



## Eagle's Nest Academy

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NATIONAL CHARTER SCHOOLS  
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# BOARD**POLICIES**

Eagle's Nest Academy

Spring 2021

ADOPTION RESOLUTION

RESOLVED that the policies printed and codified in the comprehensive document entitled "Board Policies of the Eagle's Nest Academy Board of Directors" are hereby adopted and that all Board Policies previously adopted by the Eagle's Nest Academy Board of Directors are hereby rescinded; further be it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 Eagle's Nest Academy Board of Directors at a public meeting held at Flint, Michigan on \_\_\_\_\_.

**0000 BOARD OPERATING POLICY**

0100	Definitions	LC
0110	<b>Official Description</b>	
0111	Name	BP <sup>1</sup>
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
0160	<b>Meetings</b>	
0165	Notice	LC
0165.6	Cancellation	LC
0166	Agenda	LC
0167	Conduct	LC
0167.1	<b>Voting</b>	<b>LR</b>
0167.2	<b>Closed Session</b>	<b>LR</b>
0167.3	<b>Public Participation at Board Meeting</b>	<b>LR</b>
0167.6	Use of Social Media	BP
0168	Minutes	BP
0168.1	<b>Open Meeting</b>	<b>LR</b>
0168.2	Closed Meeting	LC
0168.3	Committee Meetings	LC

**1000 ADMINISTRATION**

1000	Administration Educational Service Provider Statement	
1110	Assessment of Academy's Goals	
1130	<b>Conflict of Interest</b>	<b>LR</b>
1210	Board/Educational Service Provider/School Leader Relationship	BP
1220	Employment of the Educational Service Provider/School Leader	BP

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<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.

**Legend:**

L = Legally Required (if applicable)  
LC = Legal Content  
BP = Best Practice



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 (employed by the Board)	BP
1400	Job Descriptions	
<b>1422.01</b>	<b>Drug-Free Workplace</b>	<b>LR</b>
1422.02	Nondiscrimination Based on Genetic Information of the Employee	LC
1460	Physical Examination	LC
1613	Student Supervision and Welfare	LC
<b>1630.01</b>	<b>Family &amp; Medical Leaves of Absences (FMLA)</b>	<b>LR</b>
<b>2000</b>	<b>PROGRAM</b>	
<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 – Approved Courses	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 – 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
2280	Physical Education	BP
2330	Homework	BP
2340	Field and Other Academy-Sponsored Trips	BP
2370	Educational Options	BP
<b>2410</b>	<b>Prohibition on Referral or Assistance</b>	<b>LR</b>
2411	Guidance and Counseling	BP
2412	Homebound Instruction Program	LC
2413	Health Education Program	LC

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<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>
2417	Comprehensive Health Education	LC
<b>2418</b>	<b>Sex Education</b>	<b>LR</b>
2430	Academy-Sponsored Clubs and Activities	LC
<b>2431</b>	<b>Interscholastic Athletics</b>	<b>LR</b>
2431.01	Managing Heat and Humidity in Interscholastic Athletic Programs	LC
<b>2433</b>	<b>Operation of a Child Care Center or Before/After School Program</b>	<b>LR</b>
<b>2434</b>	<b>Academy Nurses and Academy Health Programs</b>	<b>LR</b>
<b>2460</b>	<b>Education of Children with Disabilities</b>	<b>LR</b>
<b>2460.02</b>	<b>Least Restrictive Environment (LRE) Position Statement</b>	<b>LR</b>
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>
2700	P.A. 25 Annual Report	LC
<b>3000</b>	<b>STAFF</b>	
3000	Educational Service Provider Statement	
<b>3121</b>	<b>Criminal History Check</b>	<b>LR</b>
<b>5000</b>	<b>STUDENTS</b>	
<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
5136	Personal Communication Devices	BP
5200	Attendance	BP
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>

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<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
5430	Class Rank	BP
5451	Student Recognition	BP
5460	Graduation Requirements	LC
5463	Credits from Nonpublic Schools	BP
5464	Early Graduation	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 School Property	BP
5514	Student Use of Bicycles	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>
<b>5610</b>	<b>Emergency Removal, Suspension and Expulsion of Nondisabled 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>
5730	Equal Access for Non-school Sponsored, Student Clubs and Activities	LC
<b>6000</b>	<b>FINANCES</b>	
6107	Authorization to Accept and Distribute Electronic Records and to Use Electronic Signatures	LC
<b>6110</b>	<b>Grant Funds</b>	<b>LR</b>
6114	Cost Principles – Spending Federal Funds	LC
6120	Safe Deposit Box	
<b>6144</b>	<b>Investments</b>	<b>LR</b>
6146	Post-Issuance Compliance for Tax-Exempt and Tax-Advantaged Obligations	LC
6151	Bad Checks	BP
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>

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6321	New School Construction, Renovation	LC
<b>6325</b>	<b>Procurement – Federal Grants/Funds</b>	<b>LR</b>
6420	Conflict of Interest – Legal Counsel, Advisors, or Consultants	LC
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 &amp; Reimbursement</b>	<b>LR</b>
6605	Crowdfunding	BP
6620	Petty Cash	BP
6670	Trust and Agency Fund	BP
6671	Health Care Fund Investments	LC
6680	Recognition	LC
<b>6700</b>	<b>Fair labor Standards Act (FLSA)</b>	<b>LR</b>
6800	System of Accounting	LC
<b>6850</b>	<b>Public Disclosure and Reporting</b>	<b>LR</b>
<b>7000</b>	<b>PROPERTY</b>	
<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 Capital 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, Apps and Services	LC
<b>7540.03</b>	<b>Student Education 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	Electronic Mail	BP
7540.07	Personal Internet Account Privacy – Students	LC

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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
7545	Electronic Communications	BP
<b>8000</b>	<b>OPERATIONS</b>	
<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>8310</b>	<b>Public Records</b>	<b>LR</b>
<b>8310.01</b>	<b>Enhanced Access to Public Records</b>	<b>LR</b>
8315	Information Management	BP
<b>8321</b>	<b>Criminal Justice Information Security</b>	<b>LR</b>
<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
8450.02	Protective Facial Coverings During Pandemic/Epidemic Event	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>
	<b>8510 Appendix A: Specific Goals for Nutrition</b>	
	<b>8510 Appendix B: Specific Goals for Physical Activity</b>	
	<b>8510 Appendix C: Specific Goals for Other Academy-Based Activities Designed to Promote Student Wellness</b>	
	<b>8510 Appendix D: Specific Goals for Nutrition Promotion</b>	
	<b>8510 Appendix E: Nutrition Guidelines for All Foods Available On Campus During the School Day</b>	
	<b>8510 Appendix F: Wellness Policy Board Resolution</b>	

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8531	Free and Reduced–Priced Meals	LC
<b>8540</b>	<b>Vending Machines</b>	<b>LR*</b>
8600	Transportation	LC
8660	Transportation by Private Vehicle	BP
8710	Insurance	BP
8740	Bonding	BP
8760	Student Accident Insurance	BP
8800	Religious/Patriotic Ceremonies and Observances	LC
8900	Anti-Fraud	BP
<b>9000</b>	<b>RELATIONS</b>	
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

**LR\* These policies are only legally required if the Academy serves food to students and receives direct or indirect federal aid for the program.**

Revised 8/17/17; 8/16/18; 4/18/19; 8/15/19; 6/18/20; 10/15/20; 6/24/21

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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

## **I**

TAF – Trust and Agency Fund

TDP – Deferred Payment (TDP) Plan (MPERS)

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**

0100	Definitions	LC
0110	<b>Official Description</b>	
0111	Name	BP <sup>1</sup>
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
0160	<b>Meetings</b>	
0165	Notice	LC
0165.6	Cancellation	LC
0166	Agenda	LC
0167	Conduct	LC
0167.1	<b>Voting</b>	<b>LR</b>
0167.2	<b>Closed Session</b>	<b>LR</b>
0167.3	<b>Public Participation at Board Meeting</b>	<b>LR</b>
0167.6	Use of Social Media	BP
0168	Minutes	BP
0168.1	<b>Open Meeting</b>	<b>LR</b>
0168.2	Closed Meeting	LC
0168.3	Committee Meetings	LC

Revised 8/17/17; 8/16/18; 4/18/19; 8/15/19

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<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.

## **DEFINITIONS**

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

### **Academy**

The Public School Academy

### **Administrative Procedure**

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 Educational Management Company which provides services as specified in the contract between the Board of Directors and the Company) The Educational Service Provider is responsible to the Board and through its employees to implement the policies of the Board. Unless specified by contract, all other functions are the responsibility of the Board.

## **Educational Service Provider Employee**

All employees of the Educational Service Provider, 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 Academy, 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 Academy'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 Academy.

## **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 Academy or individual building of the Academy.

## **School Leader**

The administrator employed by the Board (or Educational Service Provider) who is responsible for the daily operations of the Academy and the implementation of the policies of the Board. The School Leader can delegate appropriate duties assigned by the Board (or Educational Service Provider). The School Leader must hold an appropriate school administrator certificate or permit.

## **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 Academy.

## **Support Employee**

An employee who provides support to the Academy'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 Academy. (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.

Revised 8/16/18; 4/18/19; 8/15/19

## OFFICIAL DESCRIPTION

### 0111 Name

The Board of Directors of this school shall be known officially as the Eagle's Nest Academy Board of Directors.

### 0115 Address

The physical location of the Academy, the official address of the Academy, shall be 5005 Cloverlawn Drive, Flint, Michigan, 48504 and the official name of the Academy shall be Eagle's Nest Academy.

FOR BOARD APPROVAL



## POWERS AND PHILOSOPHY

Reference: MCL 380.503, 380.504a, 380.1225, 423.217

### **0121 Authority**

The supervision of this Academy 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 Academy 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 Academy, including, but not limited to those in Part 6A of the Revised School Code and 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 Academy, at an Academy-sponsored activity, or while en route to or from the Academy or an Academy-sponsored activity.
- C. Acquire, construct, maintain, repair, renovate, dispose of, or convey Academy property, facilities, equipment, technology, or furnishings.
- D. In accordance with its Charter Contract: to hire, contract for, schedule, supervise, or terminate employees, independent contractors, and others to carry out Academy operations. The Board may contract with an 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 Academy's policies and procedures are not intended to modify any of the terms of such a contract.
- E. Receive, account for, invest, or expend Academy money; borrow money and pledge Academy funds for repayment; and qualify for State-School Aid and other public or private money from local, regional, State, or Federal sources.

The Board 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 Academy.

This Academy 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 Academy present at a noticed meeting at which a quorum is present.

The Board has authority, based on statute, to make decisions or delegate some its decision-making authority to an Educational Service Provider, regarding any topic, provided the Academy Board may not delegate its constitutional duty to exercise its statutory, contractual and fiduciary responsibilities governing the operation of the Academy. In all cases, the Academy Board must act as an independent, self-governing Body.

The Board has the authority, based on statute, to make decisions or delegate some of its decision-making authority to an Educational Service Provider, 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 (if the Board employs staff).
- 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.
- 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.
- 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).

