a political party, a political cause, or the candidacy of an individual for public office. Students and employees of the Employee Leasing Company shall not be used to distribute campaign literature within the school or on school grounds.

### **Contests/Exhibits**

The Board recognizes contests, exhibits, and the like may benefit individual students or the School as a whole, but participation in such special activities may not:

- A. have the primary effect of advancing a special product, group, or company;
- B. make unreasonable demands upon the time and energies of staff or students or upon the resources of the School;
- C. interrupt the regular school program;
- D. involve any direct cost to the School unless the student body as a whole derives benefit from such activities;
- E. cause the participants to leave the School, unless the Board's Policy 2340 (Field and Other School-Sponsored Trips) has been complied with in all aspects.

**Distribution/Posting Literature**

No outside organization or staff member (or student) representing an outside organization may distribute or post literature on that organization's behalf on School property either during or after school hours without the permission and prior review of the Superintendent.

The Superintendent shall establish administrative procedures which ensure that:

- A. criteria established in Policy 5722 - Student Publications and Productions - are used to make a decision regarding materials that students seek to post or distribute;
- B. the school mail system is not used by students or staff for distribution of non-school related materials;
- C. no materials from any profit-making organization are distributed for students to take home to their parents;
- D. the time, place, and manner of distribution of all non-school related materials is clearly established and communicated.
- E. flyers and notices from outside non-profit organizations may be made available for students to pick up at the literature distribution rack/table by the school building's office, under the following circumstances:
  - 1. the flyer/notice publicizes a specific community activity or event that is age appropriate for the students that attend the school;
  - 2. the organization submits the number of copies of the flyer that it wants placed in the literature distribution rack/table;

No student shall be required to take any of the flyers/notices placed in the literature/distribution rack/table, and the rack/table shall contain a clear notice that the Employee Leasing Company, Superintendent and Board does not support or endorse any of the organizations and/or activities/events identified in the flyers/notices.

**Solicitation of Funds**

Any outside organization or staff member, representing an outside organization and desiring to solicit funds on Academy property, must receive permission to do so from the Superintendent.

Permission to solicit funds will be granted only to those organizations or individuals who meet the permission criteria established in the School's Administrative Guidelines. Solicitation must take place at such times and places and in such a manner specified in the Administrative Guidelines. In accordance with Board Policy 5830, no School student may participate in the solicitation without the Superintendent's approval.

The Board disclaims all responsibility for the protection of, or accounting for, such funds.

Solicited funds are not to be deposited in any regular or special accounts of the School.

A copy of this policy, as well as the relevant administrative guideline, shall be given to any individual granted permission to solicit funds on School property.

This policy does not apply to raising funds for School-sponsored activities.

### **Prizes/Scholarships**

The Board is appreciative of the generosity of organizations which offer scholarships or prizes to deserving students in this School. In accepting the offer of such scholarships or prizes, the Board directs that these guidelines be observed:

- A. No information either academic or personal shall be released from the student's record for the purpose of selecting a scholarship or prize winner without the permission of the student who is eighteen (18) or the parents of a student who is younger, in accordance with the Board's policy on student records.
- B. The type of scholarship or prize, the criteria for selection of the winner, and any restrictions upon it shall be approved by the Superintendent.
- C. The Superintendent, together with a committee of staff members designated by the Superintendent, shall be involved in the selection of the recipient and, if agreeable to the sponsoring organization, the selection shall be left entirely to the Superintendent and staff committee.

### **Surveys and Questionnaires**

No organization related (or not) to the School shall be allowed to administer a survey or questionnaire to students or staff, unless the instrument and the proposed plan are submitted in advance to the Superintendent for approval. If the survey or questionnaire is approved, a copy of the results and the proposed manner of their communication must be provided to the Superintendent for review and approval before they are released.

Students shall not be required to complete surveys to provide marketing information to vendors, or distribute to vendors any personal information of students, including but not limited to names, addresses, and telephone numbers, except as may be required by law. In addition, the School shall not enter into any contract for products or services, including electronic media services, where personal information will be collected from the students by the providers of the services.

See also Policy 2416 and AG 2416

Adopted 1/11/10  
Revised 8/13/12; 9/9/19



## ADVERTISING AND COMMERCIAL ACTIVITIES

The purpose of this policy is to provide procedures for the appropriate and inappropriate use of advertising or promoting of commercial products or services to students and parents in the schools.

"Advertising" comes in many different categories and forums and is defined as an oral, written or graphic statement made by the producer, manufacturer, or seller of products, equipment, or services which calls for the public's attention to arouse a desire to buy, use or patronize the product, equipment, or services. This includes the visible promotion of product logos for other than identification purposes. Brand names, trademarks, logos or tags for product or service identification purposes are not considered advertising.

The Board of Directors may permit advertising in school facilities or on school property in the following categories or forums in accordance with the procedures set forth herein:

A. Product Sales:

1. product sales benefiting a school or student activity (e.g., the sale of beverages or food within schools);
2. exclusive agreements between the School and businesses that provide the businesses with the exclusive right to sell or promote their products or services in the school (e.g. pouring rights contracts with soda companies);
3. fundraising activities (e.g., short term sales of gift wrap, cookies, candy, etc.) to benefit a specific student population, club or activity where the school receives a share of the profits.