Revised 4/18/19

## 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 Academy and shall be bound to follow such bylaws and policies.

Policies that are not dictated by 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 an Academy's 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 except upon a vote and with compelling reasons, the Board may adopt, amend, or suspend board policy contained herein, provided the amendment, adoption, or suspension does not conflict with the law or the Academy's Charter Contract. Any resolution that adopts, amends, or suspends a Board policy under this provision shall expire automatically at the next public meeting of the Board of Directors, unless the Board moves to adopt the resolution in final form.

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

#### 0132.2 Selection of Educational Service Provider

The Board of Directors shall exercise its executive power, in part, by contracting with an Educational Service Provider, 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 Educational Service Provider.

### **0132.2 Administrative Procedures**

The Board shall delegate to the Educational Service Provider the responsibility to specify required actions and design the detailed arrangements under which the Academy will operate. These detailed arrangements shall constitute the Administrative Procedures governing the Academy and shall be consistent with State of Michigan 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 Educational Service Provider.

When issued and approved, such Administrative Procedures shall be binding on the staff and the students of this Academy.

The Board shall delegate authority to the Educational Service Provider to take necessary action in circumstances not provided for in Board policy or Administrative Procedures, provided such action, if material, shall be reported to the Board at the next meeting following such action.

### **0133 Judicial**

The Board of Directors may delegate jurisdiction to the Educational Service Provider over any dispute or controversy arising within the Academy 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 Academy.

In furtherance of its adjudicatory function, the Board may hold hearings to offer the parties in a dispute, on notice duly given, a fair and impartial forum for the resolution of the matter.

Revised 4/18/19

## MEETINGS

0165            **Notice**

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**

Any person or group wishing to place an item on the agenda shall register their intent with the Educational Service Provider no later than seven (7) days prior to the meeting and include:

- A.      name and address of the participant;
- B.      group affiliation, if and when appropriate;
- C.      topic to be addressed.

Such requests shall be subject to the final approval of the Educational Service Provider or the Board President.

Denial of the opportunity to have an item placed on the agenda will not preclude an individual or group from the opportunity to speak during the public participation portion of the meeting.

0167            **Conduct**

0167.2        **Closed Session**

The Board may by means of a roll call vote meet in a closed session, one closed to the public, for the following purposes:

- A.      to consider the dismissal, suspension, or disciplining of, or to hear complaints or charges brought against, or to consider a periodic evaluation of a public officer, the Educational Service Provider, staff member, or individual agent, if the named person requests a closed hearing (a majority vote is required)
- B.      to consider the dismissal, suspension, or disciplining of a student only if the student or student's parents request a closed hearing (a majority vote is required) (Also see Bylaw 0169, Student Disciplinary Hearings)
- C.      to consider the purchase or lease of real property up to the time an option to purchase or lease that real property is obtained (a two-thirds

(2/3's) vote is required)

- D. to consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation (a two-thirds (2/3's) vote is required)
- E. 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 (a two-thirds (2/3's) vote is required)
- F. 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)

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 or purposes for which a closed session is called. These minutes must be approved by the Board and endorsed by the Secretary at the next meeting. The minutes shall include all roll-call votes taken at the meeting. Proposed minutes shall be available for public inspection not later than eight (8) business days after the meeting to which the minutes refer. Approved minutes shall be available for public inspection not later than five (5) business days after the meeting at which the minutes are approved. The minutes shall be available for inspection at the School Leader's office and shall be available for purchase at a fee estimated by the business office to cover the cost of printing and copying.

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

The official minutes shall be bound together by years and kept in the office of the Board of Directors, or kept by reasonably-appropriate electronic means.

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. These minutes may be destroyed one (1) year and one (1) day after 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.

Adopted 8/17/17  
Revised 4/18/19; 8/15/19



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
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 (employed by the Board)	BP
1400	Job Descriptions	
<b>1422.01</b>	<b>Drug-Free Workplace</b>	<b>LR</b>
1422.02	Nondiscrimination Based on Genetic Information of the Employee	LC
1460	Physical Examination	LC
1613	Student Supervision and Welfare	LC
<b>1630.01</b>	<b>Family &amp; Medical Leaves of Absences (FMLA)</b>	<b>LR</b>

Revised 8/16/18; 4/18/19; 8/15/19; 6/24/21

## **1000 ADMINISTRATION**

All staff of the Eagle's Nest Academy are employees of Genesee Education Consulting Service, LLC, the employer of record, as per the contractual agreement between the Eagle's Nest Academy Board of Directors and Genesee Education Consulting Service, LLC. All employees, therefore, are subject to all personnel policies and regulations established by Genesee Education Consulting Service, LLC.

It shall be the responsibility of Genesee Education Consulting Service, LLC to ensure that all Federal and State employment regulations are in full compliance. Further, Genesee Education Consulting Service, LLC shall respond to any inquiries or complaints promptly in full accordance with law.

Adopted 6/24/21

## **ASSESSMENT OF ACADEMY'S GOALS**

A major function of the Board of Directors is to establish the goals by which the Academy 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 Academy's progress toward the accomplishment of those goals.

The Board and the Educational Service Provider shall meet, at least annually, to discuss the progress of the Academy. These discussions may include the following:

- A. Data on the results-to-date of each Academy goal so assessment and evaluation can focus on how well the Academy is accomplishing its goals.
- B. Assessment and evaluation of the effectiveness of the Board and each Board member.

This annual process of assessing and evaluating the Board, programs, and resources shall not be considered finished only after the Board develops and implements a plan to improve its own performance as the body charged with the responsibility for the governance of the Academy.

## CONFLICT OF INTEREST

Reference: 2 CFR 200.318

Academy personnel 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 Academy personnel is essential to ensure the proper performance of Academy business and to maintain public confidence in the Academy.

To achieve this, the Board of Directors has adopted the following procedures to assure that conflicts of interest do not occur. These procedures are not all-inclusive and are not meant to substitute for the good judgment of all personnel.

- A. No Educational Service Provider employee 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 Academy. When a staff member suspects that the personal interest may exist, he/she should disclose his/her interest, prior to the consideration of the matter being considered by the Board or Educational Service Provider. Such disclosure shall become a matter of record in the minutes of the Board.
- B. 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 Academy.
- C. If the financial interest pertains to a proposed contract with the Academy, the following requirements must be met.

The staff member shall disclose the direct financial interest in the contract to the Educational Service Provider and 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 Academy, the staff member shall make the disclosure to the Board after disclosing it to the Educational Service Provider in one (1) of two (2) ways:

- 1. By 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.)
  - 2. By announcing the disclosure 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 financial interest amounts to \$5,000 or more.
- D. Academy 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 with the Academy.

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

- 1. providing any private lessons or services for a fee;

2. using, selling, or improper divulging any privileged information about a student or client, which was gained in the course of the employee's employment or through his/her access to Academy 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 Academy personnel or any business or professional practitioner with whom any employee has a financial relationship, as a condition of receiving any grades, credits, promotions, approvals, or recommendations.
- E. Personnel shall not make use of materials, equipment, or facilities of the Academy in private practice. Examples would be 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.

Should exceptions to this policy be necessary to provide services to students or clients of the Academy, all such exceptions will be made known to the immediate supervisor and disclosed to the Board prior to entering into any private relationship.

Administrators shall not accept any money, goods, or services from any person who does business or seeks to do business of any kind with the Academy.

## **BOARD - EDUCATION SERVICE PROVIDER RELATIONSHIP**

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

The Educational Service Provider is the primary professional advisor to the Board. The Educational Service Provider is responsible for the development, supervision, and operation of the Academy program and facilities to the extent delegated by contract. The Educational Service Provider's methods should be made known to the staff through the appropriate Administrative Procedures of the Academy.

The Educational Service Provider 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 Educational Service Provider in meeting the Board's educational goals through regular evaluations of the Educational Service Provider's performance.

FOR BOARD APPROVAL

## **EMPLOYMENT OF THE SCHOOL LEADER**

Reference: MCL 380.1246  
1999 PA 212

The Board of Directors vests in the Educational Service Provider the primary responsibility for administration of this Academy. Whenever the position of School Leader is vacant, the Educational Service Provider shall appoint a new School Leader in accordance with the terms of the Educational Service Provider contract.

FOR BOARD APPROVAL

## **RESPONSIBILITIES OF THE EDUCATIONAL SERVICE PROVIDER**

The Educational Service Provider shall strive to achieve Academy goals by providing educational direction and supervision to the professional staff and supervision to the support staff. Proper modeling for staff and students is expected both inside and outside the Academy.

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

- keep the Board informed of Academy 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;
- ensure all aspects of Academy operation comply with State laws and regulations, as well as Board contracts and policies;
- establish and maintain any written educational plan required by law and deemed consistent with the educational goals adopted by the Board;
- ensure proper implementation of the Academy's current instructional plan;
- strive to increase the efficient use of resources in the daily operations of the Academy;
- assign staff to achieve the maximum benefit toward the attainment of the Academy's educational goals;
- evaluate the progress of the professional and support staff toward the attainment of the Academy's educational goals;
- analyze the results of instructional program development as it applies to the Academy's educational goals;
- recommend changes in instructional or staffing patterns based on an analysis of staff and program progress;
- work with staff to ensure that the decision-making process includes participation of the school's staff, parents, students and others associated with the Academy;
- work cooperatively with parents and community groups concerned with the Academy's programs;
- develop personal capabilities in personnel strategies and facility management;
- work cooperatively with the Board and other administrative staff;
- strive toward the highest standards of personal conduct;



- perform other duties as the Board directs and/or as outlined in the Charter Contract.

FOR BOARD APPROVAL

## **DEVELOPMENT OF ADMINISTRATIVE GUIDELINES**

The Board of Directors delegates to the Educational Service Provider the function of designing and implementing the procedures, required actions, and detailed arrangements under which the School will operate. These Administrative Procedures shall be consistent with the policies adopted by the Board.

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

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

The Educational Service Provider 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 Procedures 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 Procedures 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 Educational Service Provider shall maintain and keep at the School a current organizational chart to which immediate reference can be made by the Board or any employee.

## **EVALUATION OF THE EDUCATIONAL SERVICE PROVIDER**

The Board of Directors believes it is essential to evaluate the Educational Service Provider's performance periodically to assist both the Board and the Educational Service Provider to properly discharge their responsibilities and to enable the Board to provide the Academy with the best possible leadership.

In conjunction with its evaluation of the School Leader, the Board may assess the progress of the Academy, during the previous year toward the achievement of goals. Both the School Leader's evaluation and the assessment of progress toward goals shall take place at the ideal time of the year to assure this policy operates as intended.

In conjunction with its evaluation, the Board may assess the progress of the Academy, during the previous year toward the achievement of goals. Both the School Leader's evaluation and the assessment of progress toward goals shall take place at the ideal time of the year to assure this policy operates as intended.

Summaries and synthesized data compiled from the data on programs and staff are available to serve as reference information when determining the reasons for progress and/or lack of progress toward the accomplishment of the Academy's goals.

FOR BOARD APPROVAL

## **TERMINATION OF THE EDUCATION SERVICE PROVIDER**

The Board of Directors may terminate the Educational Service Provider agreement during its term, in accordance with the terms of that agreement.

FOR BOARD APPROVAL

## **JOB DESCRIPTIONS**

The Board of Directors instructs the Educational Service Provider 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 Academy."

The Educational Service Provider 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 104 of Section 504 Rehabilitation Act of 1973 (34 CFR) and the Americans with Disabilities Act (ADA).

FOR BOARD APPROVAL

## CRIMINAL HISTORY RECORD CHECK

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

Before the Academy 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 Academy 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 Academy, the Academy 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 Academy 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 Academy prior to the individual commencing work.

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

<sup>1</sup> Individuals who submit and receive such criminal history record checks on behalf of the Academy must be direct employees of the Academy 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 Academies or districts may authorize the release of a prior criminal history records check with another Academy 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 Academy in lieu of submitting to a new criminal background check. If this method is used, the School Leader 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 Academy from another proper source, will be maintained pursuant to Policy 8321.

When the Academy receives a report that shows an individual has been convicted of a listed offense under State statutes or any felony, the School Leader 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 Academy 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 Academy 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 School Leader and the Board provide written approval.

The Academy 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 Academy with regard to such conviction. Such report shall be filed within sixty (60) days of receipt of the original report of the conviction.

The School Leader 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 School Leader 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 Academy, 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 School Leader 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 Academy 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 8/16/18



## **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 Academy's administration at any time while on Academy property or while involved in any Academy-related activity or event. Any administrator who violates this policy shall be subject to disciplinary action in accordance with Academy 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 8/15/19

## **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

It is the expectation of the Board of Directors that the Educational Service Provider will prohibit 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. Further the Educational Service Provider 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.

The Educational Service Provider shall ensure proper implementation of this Policy.

FOR BOARD APPROVAL

## PHYSICAL EXAMINATION

Reference: 29 C.F.R. Part 1630  
29 C.F.R. Part 1635  
42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended  
42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act

The Board of Directors or School Leader reserves the right to require any employee or candidate, after a conditional offer of employment, to submit to an examination in order to determine the physical and/or mental capacity to perform assigned duties. Such examinations shall be done in accordance with the School Leader's procedures and/or the terms of the negotiated, collectively bargained agreements.

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."

Reports of all such examinations or evaluations shall be delivered to the School Leader, who shall protect their confidentiality. Reports will be discussed with the employee or candidate. Any and all reports of such examination will be maintained in a separate confidential personnel file in accordance with the Americans with Disabilities Act, as amended ("ADA") and the Genetic Information Nondiscrimination Act (GINA).

In the event of a report of a condition that could influence job performance, the School Leader shall base a nonemployment recommendation to the Board upon a conference with a physician and substantiation that the condition is directly correlated to defined job responsibilities and reasonable accommodation will not allow the employee or prospective employee to adequately fulfill those responsibilities.

The Board shall assume any uninsured fees for required examinations.

## **STUDENT SUPERVISION AND WELFARE**

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

It is the Board's expectation that all Educational Service Provider personnel 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.

FOR BOARD APPROVAL

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

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 Academy 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 Academy 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 transgender 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 Academy 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 reoccurrence, and remedy its effects. Individuals who are found to have engaged in unlawful harassment will be subject to appropriate disciplinary action.

For purposes of this policy, "Academy community" means students, administrators, and professional and support staff, as well as Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

For purposes of this policy, "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 school-related events/activities (whether on or off Academy property).

### 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

#### 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 Academy employee that:

- A. places a student or Academy 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 Academy.

### Sexual Harassment

Pursuant to Title VII of the Civil Rights Act of 1964 and Title IX of the Educational Amendments of 1972, "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 either gender against a person of the same or opposite gender.

Prohibited acts that constitute sexual harassment 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 or events, or other conditions of employment or education may be adversely affected by not submitting to sexual advances.
- D. Unwelcome verbal expressions of a sexual nature, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls.
- E. Sexually suggestive objects, pictures, videotapes, audio recordings or literature, placed in the work or educational environment, which may embarrass or offend individuals.
- F. Unwelcome and inappropriate touching, patting, or pinching; obscene gestures.

- G. 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.
- H. Remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history.
- I. 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.
- J. Inappropriate boundary invasions by an Academy employee or other adult member of the Academy community into a student's personal space and personal life.
- K. 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.

NOTE: Sexual conduct/relationships with students by Academy employees or any other adult member of the Academy community is prohibited, and any teacher, administrator, coach, or other school authority who engages in sexual conduct with a student may also be guilty of the criminal charge of "sexual battery". The issue of consent is irrelevant in regard to such criminal charge and/or with respect to the application of this policy to Academy employees or other adult members of the Academy community.

#### 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 disabling condition, 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.

### Reports and Complaints of Harassing Conduct

Members of the Academy community, which includes all staff, and third parties are encouraged to promptly report incidents of harassing conduct to an administrator, supervisor or other Academy official so that the Board may address the conduct before it becomes severe, pervasive, or persistent. Any administrator, supervisor, or other Academy official who receives such a complaint shall file it with the Academy's Anti-Harassment Compliance Officer at his/her first convenience.

Members of the Academy community or third parties who believe they have been unlawfully harassed by another member of the Academy 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 complaining individual'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 Educational Service Provider 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 Educational Service Provider will report the act of bullying, aggressive behavior and/or harassment to one of the Anti-Harassment Compliance Officers who shall investigate the allegation in accordance with this policy. While the Compliance Officer investigates the allegation, the Educational Service Provider shall suspend his/her 5517.01 investigation to await the Compliance Officer's written report. The Compliance Officer shall keep the Educational Service Provider informed of the status of the 1662 investigation and provide him/her with a copy of the resulting written report.

### Anti-Harassment Compliance Officers

The Board designates the following individuals to serve as "Anti-Harassment Compliance Officers" for the Academy. They are hereinafter referred to as the "Compliance Officers".

[NOTE: Academies are advised to appoint both a male and a female Compliance Officer in order to provide Complainants with the option to report their concerns to an individual of the gender with which they feel most comfortable. In addition, the Compliance Officers may also serve as the Academy's Section 504 and Title IX Coordinators.]

The names, titles, and contact information of these individuals will be published annually:

- A. in the parent and staff handbooks
- B. on the Academy's web site

The Compliance Officers will be available during regular school/work hours to discuss concerns related to unlawful harassment, to assist students, other members of the Academy 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 complaints of unlawful harassment directly from any member of the Academy community or a visitor to the Academy, or receive complaints that are initially filed with a school building administrator. Upon receipt of a complaint either directly or through a school building administrator, a Compliance Officer will begin either an informal or formal process (depending on the request of the member of the Academy community alleging harassment or the nature of the alleged harassment), or the Compliance Officer will designate a specific individual to conduct such a process. In the case of a formal complaint, the Compliance Officer will prepare recommendations for the Educational Service Provider or will oversee the preparation of such recommendations by a designee. All members of the Academy community must report incidents of harassment that are reported to them to the Compliance Officer within two (2) business days of learning of the incident.

Any Board employee who directly observes unlawful harassment of a student is obligated, in accordance with this policy, to report such observations to one of the Compliance Officers within two (2) business days. Thereafter, the Compliance Officer or designee must contact the student, if age eighteen (18) or older, or the student's parents if under the age eighteen (18), within two (2) business days to advise s/he/them of the Board's intent to investigate the alleged misconduct, including the obligation of the Compliance Officer or designee to conduct an investigation following all the procedures outlined for a formal complaint.

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

Any employee or other member of the Academy community or third party (e.g., visitor to the Academy) who believes that s/he has been subjected to unlawful harassment may seek resolution of his/her complaint through either the informal or formal procedures as described below. Further, a process for investigating claims of harassment and a process for rendering a decision regarding whether the claim of legally prohibited harassment was substantiated are set forth below.

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) calendar 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 informal and formal 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 or Equal Employment Opportunity Commission ("EEOC").

#### Informal Complaint Procedure

The goal of the informal complaint procedure is to stop inappropriate behavior and to investigate and 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 Academy community, or third party 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 and will only be utilized where the parties (alleged target of harassment and alleged harasser(s)) agree to participate in such process.

Employees, other members of the Academy community, or third parties who believe that they have been unlawfully harassed or retaliated against 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.

However, all complaints of harassment involving an Academy employee, any other adult member of the Academy community, or a third party against a student will be formally investigated. Similarly, any allegations of sexual violence will be formally investigated.

As an initial course of action, if an individual feels that s/he is being unlawfully harassed and s/he is able and feels safe doing so, the individual should tell or otherwise inform the harasser that the conduct is unwelcome and must stop. Such direct communication should not be utilized in circumstances involving sexual violence. The complaining individual 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. An individual who is uncomfortable or unwilling to inform the harasser of his/her complaint is not prohibited from otherwise filing 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.

An individual who believes s/he has been unlawfully harassed 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 Educational Service Provider.

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

The Academy's informal complaint procedure is designed to provide employees, other members of the Academy 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 individual claiming unlawful harassment, informal resolution may involve, but not be limited to, one or more of the following:

- A. Advising the individual about how to communicate the unwelcome nature of the behavior to the alleged harasser.
- B. Distributing a copy of the anti-harassment policy as a reminder to the individuals in the school building or office where the individual whose behavior is being questioned works or attends.
- C. If both parties agree, the Compliance Officer may arrange and facilitate a meeting between the individual claiming harassment and the individual accused of harassment to work out a mutual resolution. Such a meeting is not appropriate in circumstances involving sexual violence.

While there are no set time limits within which an informal complaint must be resolved, the Compliance Officer or designee will exercise his/her authority to attempt to resolve all informal complaints within fifteen (15) business days of receiving the informal complaint. Parties who are dissatisfied with the results of the informal complaint process may proceed to file a formal complaint. And, as stated above, parties may request that the informal process be terminated at any time to move to the formal complaint process.

All materials generated as part of the informal complaint process will be retained by the Compliance Officers in accordance with the Board's records retention policy and/or Student Records policy. (See Policy 8310 and Policy 8330)

#### 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 if the individual elects to file a formal complaint initially, the formal complaint process shall be implemented.

An individual who believes she/he has been subjected to offensive conduct/harassment/retaliation hereinafter referred to as the "Complainant", may file a formal complaint, either orally or in writing, with a teacher, Principal, the Compliance Officer, Educational Service Provider, or other Academy employee. 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 complaint within thirty (30) calendar days after the conduct occurs while the facts are known and potential witnesses are available. If a Complainant informs a teacher, Principal, Educational Service Provider, or other Academy employee, either orally or in writing, about any complaint of harassment or retaliation, that employee must report such information to the Compliance Officer or designee within two (2) business days.

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

All formal complaints must include the following information to the extent it is available: the identity of the individual believed to have engaged in, or be engaging in, offensive conduct/harassment/retaliation; a detailed description of the facts upon which the complaint is based; 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 alleged harasser. In making such a determination, the Compliance Officer should consult the Complainant to assess his/her agreement to the proposed action. If the Complainant is unwilling to consent to the proposed change, the Compliance Officer may still take whatever actions s/he deem appropriate in consultation with the Educational Service Provider.

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. A Principal will not conduct an investigation unless directed to do so by the Compliance Officer.

Simultaneously, the Compliance Officer will inform the individual alleged to have engaged in the harassing or retaliatory conduct, hereinafter referred to as the "Respondent", that a complaint has been received. The Respondent will be informed about the nature of the allegations and provided with a copy of any relevant 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 complaint within five (5) business days.