B. Direct Advertising/Appropriation of Space:

1. signage and billboards in schools and school facilities;
2. corporate logos or brand names on school equipment (e.g., marquees, message boards or score boards);
3. ads, corporate logos, or brand names on book covers, student assignment books, or posters;
4. ads in school publications (newspapers and yearbooks and event programs);
5. media-based electronic advertising (e.g., Channel One or Internet or web-based sponsorship);
6. free samples (e.g., of food or personal hygiene products).

C. Indirect Advertising:

1. corporate-sponsored instructional or educational materials, teacher

training, contests, incentives, grants or gifts;

2. the Board approves the use of instructional materials developed by commercial organizations such as films and videos only if the education value of the materials outweighs their commercial nature.

The films or material shall be carefully evaluated by the Superintendent for classroom use to determine whether the films or materials contain undesirable propaganda and are in compliance with the procedures as set forth above.

D. Market Research:

1. surveys or polls related to commercial activities;
2. internet surveys or polls asking for information related to commercial activities;

It is further the policy of the Board that its name, students, staff members and school facilities shall not be used for any commercial advertising or otherwise promoting the interests of any commercial, political, nonprofit or other non-school agency or organization, public or private, without the approval of the Board or its designee.

Any commercial advertising shall be structured in accordance with the General Advertising Procedures set forth below.

**General Advertising Procedures**

The following procedures shall be followed with respect to any form of advertising on school grounds:

- A. When working together, schools and businesses must protect educational values. All commercial or corporate involvement should be consistent with the School's educational standards and goals.
- B. Any advertising that may become a permanent or semi-permanent part of a school requires prior approval of the Board.
- C. The Board reserves the right to consider requests for advertising in the schools on a case-by-case basis.
- D. No advertisement shall promote or contain references to alcohol, tobacco, drugs, drug paraphernalia, weapons, or lewd, vulgar, obscene, pornographic or illegal materials or activities, gambling, violence, hatred, sexual conduct or sexually explicit material, X or R rated movies, or gambling aids.
- E. No advertisement shall promote any specific religion or religious, ethnic or racial group, political candidate or ballot issue and shall be non-proselytizing.
- F. No advertisement may contain libelous material.

- G. No advertisement may be approved which would tend to create a substantial disruption in the school environment or inhibit the functioning of any school.
- H. No advertisement shall be false, misleading or deceptive.
- I. Each advertisement must be reviewed in advance for age appropriateness.
- J. Advertisements may be rejected by the School if determined to be inconsistent with the educational objectives of the School, inappropriate, or inconsistent with the guidelines set forth in this policy.
- K. All corporate support or activity must be consistent with the Board's policies prohibiting discrimination on the basis of race, color, national origin, religion, sex, disability, or age, and must be age-appropriate.
- L. Students shall not be required to advertise a product, service, company or industry.
- M. The Superintendent or designee is responsible for screening all advertising.
- N. The Superintendent or designee may require that samples of advertising be made available for inspection.
- O. The inclusion of advertisements in school publications, in school facilities, or on school property does not constitute or imply approval and/or endorsement of any product, service, organization, or activity.
- P. Final discretion regarding whether to advertise and the content and value of the materials will be with the Board.

### **Accounting**

Advertising revenues must be properly reported and accounted for.

Adopted 8/13/12

Revised 9/9/19

## **VOLUNTEERS**

The Board of Directors recognizes certain programs and activities can be enhanced through the use of volunteers who have particular knowledge or skills that will be helpful to members of the professional staff responsible for the conduct of those programs and activities.

The Superintendent shall be responsible for recruiting volunteers, reviewing their capabilities, and making appropriate placements. He/She shall not place or assign volunteers whose abilities are not in accord with School needs.

Any individual who volunteers to work in the School or on any School sponsored activity shall submit to a criminal history records check, prior to being allowed to participate in any activity or program.

Any volunteer who works with or has access to students shall submit to a criminal history records check, prior to being allowed to participate in any activity or program at the cost of the volunteer.

Any person who volunteers to work with the School shall be screened through the Internet sites for the Sex Offenders Registry [SOR] list, the Internet Criminal History Access Tool [ICHAT] criminal history records check and the Offender Tracking Information System [OTIS] prior to being allowed to participate in any activity or program.

The Employee Leasing Company (ELC) shall conduct criminal background checks on all volunteers in the same manner as required for other professional staff at the volunteer's expense.

The Superintendent is to inform each volunteer about his/her requirements and responsibilities. Volunteers are expected to agree to the following conditions:

- A. abide by all Board policies and School guidelines while on duty as a volunteer, including signing, if appropriate, the School's Network and Internet Access Agreement Forms;
- B. be covered under the School's liability policy. (However, volunteers shall be informed that the School cannot provide any type of health insurance to cover illness or accident incurred while serving as a volunteer, nor is the volunteer eligible for worker's compensation);

The Superintendent shall also demonstrate to each volunteer the School's appreciation for his/her time and efforts in assisting the operation of the School.

Adopted 1/11/10  
Revised 9/9/19