Although certain cases may require additional time, the Compliance Officer or a 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 or the designee shall prepare and deliver a written report to the Educational Service Provider 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 Complainant has been subjected to unlawful harassment. The Compliance Officer's recommendations must be based upon the totality of the circumstances, including

the ages and maturity levels of those involved. 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 Educational Service Provider.

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

If the Educational Service Provider requests additional investigation, the Educational Service Provider 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 Educational Service Provider must issue a final written decision as described above.

The decision of the Educational Service Provider 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 Academy 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.

#### Privacy/Confidentiality

The Academy will employ all reasonable efforts to protect the rights of the Complainant, the individual(s) against whom the complaint is filed, 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 related administrative guidelines shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. All Complainants proceeding through the formal investigation process will be advised that their identities may be disclosed to the Respondent.

During the course of a formal investigation, the Compliance Officer or his/her designee will instruct all members of the Academy 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 s/he learns or that s/he provides during the course of the investigation.

All public records created as a part of an investigation of a complaint of harassment will be maintained by the Compliance Officer in accordance with the Board's records retention policy. Any records that are considered student education records in accordance with the Family Educational Rights and Privacy Act or under Michigan's student records law will be maintained in a manner consistent with the provisions of the Federal and State laws.

#### Sanctions and Monitoring

The Board shall vigorously enforce its prohibitions against unlawful harassment 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 Educational Service Provider 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 Academy community, all subsequent sanctions imposed by the Board and/or Educational Service Provider shall be reasonably calculated to end such conduct, prevent its recurrence, and remedy its effects.

#### Retaliation

Any act of retaliation 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 is prohibited.

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

State law requires any Academy teacher or Academy employee who knows or suspects that a child with a disability under the age of twenty-one (21) or that a child under the age of eighteen (18) 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 Educational Service Provider.

#### 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 Educational Service Provider or designee shall provide appropriate information to all members of the Academy community related to the implementation of this policy shall provide training for Academy 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.

3000 **STAFF**

3000 Educational Service Provider Statement

**3121 Criminal History Check**

**LR**

Revised 8/17/17; 6/24/21

FOR BOARD APPROVAL



### **3000 STAFF**

All staff of the Eagle's Nest Academy are employees of Genesee Education Consulting Service, the employer of record, as per the contractual agreement between the Eagle's Nest Academy Board of Directors and Genesee Education Consulting Service. All employees, therefore, are subject to all personnel policies and regulations established by Genesee Education Consulting Service.

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

Revised 6/24/21

## CRIMINAL HISTORY RECORD CHECK

Reference: MCL 380.1230, et. seq., 380.1535, 380.1535a, 380.1809, 28.722

Before the Board of Directors 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 Board 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 Academy, the Academy 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 Academy 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 Academy prior to the individual commencing work.

Such Private Contractors cannot receive or retain criminal history record information ("CHRI").<sup>1</sup> Where the Academy will contract with a Private Contractor for the services of an individual, the Academy will notify the Private Contractor(s), after review of the MSP report, whether the individual has been approved to work in the Academy. The Academy may not give any details, including the fact that a criminal history check was run. Notice for approval to work in the Academy 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 Board 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 Board 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 Academy must be direct employees of the Academy. 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 may authorize the release of a prior criminal history records check with another Academy 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 Board in lieu of submitting to a new criminal background check. If this method is used, the Board 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 criminal history record check reports received from the State Police or produced by the State Police and received by the Board from another proper source will be maintained in the individual's personnel record.

When the Board receives a report that shows an individual has been convicted of a listed offense under State statutes or any felony, the Board 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 Board 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 Board 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 Board provides written approval.

The Board 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 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 Board, 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 School Leader 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 Board of a valid criminal history check conducted by another school after January 1, 2006.

The School Leader may confirm with the Department of Education from results it maintains that the current regular substitute teacher does not have a criminal history. The School Leader 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 Board 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 Board, 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 submit, at no expense to the Board, 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. 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 Board 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.

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, 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 8/17/17

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
5136	Personal Communication Devices	BP
5200	Attendance	BP
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
5430	Class Rank	BP
5451	Student Recognition	BP
5460	Graduation Requirements	LC
5463	Credits from Nonpublic Schools	BP
5464	Early Graduation	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 School Property	BP
5514	Student Use of Bicycles	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>
<b>5610</b>	<b>Emergency Removal, Suspension and Expulsion of Nondisabled 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>

5730      Equal Access for Non-school Sponsored, Student Clubs and Activities      LC

Revised 8/17/17; 8/16/18; 4/18/19; 8/15/19; 6/18/20; 10/15/20; 6/24/21

## 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 Academy 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 Academy's web site. Because space is limited, each student must enroll each year. Preferences will be in writing and given to:

- A. pupils who were enrolled in the Academy in the immediately preceding school year;**
- B. siblings of enrolled students.**
- ( )** pupils who transfer to the Academy from another public school Academy pursuant to a valid matriculation agreement between the Academy and another public school;
- ( )** children of a person who is employed by or at the Academy or who is on the Board of Directors of the Academy.

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 Procedures for the proper implementation of this policy.

**Revised 8/16/18**

## 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 Academy. To that end, homeless students will not be stigmatized or segregated on the basis of their status as homeless. The Academy shall establish safeguards that protect homeless students from discrimination on the basis of their homelessness. The Academy 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 Academy will provide services to homeless students that are comparable to other students in the Academy, 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 [ ] School Leader (employed by the Board) [ ] Educational Service Provider. 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 Academy must make school placement determinations based on the "best interest" of the homeless child or youth based on student-centered factors. The Academy 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 Academy 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 Academy 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 Academy also considers the school placement of siblings when making this determination.

If the Academy 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 Academy 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 Academy 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 Academy. 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 Academy 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 Academy should consider giving homeless children and youth's priority if there is a waitlist for these schools, programs, and activities.

### Transportation

The Academy provides homeless students with transportation services that are comparable to those available to non-homeless students. The Academy 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.

- A. If the homeless student continues to live in the Academy, where the school of origin is located, transportation will be provided or arranged for the student's transportation to or from the school of origin.

- B. If the homeless student moves to an area served by another Academy, though continuing his/her education at the school of origin (which is in the Academy), the Academy and the Academy in which the student resides must agree upon a method to apportion responsibility and costs for transportation to the school of origin. If the Academy 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 Academy 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 Academy will work with the State to resolve transportation disputes with other Academies. If the disputing Academy is in another State, the Academy 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 Academy must follow its dispute resolution procedures, consistent with the State's procedures. If such a dispute occurs, the Academy 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, Academy and Board of Directors policies, the Academy will provide the parent, guardian or unaccompanied youth with a written explanation of all decisions regarding school selection and enrollment made by the Academy or State, along with a written explanation of appeal rights.

The Academy'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 Academy must also include contact information for the Liaison and the State Coordinator, and a brief description of their roles. The Academy will also refer the parent, guardian or unaccompanied youth to the Liaison, who will carry out the dispute resolution process.

The Academy 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 Academy will provide translation and interpretation services in connection with all phases of the dispute resolution process pursuant to federal laws. The

Academy 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 Academy. 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 Academy takes into account the same factors as it does for any student, regardless of age. It also considers pre-school 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 Academy must also provide transportation services to the school of origin for a homeless child attending preschool. It is the Academy'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 Academy moves to another Academy 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 Academy shall post public notice of educational rights of children and youth experiencing homelessness in each school. In addition, the Academy 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 Academy 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.

Revised 8/17/17

## 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 Educational Service Provider, shall develop Administrative Procedures for implementation of this policy which are consistent with the Compact and State law.

These procedures shall apply to children of military families within the state as well as between member states.

## 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 Academy will collaborate with the Michigan Department of Education (MDE), other Academy'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 Academy. To that end, students in foster care will not be stigmatized or segregated on the basis of their status. The Academy 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 Academy shall regularly review and revise its policies, including academy 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)).

### Academy Stability

The Academy 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, academy records, and other documentation.

The Academy shall meet the Title I requirements for educational stability for children and youth in foster care, including those awaiting foster care placement. The Academy 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. Academy 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 academy of origin, unless it is determined that remaining in the academy 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 academy of origin, the child shall be immediately enrolled in the determined new academy even if the child is unable to produce records normally required for enrollment; and
- C. the new (enrolling) academy shall immediately contact the academy 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)).

### Academy of Origin

The Academy of origin is the academy in which a student is enrolled at the time of placement in foster care. If a student's foster care placement changes, the academy of origin would then be considered the academy in which the child is enrolled at the time of the placement change. A student in foster care shall remain in his/her academy 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 Academy 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 academy of origin until the end of the academy year.

### Best Interest Determination

In making the best interest determination, the Academy will follow the guidelines established by MDE and the State or tribal custodial agencies. The Academy shall utilize the prescribed process in conjunction with local custodial agencies in making best interest determinations, and shall make such determination within five (5) academy days of the child's placement in foster care or change in child's living arrangement. Once a determination is made the Academy 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 Academy 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 Academy'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 Academy believes is in the best interest of the child.

To the extent feasible and appropriate, the child will remain in his/her academy 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) academy 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 academy 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 School Leader and the Educational Service Provider shall designate and make public a local point of contact who will perform the duties as assigned by the School Leader and the Educational Service Provider. 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 academy attendance of students in foster care.

#### Records

The Academy 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 Academy 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. academy nutrition programs; and
- F. before - and after-academy programs.

#### Transportation Services

The Academy must ensure that transportation is provided for children in foster care consistent with the procedures developed by the Academy 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 academy 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 Academy'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 academy of origin, the Academy shall provide such transportation if 1) the local child welfare agency agrees to reimburse the Academy for the cost of such transportation; 2) the Academy agrees to pay for the cost; or 3) the Academy and the local child welfare agency agree to share the cost. (ESEA 1112(c)(5)(B)).

Additional costs incurred in providing transportation to the academy of origin should reflect the difference between what the Academy would otherwise spend to transport a student to his/her assigned academy and the cost of transporting the foster care student to the academy of origin. The Academy 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 Academy, county, or State boundary lines, coordination among multiple agencies may be necessary. The Academy will work with appropriate State and local agencies to address such placement and transportation issues that arise. The Academy shall provide or arrange for adequate and appropriate transportation to and from the academy 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 academy success of children and youth in foster care.

Adopted 8/17/17

## ENTRANCE AGE

Reference: M.C.L. 380.1147, 380.1561  
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 of Directors shall establish student entrance age requirements which are consistent with Michigan Law and sound educational practice and 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 Academy'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 October 1st of 2014, or September 1, 2015 or any 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

Upon written request by the parent or guardian, a child who is a resident but not yet five (5) years of age on or before the specified eligibility date 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 of the two (2) or three (3) below;
2. the parent or guardian provides written notice to the Academy by June 1st prior to the school year of enrollment of intent to enroll the child; or
3. the parent or guardian provides written notice to the Academy by August 1<sup>st</sup> prior to the school year of enrollment of intent to enroll the child, if the child became resident in the Academy after June 1<sup>st</sup>.

The Academy 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 Academy must allow early entry by nonresident Schools of Choice students, provided the parent/guardian notifies the Academy 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 Academy's Schools of Choice program.

The Academy 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.

FOR BOARD APPROVAL

## PERSONAL COMMUNICATION DEVICES

In order to avoid disruption of the educational environment and protect students' right of privacy, student use of personal communication devices (PCDs) is prohibited on school grounds during school hours, during after school activities (e.g., extra-curricular activities), and on school buses or other Board provided vehicles.

Technology including, but not limited to, PCDs intended and actually used for instructional purposes (e.g., taking notes, recording classroom lectures, writing papers) will be permitted, as approved by the classroom teacher or the building principal. However, the use of a PCD to engage in non-education-related communications is expressly prohibited.

For purposes of this policy, "personal communication device" includes computers, tablets (e.g., iPads and similar devices), electronic readers ("e-readers"; e.g., Kindles and similar devices), cell phones (e.g., mobile/cellular telephones, smartphones (e.g., BlackBerry, iPhone, Android devices, Windows Mobile devices, etc.)), telephone paging devices (e.g., beepers or pagers), and/or other web-enabled devices of any type. Students may not use PCDs on school property or at a school-sponsored activity to access and/or view Internet web sites that are otherwise blocked to students at school.

Also, during after school activities, PCDs shall be powered completely off (not just placed into vibrate or silent mode) and stored out of sight when directed by the administrator or sponsor. Under certain circumstances, a student may keep his/her PCD "On" with prior approval from the building principal.

Except as authorized by a teacher, administrator or IEP team, students are prohibited from using PCDs during the school day, including while off-campus on a field trip, to capture, record and/or transmit the words or sounds (i.e., audio) and/or images (i.e., pictures/video) of any student, staff member or other person. Using a PCD to capture, record and/or transmit audio and/or pictures/video of an individual without proper consent is considered an invasion of privacy and is not permitted. Students who violate this provision and/or use a PCD to violate the privacy rights of another person may have their PCD confiscated and held until a parent/guardian picks it up, and may be directed to delete the audio and/or picture/video file while the parent/guardian is present. If the violation involves potentially illegal activity the confiscated-PCD may be turned-over to law enforcement.

The use of PCDs in classrooms; gymnasiums, locker rooms, shower facilities, rest/bathrooms ; and swimming pool is prohibited.

Students shall have no expectation of confidentiality with respect to their use of PCDs on school premises/property.

Students may not use a PCD 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. In particular, students are prohibited from using PCDs to: (1) transmit material that is threatening, obscene, disruptive, or sexually explicit or that can be construed as harassment or disparagement of others based upon their race, color, national origin, sex, sexual orientation, disability, age, religion, ancestry, or political beliefs; and (2) engage in "sexting" - i.e., sending, receiving, sharing, viewing, or possessing pictures, text messages, e-mails or other materials of a sexual nature in electronic or any other form. Violation of these prohibitions shall result in disciplinary action. Furthermore, such actions will be reported to local law enforcement and child services as required by law.

Students are also prohibited from using a PCD to capture, record, 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 PCDs to receive such information.

Possession of a PCD by a student at school during school hours and/or during extra-curricular activities is a privilege that may be forfeited by any student who fails to abide by the terms of this policy, or otherwise abuses this privilege.

Violations of this policy may result in disciplinary action and/or confiscation of the PCD. The building principal will also refer the matter to law enforcement or child services if the violation involves an illegal activity (e.g., child pornography, sexting). 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 PCD 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, unless the violation involves potentially illegal activity in which case the PCD may be turned-over to law enforcement. A confiscated device 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 or turned-over to law enforcement. School officials will not search or otherwise tamper with PCDs in Academy custody unless they 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 PCD to school for a designated length of time or on a permanent basis.

A person who discovers a student using a PCD 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 PCDs. The Board assumes no responsibility for theft, loss, or damage to, or misuse or unauthorized use of, PCDs brought onto its property.

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.

## ATTENDANCE

Reference: MCL 380.1561, 380.1561(3a-3c), 380.1586(3)

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 Academy is in session.

The Academy 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 School Leader is authorized to verify such statements and to investigate the cause of each absence.

The Educational Service Provider shall develop Administrative Procedures for the attendance of students to which:

- 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. 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;
- E. ensure any student with a specifically identifiable physical or mental impairment, who exceeds (or may exceed) the Academy'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 procedures 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 Academy, 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.



## **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 Educational Service Provider is instructed to promulgate Administrative Procedures regarding admittance to the Academy of a student(s) who lacks records. This procedure should provide for notification of the police upon application of the student to the Academy.

FOR BOARD APPROVAL

## **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 Academy 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 School Leader.

The time of release for religious instruction shall be arranged by the School Leader, in keeping with the regulations of the State Board of Education. The School Leader will also assure the appropriate continuance of the instructional program in the Academy during such release times.

No solicitation for attendance at religious instruction shall be permitted on Academy premises. Members of the staff shall neither encourage nor discourage participation in any program of religious instruction.

The Educational Service Provider shall develop Administrative Procedures regarding absences for Religious Instruction.

## **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 Academy.

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.

If one parent has been awarded custody of the student by the courts, the custodial parent shall provide the Academy with a copy of the custody order and inform the Academy in writing of any limitations in the rights of the non-custodial parent. Absent such notice, the Academy 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 may be required of anyone authorized such custody. (See Form 5230 F1)

The Educational Service Provider shall develop Administrative Procedures to ensure the proper implementation of this policy.

Revised 8/15/19

## 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 Academy 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.

The Academy 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.

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 Educational Service Provider 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 Academy and scheduled by the Academy 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.

The Educational Service Provider shall develop Administrative Procedures to ensure the proper implementation of this policy.

## 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 State Health Department regulations.

However, students who do not meet the immunization requirements shall be admitted in accordance with Administrative Procedures. 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 parents hold religious or philosophical beliefs against receiving a vaccination. The parents must submit, in writing, a request for an exemption before a waiver is granted.
- 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 Academy 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 Educational Service Provider shall develop Administrative Procedures to ensure the proper implementation of this policy.

## 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 School Leader 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 prescribed medication or treatment may be administered to any student during school hours, the Board shall require the written prescription from the child's physician and the written authorization of the parent.

Before any non-prescribed medication or treatment may be administered, the Board shall require the prior written consent of the parent who must also authorize any self-medication by his/her child. Medications will be administered by the Academy in accordance with the School Leader's procedures.

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 Academy'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 Academy'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 School Leader's Procedures.

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 academy, on

academy-sponsored transportation, or at any academy-sponsored activity in accordance with the Administrative Procedures, 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 School Leader 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 Academy 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 academy property or at an academy-sponsored event provided the student has submitted prior written approval of his/her parent/guardian to the School Leader.

This policy and the Administrative Procedures developed to establish appropriate procedures shall be implemented in such a manner to comply with Academy'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 School Leader shall prepare Administrative Procedures to ensure the proper implementation of this policy.

Revised 4/18/19

## 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 Academy shall have at least two (2) epinephrine auto-injectors (Epi-Pens) available at the school site. It shall be the responsibility of the Educational Service Provider to be sure that the supply of Epi-Pens is maintained at the appropriate level and they have not expired. The Educational Service Provider 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 Academy 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 Academy 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 Academy, 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 that an injection has been administered.

All Epi-Pen injections by employees to students shall be reported in writing to the Educational Service Provider's designee. 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 Educational Service Provider's designee 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 Academy Epi-Pens and the number of incidents where students were not known to be subject to severe allergic reactions.

FOR BOARD APPROVAL

## STUDENTS WITH SPECIAL DIETARY NEEDS

The Board of Directors believes all students shall have the opportunity to participate fully in all Academy 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 Academy 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 Educational Service Provider shall prepare Administrative Procedures for the care of food allergic students. Such procedures 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.

## **STUDENT ACCIDENTS**

The Board of Directors believes that Academy 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 Educational Service Provider shall prepare Administrative Procedures to assure the prompt reporting of all student accidents.

FOR BOARD APPROVAL

## **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 Academy 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 Academy shall comply with whichever standards are more protective.

FOR BOARD APPROVAL

## **EMERGENCY MEDICAL AUTHORIZATION**

The School Leader 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 Academy 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 Academy office during the year.

Any time a student or a group of students is taken out of the Academy to participate in an academy 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 Educational Service Provider shall develop Administrative Procedures 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.

Revised 6/24/21

## **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 School Leader, the administrator shall immediately provide the School Leader with the DNR Order.

The School Leader 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 School Leader, 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 School Leader, 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 School Leader, 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 School Leader and the School Leader, 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 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.

Adopted 6/24/21

## 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 School Leader.

- A. The School Leader 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 School Leader 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 School Leader, 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 School Leader, 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 School Leader and the School Leader 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.

Adopted 6/24/21

## 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 school, 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 Educational Service Provider shall develop and implement Administrative Procedures 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

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 Administrative Procedures regarding confidentiality be observed at all times.



## 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 Educational Service Provider shall develop Administrative Procedures 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 Academy's core curriculum;
- B. require the recommendation of the relevant staff members for promotion, placement, or retention;
- C. require Academy 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 School Leader the final responsibility for determining the promotion, placement, or retention of each student.

## REPORTING STUDENT PROGRESS

The Board of Directors believes that the cooperation of the Academy 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 and parent conferences with teachers and requires all appropriate staff members to comply with such a system as part of their professional responsibility.

The Educational Service Provider shall develop Administrative Procedures 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).

## 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 Academy's program.

The Board believes the Academy'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 Educational Service Provider to develop Administrative Procedures 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 frequent opportunities for each student to obtain information regarding his/her progress toward the expected learning outcomes of his/her courses or programs;
- D. provide for a pass/fail grade in appropriate programs;
- E. 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 School Leader.

## CLASS RANK

The Board of Directors acknowledges the usefulness of a system of computing grade point averages and class ranking for high school students, both to inform students of their relative academic placement among their peers and to provide students, prospective employers, and institutions of higher learning with a predictive device so each student is more likely to be placed in an environment conducive to success.

The Board authorizes a system of class ranking, by grade point average, for students in grade(s) 1,2 and 3.

The Educational Service Provider shall develop Administrative Procedures for the computation of grade point averages and the assignment of class rank to implement this policy which shall include the following:

- A. a system for fairly averaging makeup courses;
- B. a statement of the methods for such computation and assignment that can be sent to those to whom a student's grade point average or rank in class is released;
- C. recognition of the heavier burden of certain work, classes, and courses.

## **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 School Leader to develop a plan for recognizing outstanding student achievement based on well defined, consistent criteria and standards.

FOR BOARD APPROVAL

## GRADUATION REQUIREMENTS

Reference: MCL 380.1166, 380.1278a(1), 380.1278a(2), 380.1278a(4)(c), 380.1279b  
20 USC 1400 et seq.  
20 USC 1401 et seq.  
29 USC 794  
42 USC 12131 et seq.

It shall be the policy of the Board of Directors to acknowledge each student's successful completion of the instructional program or a personal curriculum appropriate to the achievement of Academy goals and objectives as well as personal proficiency, by the awarding of a diploma at graduation ceremonies.

The Board shall award a regular high school diploma to every student enrolled in this Academy who meets the requirements of graduation established by this Board, the Michigan Department of Education (MDE), and as provided by State law.

Credit may be earned by:

- A. traditional course work;
- B. demonstrating mastery of subject area content expectations or guidelines for the credit;
- C. related course work in which content standards are embedded;
- D. non-traditional course work;
- E. independent teacher-guided study;
- F. testing out;
- G. dual enrollment;
- H. advanced placement courses;
- I. international baccalaureate or other "early college" programs; or
- J. online class.

Students shall successfully complete an on-line course or learning experience OR shall have the on-line learning experience incorporated into each of the required credits of the Michigan Merit Curriculum.

Special education students who properly complete the programs specified in their I.E.P., or in a personal curriculum, and meet the requirements for a high school diploma, and have received the recommendation of the I.E.P.C. may participate in graduation activities as recommended by the student's I.E.P.C. Reasonable accommodation shall be made for students with disabilities, as defined under State or Federal law, to assist them in taking any required tests or assessments for graduation.

For State-mandated curriculum requirements, a student shall be granted credit toward graduation if s/he successfully completes the subject area content expectations or guidelines

developed by the department that apply to the credit. A student may also receive credit if s/he earns a qualifying score, as determined by the State on the assessments developed or selected for the subject area by the State or the student earns a qualifying score, as determined by the Academy on one or more assessments developed or selected by the Academy that measure a student's understanding of the subject area content expectations or guidelines that apply to the credit. For subject areas and courses in which a final examination is used as the assessment for successful attainment of the subject area content, a grade of C+ or better is required.

The Board shall grant credit toward high school graduation for any student who successfully completes, prior to entering high school, a State-mandated curriculum requirement, provided s/he completes the same content requirements as the high school subject area, and the student has demonstrated the same level of proficiency on the material as required of the high school students.

For elective courses, which are not State-mandated curriculum requirements, the Board shall grant credit to any high school student who is not enrolled in the course, but has exhibited a reasonable level of knowledge of the subject matter of the course by achieving C+ or better in the final exam for the course, or, if there is no final exam, through the basic assessment used for the course, which may consist of a portfolio, paper, project, presentation or other established means.

Such credit shall be counted toward the required number of credits needed for graduation. Mastery credits shall be counted toward any subject area requirement and any course sequence requirement. Once mastery credit is earned in a subject area, a student may not receive further credit for a lower sequence course in the same subject area.

A high school student shall be granted credit in any foreign language not offered by the Academy providing the student meets the competency criteria established by the School Leader.

Commencement exercises will include only those students who have successfully completed requirements as certified by the School Leader. No student who has completed the requirements for graduation shall be denied a diploma as a disciplinary measure. A student may be denied participation in the ceremony of graduation, however, when personal conduct so warrants.

## **CREDITS FROM NONPUBLIC SCHOOLS**

In recognizing its responsibility to uphold the minimum educational standards of the State of Michigan, the Board of Directors establishes the following policy and criteria regarding the acceptance of credits from nonpublic schools whether they are State-approved, non-approved, or home schools.

For credit or course-work to be accepted for courses taken in such schools, assurance of compliance with minimum requirements established by the State must be provided.

Recognition of credits or course-work shall be granted when the proper assurance and the student's transcript has been received. The Academy reserves the right to assess such transfer students in order to determine proper placement and to be assured the student can demonstrate the learnings which are prerequisite to a placement.

Although credits from nonpublic schools may be granted and placed on a student's transcript, no grades will be entered on the transcript or considered for class ranking. Only grades awarded for courses taken at the Academy or at a school approved by a State education agency shall be considered in class ranking and for entering on the transcript.

FOR BOARD APPROVAL



## EARLY GRADUATION

The Board of Directors acknowledges that some students are pursuing educational goals which include graduation from high school at an earlier date than their designated class.

Application for early graduation will be submitted to the School Leader in accordance with school regulations. The Board may honor this request if all conditions for graduation are met and the student fulfills the graduation requirements.

The student may participate in the graduation ceremonies with his/her designated class.

FOR BOARD APPROVAL

## 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 Academy 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 Academy 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 Academy.

The Educational Service Provider shall establish Administrative Procedures to carry out Board policy and philosophy and shall hold all school personnel, students, and parents responsible for the conduct of students in the Academy, 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.

FOR BOARD APPROVAL

## **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 all extracurricular activities.

Any exceptions to the above exclusions must be approved by the Educational Service Provider.

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 School Leader 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 Educational Service Provider.

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 Academy. 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 Academy administration for possible limitation of school related activities consistent with the nature of the crime and the interest of the Academy in maintaining school safety.  
in maintaining school safety.

## **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 Academy.

Accordingly, the Educational Service Provider shall establish such grooming procedures as are necessary to promote discipline, maintain order, secure the safety of students, and provide a healthy environment conducive to academic purposes. Such procedures shall prohibit student dress or grooming practices that have the following characteristics:

- A. present a hazard to the health or safety of the student himself/herself or to others in the Academy;
- B. interfere with school work, create disorder, or disrupt the educational program.

Such procedures shall establish the dress requirements for members of the athletic teams, bands, and other school groups when representing the Academy at a public event.

The Educational Service Provider shall develop Administrative Procedures to implement this policy to designate the School Leader as the arbitrator of student dress and grooming in his/her building.

## 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 academy premises, in academy provided transportation, and in all academy buildings owned and/or operated by the Academy.

The Board prohibits the use or possession of tobacco product by students in academy buildings, on academy property (owned or leased), on academy provided transportation, and at any academy-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 (twenty-four (24) hours a day, seven (7) days a week) 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. academy grounds,
- B. athletic facilities,
- C. any academy-related event, and
- D. on or off Board premises.

#### Advertising/Promotion

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

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

#### Educational Programming

Tobacco-use prevention education shall be coordinated with the other components of the academy health program. Staff responsible for teaching tobacco-use prevention education shall have adequate pre-service training and participate in ongoing professional development activities to effectively deliver education programming. Preparation and professional development activities shall provide basic knowledge about the effects of tobacco use and effects of peer pressure on tobacco use combined with effective instructional techniques and strategies and program-specific activities.

Students who violate this policy shall be subject to disciplinary action in accordance with the Student Code of Conduct/Student Discipline Code and in accordance with policies of the Board. Students subject to such action may also be referred for smoking cessation treatment, support, and education services.

Revised 8/15/19

## CARE OF ACADEMY 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 Academy.

Attempts should be made to teach students respect for property through the care of textbooks and the use of Academy 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, except that students over eighteen (18) years of age or older shall also be liable for damage they cause.

The Board authorizes the imposition of fines for the loss, damage, or destruction of Academy equipment, apparatus, musical instruments, library materials, or textbooks and for damage to the building.

The School Leader 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 Educational Service Provider shall develop Administrative Procedures to implement this policy.

## **STUDENT USE OF BICYCLES**

The Board of Directors will not permit the use of bicycles by students.

The Educational Service Provider shall develop Administrative Procedures to ensure the proper implementation of this policy.

FOR BOARD APPROVAL



## 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 Academy 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.

Administrators, faculty members, and other personnel of the Academy 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 School Leader. 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 School Leader 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 developed by the Educational Service Provider.

## 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 Academy 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 Academy 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 Academy 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.

Academy 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 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).

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 Academy employee that:

- A. places a student or Academy 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 Academy.

#### 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 Academy employee or other adult member of the Academy 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 Academy's Anti-Harassment Compliance Officer(s) (hereinafter, "the Compliance Officer(s)");

Principal  
Eagles Nest Academy  
5005 Cloverlawn Drive  
Flint, Michigan, 48504  
(810) 869-6495

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

The Compliance Officer(s) are responsible for coordinating the Academy's efforts to comply with applicable Federal and State laws and regulations, including the Academy'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 Academy 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 Academy community or a Third Party or receive reports that are initially filed with an administrator, supervisor, or other Academy 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 Educational Service Provider or will oversee the preparation of such recommendations by a designee. All Educational Service Provider 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 Educational Service Provider 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 Educational Service Provider 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 Educational Service Provider 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 Academy community along with Third Parties are encouraged to promptly report incidents of harassing conduct to the Academy's Anti-Harassment Compliance Officer so that the Academy's Anti-Harassment Compliance Officer may address the conduct before it becomes severe, pervasive, or persistent. Any administrator, supervisor, or other Academy 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 Academy community and Third Parties who believe they have been unlawfully harassed by another member of the Academy 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 School Leader 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 School Leader 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 School Leader 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 School Leader informed of the status of the 5517 investigation and provide the School Leader with a copy of the resulting written report. Likewise, the Title IX Coordinator will provide the School Leader 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 Educational Service Provider employee, any other adult member of the Academy 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 Educational Service Provider; 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:

- A. Advising the Complainant about how to communicate the unwelcome nature of the behavior to the Respondent.
- B. 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.
- 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, 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, principal, or other Academy official at the student's school, the Compliance Officer, Educational Service Provider, or another Academy 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, Educational Service Provider, or other Academy 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 Educational Service Provider.

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 Educational Service Provider 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 Educational Service Provider 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 Educational Service Provider.

Absent extenuating circumstances, within ten (10) days of receiving the report of the Compliance Officer/designee, the Educational Service Provider must either issue a written decision regarding whether the complaint of harassment has been substantiated or request further investigation. A copy of the Educational Service Provider's final decision will be delivered to both the Complainant and the Respondent.

If the Educational Service Provider requests additional investigation, the Educational Service Provider 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 Educational Service Provider shall issue a written decision as described above.

The decision of the Educational Service Provider shall 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 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 Academy 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 Academy 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 Academy community, all subsequent sanctions imposed by the Board and/or Educational Service Provider, 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 Academy teacher or Academy 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 academy 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 Educational Service Provider.

#### 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 Educational Service Provider, shall provide appropriate information to all members of the Academy community related to the implementation of this policy and shall provide training for Academy 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 Academy personnel or individuals contracted or appointed by the Board to fulfill its responsibilities related to the investigation and/or the Academy'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 Academy to conduct the investigation, and any documents used by the Academy 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 Academy 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 Academy 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;
- O. documentation that any rights or opportunities that the Academy 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 Academy's records retention schedule.

Revised 4/18/19; 6/24/21

## 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 Academy 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 School Leader and the Educational Service Provider. Complaints against the School Leader and the Educational Service Provider 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 School Leader and the Educational Service Provider 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 Academy 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 School Leader and the Educational Service Provider is the school official responsible for ensuring that this policy is implemented.

### CONFIDENTIALITY

The Academy 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 School Leader, or the School Leader'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 Academy website.

### REPORTING

As required by state statute, the Academy 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 Academy's procedures with respect to bullying are contained within this policy, and thus no administrative guidelines accompany this policy.

Revised 8/17/17

## 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 Academy 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.

FOR BOARD APPROVAL

## 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, on school provided transportation, or at school-sponsored events. The Academy 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 Academy Code of Conduct.

The School Leader 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 Academy 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.

## **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.

## 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 School Leader 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 School Leader 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 School Leader 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 School Leader will still consider these factors in making the determination.

### Restorative Practices

The School Leader 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 School Leader 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 Principal 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 School Leader 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 School Leader. A student so removed may not 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 School Leader 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 School Leader may recommend to the Board a long-term suspension or that a student be expelled.

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 Educational Service Provider and School Leader shall use a preponderance of evidence standard.

The Educational Service Provider and School Leader 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 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 a 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.

The Academy may provide appropriate instructional services at home for an expelled student not placed in an Alternative Education Program. The instructional services provided shall be similar to those provided to homebound or hospitalized students and shall be contracted for in the same manner.

### 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 School Leader or the police.

There is a rebuttable presumption that expulsion for possessing the weapon is not justified if the Board or School Leader 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 School Leader 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 School Leader shall ensure notification of the expulsion is given to the Juvenile Division of the Probate Court. In compliance with Federal law, the School Leader 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 School Leader 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 School Leader.
- 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 School Leader 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 School Leader 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 School Leader for offenses found in the Student Code of Conduct.

### 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 School Leader 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 School Leader 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 School Leader 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.

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.

Revised 8/17/17; 4/18/19; 10/15/20

## DUE PROCESS RIGHTS

The Board of Directors 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 guidelines which the 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 School Leader 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 School Leader 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 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 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 Educational Service Provider 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 Academy's records retention schedule.

Adopted 4/18/19  
Revised 10/15/20



## 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 Academy 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 academy 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 Academy will utilize Positive Behavioral Interventions and Supports (PBIS) to enhance academic and social behavior outcomes for all students. PBIS implemented by the Academy 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 academy 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 academy personnel training in PBIS
10. when contraindicated based on (as documented in a record or records made available to the academy) 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 academy 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 academy 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 academy personnel training in PBIS
10. when contraindicated based on (as documented in a record or records made available to the academy) 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: Academy 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  
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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 academy 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. Academy personnel shall call key identified personnel for help from within the academy building either immediately at the onset of an emergency situation or, if it is reasonable under the particular circumstances for academy 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 academy 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, academy 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
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the use of seclusion/restraint to the Educational Service Provider.

The data must:

- a. be analyzed to determine the efficacy of the academy's academy-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 Academy 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 academy 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

"Academy 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, academy 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.

"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 academy 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 academy 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.

"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

Revised 4/18/19

## **EQUAL ACCESS FOR NON-SCHOOL-SPONSORED STUDENT CLUBS AND ACTIVITIES**

Reference: MCL 380.1299  
Equal Access Act of 1984, 20 USC 4071 et seq.  
Americans with Disabilities Act of 1990, 42 USC 12101 et seq.  
Civil Rights Act of 1964, 42 USC 2000e

The Board of Directors will not permit the use of school facilities by non-school-sponsored student clubs and activities or school-sponsored extra-curricular clubs and activities during instructional hours. During non-instructional time, however, no group of students, regardless of the size of the group, will be denied an opportunity to meet on the basis of religion, politics, philosophy, or other basis.

An application for permission for non-school-sponsored student clubs and activities to meet on Academy premises shall be made to the School Leader, who shall grant permission, provided he/she determines the following:

- A. the activity is initiated by students;
- B. attendance at the activity is voluntary;
- C. no agent or employee of the Academy is promoting, leading, or participating in the activity;
- D. the activity does not materially and substantially interfere with the orderly conduct of instructional activities in the Academy;
- E. non-school persons are not directing, conducting, controlling, or regularly attending the activity.

A student-initiated group granted permission to hold an activity on Academy premises shall be provided the same rights and access and shall be subject to the same Administrative Procedures that govern the activities of student organizations sponsored by this Board, except as provided by this policy. Participation in a student-initiated activity must be available to all students who wish to attend and cannot be denied on the basis of a student's gender, religion, race, color, national origin or ancestry, age, disability, height, weight, marital status, social or economic status, and/or any other legally protected characteristic. In addition, there shall be no discrimination on the basis of the religious, political, philosophical, or other content of the speech at the activity.

A professional staff member may be assigned to attend a student initiated activity in a custodial capacity but shall not participate directly in the activity. No professional staff member shall be compelled to attend a student-initiated activity if the content of the speech at the activity is contrary to his/her beliefs. The School Leader may take such actions as may be necessary to maintain order and discipline on Academy premises and to protect the safety and well-being of students and staff members.

The Board will not permit the organization of a fraternity, sorority, or secret society. A student initiated activity may be attended by no more than 2 outside resource person(s). The School Leader may exclude non-students from directing, controlling, or attending any such activities of students.

6000 **FINANCES**

6107	Authorization to Accept and Distribute Electronic Records and to Use Electronic Signatures	LC
<b>6110</b>	<b>Grant Funds</b>	<b>LR</b>
6114	Cost Principles – Spending Federal Funds	LC
6120	Safe Deposit Box	
<b>6144</b>	<b>Investments</b>	<b>LR</b>
6146	Post-Issuance Compliance for Tax-Exempt and Tax-Advantaged Obligations	LC
6151	Bad Checks	BP
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>
6420	Conflict of Interest – Legal Counsel, Advisors, or Consultants	LC
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 &amp; Reimbursement</b>	<b>LR</b>
6605	Crowdfunding	BP
6620	Petty Cash	BP
6670	Trust and Agency Fund	BP
6671	Health Care Fund Investments	LC
6680	Recognition	LC
<b>6700</b>	<b>Fair labor Standards Act (FLSA)</b>	<b>LR</b>
6800	System of Accounting	LC
<b>6850</b>	<b>Public Disclosure and Reporting</b>	<b>LR</b>

Revised 4/18/19; 8/15/19; 6/18/20; 6/24/21

## **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 Academy staff and other persons, as well as between Academy staff members. The Board further authorizes Academy staff to create, generate, send, communicate, receive, store, process, use, and rely upon electronic records and electronic signatures. The Educational Service Provider 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 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.

The Educational Service Provider 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 Educational Service Provider 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.

Revised 6/18/20

## GRANT FUNDS

Reference: Compliance Supplement for Single Audits of State and Local Governments  
20 U.S.C. 7906

It is the objective of the Board of Directors to provide equal educational opportunities for all students at the Academy. Government agencies, as well as foundations, businesses, and individuals, periodically offer both human and material resources to the Academy 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 Educational Service Provider shall review new Federal education legislation and prepare proposals for programs s/he deems would be of aid to the students of this Academy. The Board shall approve all grants resulting from such proposals.

The Board regards available Federal funds of aid to local school districts 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 accord with Federal guidelines on discrimination.

No Federal funds received by the Academy shall be used (1) to develop or distribute materials, or operate programs or courses of instruction directed at youth, that are designed to promote or encourage sexual activity, whether homosexual or heterosexual; (2) to distribute or to aid in the distribution by any organization of legally obscene materials to minors on school grounds; (3) to provide sex education or HIV-prevention education in schools unless that instruction is age appropriate and includes the health benefits of abstinence; or (4) to operate a program of contraceptive distribution in schools.

### Grant Proposal Development

- A. All grant proposals must support at least one (1) Academy 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.

### Grant Proposal Internal Review

- A. Each grant proposal shall be reviewed and approved by the Board prior to submission to the funding source.

### Grant Administration

- A. The administration of grants will adhere to all applicable Federal, State, and grantor rules and regulations as well as Academy policies and administrative procedures/guidelines.



- B. The Educational Service Provider is responsible for the efficient and effective administration of grant awards through the application of sound management practices.
- C. The Educational Service Provider is responsible for administering grant funds in a manner consistent with underlying agreements, program objectives, and the terms and conditions of the grant award.
- D. The Academy, in recognition of its unique combination of staff, facilities, and experience, shall employ the organizational and management strategies necessary to assure proper and efficient administration of grant awards.
- E. All Federal funds received by the Academy will be used in accordance with the applicable Federal law. The Educational Service Provider shall require that each draw of Federal monies is 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.
- F. The Educational Service Provider is authorized to sign related documents for grant administration, including documents required for submittal of grant proposals.

#### Fiscal Management

The financial management of grant funds shall be in compliance with all applicable Federal, State, and grantor rules, regulations, and assurances as well as Academy policies and administrative procedures/guidelines.

The Educational Service Provider shall provide for the following:

- A. Accurate, current, and complete disclosure of the financial results of each Federally-sponsored project in accordance with the reporting requirements of the grant.
- B. Effective control over and accountability for all funds, property, and other assets in their use solely for authorized purposes.
- C. Recordkeeping and written procedures as may be required by Federal, State, and grantor rules and regulations pertaining to the grant award and accountability, including such provisions as may be applicable as cost sharing and matching requirements, budget revisions, audit requirements, reasonableness, allocability, and allowability of costs, procurement, property management and disposition, and payment/repayment requirements.
- D. Insurance coverage for real property and equipment, if applicable, equivalent to such property owned by the District.

## **COST PRINCIPLES - SPENDING FEDERAL FUNDS**

Reference: 2 CFR. 200.344(b), 2 CFR. 200.403-407, 200.413(a)-(c), 200.430(a), 200.431(a), 200.458,  
2 CFR 200.474(b)  
34 CFR 76.707-.708(a), 75.703

The School Leader and Educational Service Provider are 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 Academy 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 Academy 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
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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 Academy and can be distributed in proportions that may be approximated using reasonable methods; and is necessary to the overall operation of the Academy 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.
- C. Be consistent with policies and procedures that apply uniformly to both Federally-financed and other activities of the Academy.
- 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 School Leader and Educational Service Provider shall implement a system for Academy 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 Academy 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, the Academy staff shall check costs against the selected items of cost requirements to ensure the cost is allowable. In addition, State, Academy and program-specific rules, including the terms and conditions of the award, may deem a cost as unallowable and Academy personnel shall follow those rules as well.

#### Cost Compliance

The School Leader and Educational Service Provider 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.).

- 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 Academy, the Board, compensation of the School Leader, compensation of the chief executive officer of any component of the Academy, 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).

#### 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 Academy makes a binding written commitment to acquire the property.
- B. Personal services by an employee of the Academy or Educational Service

Provider - when the services are performed.

- C. Personal services by a contractor who is not an employee of the Academy on the date which the Academy makes a binding written commitment to obtain the services.
- D. Performance of work other than personal services - on the date when the Academy makes a binding written commitment to obtain the work.
- E. Public utility services - when the Academy receives the services.
- F. Travel - when the travel is taken.
- G. Rental of property - when the Academy 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 Academy 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 Academy 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 Academy 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 School Leader and Educational Service Provider shall closely monitor grant spending throughout the grant cycle.

Adopted 6/24/21

## **SAFE DEPOSIT BOX**

The Board of Directors shall maintain at least one (1) safe deposit box at a bank selected by the Board. The Board authorizes the following people to sign the signature card for access to each safe deposit box.

- A. The Board Treasurer
- B. The Educational Service Provider
- C. The Business Manager
- D. The School Leader

FOR BOARD APPROVAL



## INVESTMENTS

Reference: MCL 124.301 et seq., 129.11 to 129.118, 380.1221, 380.1223(2), 380.622  
P.A. 22 of 2009

The Academy's policy is to use investments to maximize the returns on the Academy's excess cash balances, while reasonably controlling the risk of loss and maintaining an acceptable level of liquidity in those investments to meet the Academy's operating needs.

To this end, the Academy 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.

The Board of Directors authorizes the Educational Service Provider to make investments of available monies from the several funds of the Academy in:

- A. bonds, bills, or notes of the United States; obligations, the principal and interest of which are fully guaranteed by the United States; or obligations of the State;
- B. certificates of deposit issued by a state or nationally-chartered bank or a state or Federally-chartered savings and loan association, savings bank, or credit union whose deposits are insured by an agency of the United States government and which maintains a principal office or branch office in Michigan under Michigan and Federal laws;
- C. certificates of deposit of a public corporation(s) (CDs) in insured depository institutions in accordance with the following conditions:
  - 1. the funds are initially invested through a financial institution that is not ineligible to be a depository of surplus funds belonging to this State under (M.C.L.A. 21.146 (discriminatory lending practices)
  - 2. the financial institution arranges for the investment of the funds in certificates of deposit in one (1) or more insured depository institutions, as defined in 12 U.S.C. 1813, or one or more insured credit unions, as defined in 12 U.S.C. 1752, for the account of the school
  - 3. the financial institution acting as custodian for the Academy is insured by an agency of the United States
  - 4. the financial institution acts as custodian for the Academy with respect to each certificate of deposit
  - 5. at the same time that the funds are deposited and the certificate or certificates of deposit are issued, the financial institution receives an amount of deposits from customers of other insured depository institutions equal to or greater than the amount of the funds initially invested by the Academy through the financial institution
- D. commercial paper rated prime 1 or prime 2 at the time of purchase and maturing not more than 270 days after the date of purchase;

- E. securities issued or guaranteed by agencies or instrumentalities of the United States government;
- F. United States government or Federal agency obligation repurchase agreements;
- G. bankers' acceptances issued by a bank that is a member of the Federal deposit insurance corporation;
- H. mutual funds composed entirely of investment vehicles that are legal for direct investment by a Academy;
- I. investment pools, as authorized by the surplus funds investment pool act, Act. No. 367 of the Public Acts of 1982, being sections 129.11 to 129.118 of the Michigan Compiled Laws, composed entirely of instruments that are legal for direct investment by a Academy.

When there is a possibility that interest rate changes could adversely affect the fair value of a Academy's investment, as determined under Generally Accepted Accounting Principles (GAAP) standards, the Investment Officer shall determine the weighted average maturity used to assess and control such risks.

These methods shall be implemented as defined by the Government Accountability Standards Board. The Board may apply different methods to different investments.

Investments in U.S. Treasury securities and those other securities completely guaranteed by the Treasury as to payment of principal and interest may be purchased in any dollar amount or up to 100% of the available reserves.

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

An obligation purchased in accordance with Section 380.1223(2), when received by the Educational Service Provider, 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 Academy 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.

The Board also requires the Educational Service Provider to report to the Board monthly 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 Academy should be advised of and consulted on this policy.)

## POST-ISSUANCE COMPLIANCE FOR TAX-EXEMPT AND TAX-ADVANTAGED OBLIGATIONS

Reference: Internal Revenue Code of 1986, as amended  
Treasury Regulations  
SEC Rule 15c2-12

The Board of Directors may, from time to time, finance its capital improvements and operations through the issuance of debt obligations that are eligible for tax benefits under the Internal Revenue Code of 1986, as amended (the "Code"), and regulations promulgated thereunder ("Treasury Regulations"). Such obligations may include tax exempt obligations and/or obligations eligible for tax credits (direct subsidies to the School District or tax credits to bond owners). All such tax-exempt obligations or tax advantaged obligations are referred to herein as "Obligations," whether in the form of general obligation bonds, revenue bonds, bond anticipation notes, tax anticipation notes, lease-purchase obligations, installment-purchase obligations or otherwise.

The Board recognizes that compliance with applicable provisions of the Code and Treasury Regulations is an on-going process, necessary during the entire term of the Obligations, and is an integral component of the Academy's debt management. Accordingly, the analysis of those facts and implementation of this Policy and Administrative Procedures will require on-going monitoring and consultation with an attorney experienced in legal work relating to the issuance of tax-exempt obligations or tax advantaged obligations ("Bond Counsel") and the Academy's accountants.

### A. **Investment and Expenditure of Proceeds**

The Academy's system of internal controls and accounting will be capable of tracking the investment and expenditure of proceeds of Obligations and other amounts subject to special requirements, and the allocation of such proceeds and other amounts to Academy facilities. Appropriate coding will be developed to identify Academy facilities (or portions thereof) financed or refinanced by Obligations. Such Administrative Procedures will ensure that such proceeds are expended only for the purposes authorized by the resolution and, as applicable, referendum, pursuant to which such Obligations were issued and in compliance with the Tax Certificate relating to the Obligations or other instructions of Bond Counsel.

### B. **Financed Facilities**

The Academy will track the use of facilities (or portions thereof) financed or refinanced by Obligations in the private trades or businesses of non-governmental persons. Arrangements for the sale, disposition, lease, sublease, management or other use of more than 1% of facilities financed or refinanced by Obligations with a term of (i) less than 200 days will be subject to prior review and approval by the Board, and (ii) equal to or greater than 200 days will be subject to prior review and approval by the Board and Bond Counsel. The Educational Service Provider will track the aggregate annual private use (if any) of facilities financed or refinanced by Obligations.

**C. Periodic Review**

The Academy will periodically review compliance with the requirements of the Code and Treasury Regulations necessary to preserve the tax advantages of such Obligations. Such reviews will include final allocations of proceeds not later than 18 months after completion of facilities financed or refinanced with proceeds of Obligations and annual reviews to ensure private business use of such facilities does not exceed allowable levels. Such annual review will be conducted in connection with the preparation of the Academy's audited financial statements.

**D. Potential Non-Compliance**

If the Board, upon any annual review or otherwise, discovers non-compliance with any requirements of the Code or Treasury Regulations necessary to preserve the tax advantages of such Obligations, the Board will, after consultation with the Academy's attorney and Bond Counsel, take necessary actions to remedy any such non-compliance.

**E. Retention of Professionals; Rebate Analyst**

The Academy will engage such professionals or consultants as are necessary, in the judgment of the Educational Service Provider, to ensure that the requirements of the Code and Treasury Regulations necessary to preserve the tax advantages of such Obligations are timely met, including, without limitation, the requirement to compute and pay rebatable arbitrage to the United States government or to confirm an exception thereto. The Educational Service Provider will ensure that all information reports or other returns or filings with the United States Department of Treasury or Internal Revenue Service timely will be filed on behalf of the Academy.

**F. Purchase of Investments**

All investments of the proceeds of Obligations will be purchased at fair market value, as defined in the Code and Treasury Regulations, and will comply with the requirements of the Code and Treasury Regulations relating to yield restriction as advised by Bond Counsel.

**G. Credit Enhancement Transactions**

The Educational Service Provider will consult with Bond Counsel prior to engaging in any post-issuance credit enhancement transactions (i.e., bond insurance or letters of credit) or hedging transactions (i.e., interest rate swaps, caps, etc.) relating to any Obligation.

**H. Subsidy Payments**

The Educational Service Provider will implement proper Administrative Procedures to ensure that any federal subsidy payable in respect of any direct-pay tax credit bonds is timely transmitted to the appropriate account of the Academy including the timely filing of any required return or other documentation.

**I. Post-Issuance Modifications**

The Educational Service Provider will consult with Bond Counsel prior to any modification of the interest rate, maturity date, or other material terms of any Obligation.

**J. Records Retention**

The Academy will retain records sufficient to demonstrate compliance with the requirements of the Code and Treasury Regulations necessary to preserve the tax advantages of such Obligations for the period required by law, presently understood to be the life of the Obligations or any succeeding refunding Obligation plus three (3) years.

**K. Continuing Disclosure**

The Educational Service Provider will implement proper Administrative Procedures to ensure that the Academy complies with any undertakings to provide continuing disclosure in accordance with the Rule, including annual filing of operating and financial information and notices of listed "material events."

**L. Training and Education**

The Board authorizes the Educational Service Provider and any other person assigned responsibilities under this Policy and the Administrative Procedures/Guidelines to attend educational seminars and conferences providing training and education on post-issuance compliance issues at least once a year and will pay the authorized expenses of such person.

## **BAD CHECKS**

When the Academy receives a check from a student or parent that, when deposited, is returned marked "insufficient funds," the Educational Service Provider shall provide an opportunity for the payer to make proper payment or to arrange for a satisfactory payment schedule. If payment is not received within 120 days, the payment schedule is not adhered to, or the monies do not appear to be collectable, the Board of Directors authorizes the Educational Service Provider to remove the fee or charge from the Academy's Accounts Receivable and to take appropriate action against the student and/or the parents.

FOR BOARD APPROVAL

## **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 Academy any funds expended by the Academy 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 procedures prepared by the Academy 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 School Leader (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 Academy 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 Academy for the expense or loss incurred.

The late return of borrowed books or materials from the Academy 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 School Leader within twenty-four (24) hours after collection.

In the event the above course of action does not result in the collection of the fee or fine, the Board authorizes the Educational Service Provider to take the student and/or his/her parents to Small Claims Court for collection.

### Supplies

The Academy 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.

FOR BOARD APPROVAL

## FISCAL PLANNING

The Board of Directors shall collect and assemble the information necessary to discharge its responsibility for the fiscal management of the Academy 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 Academy's financial requirements.

Accordingly, the Board directs the Educational Service Provider to accomplish the following:

- A. prepare a long range plan for the cost of maintaining the alignment of the Academy'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 Academy's ongoing fiscal planning.

In addition, the Board directs the Educational Service Provider to maintain annually a detailed two (2) year forecast of estimated expenditures and revenues.

## BUDGET PREPARATION

Reference: MCL 141.434 et. seq.

The Academy'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. School Lunch Fund

Each budget shall be designed to carry out Academy operations in a thorough and efficient manner, to maintain Academy 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 shall not fall below 2.00% 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 Educational Service Provider 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.

## 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 Educational Service Provider 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 30th.

## BUDGET IMPLEMENTATION

Reference: MCL 141.436 et. seq.

The Board of Directors places the responsibility of administering the budget, once adopted, with the School Leader. As the budget is being implemented, the School Leader shall keep the Board informed regarding budgetary problems or concerns.

The Educational Service Provider 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 Academy.

During the fiscal year, if the Educational Service Provider deems that actual revenues are less than estimated revenues (including the available equity upon which the appropriations from the fund were based), the Educational Service Provider shall recommend to the Board amendments to the General Appropriations Act in order to prevent expenditures from exceeding revenues.

## PURCHASING

Reference: MCL 380.1267, 380.1274 et seq.

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 Educational Service Provider adhere to the following:

- A. Seek informal price quotations on purchases in excess of \$ 5,000.
- B. When the purchase of, and contract for, single items of supplies, materials, or equipment is in excess of 50 percent but less than the amount allowed by State statute the Educational Service Provider shall whenever possible, require three (3) competitive price quotations.

Purchases in a single transaction that are in excess of the dollar amount permitted by State statute shall require competitive bids and, whenever possible, have at least three (3) such bids for substantiation of purchase and shall require approval of the Board prior to purchase. Competitive bids are not required for items purchased through the cooperative bulk purchasing program operated by the Michigan Department of Management and Budget pursuant to M.C.L.A. 18.1263.

Bids shall be sealed and shall be opened by the School Leader in the presence of at least one (1) witness. All orders or contracts should be awarded to the lowest responsible bidder; however, consideration can be given to:

- A. the quality of the item(s) to be supplied;
- B. its conformity with specifications;
- C. suitability to the requirements of the Academy;
- D. delivery terms;
- E. past performance of vendor.

In addition to the factors above, the Board may consider and provide a preference to bidders which use a Michigan-based business as the primary contractor.

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.

The Educational Service Provider is authorized to purchase all items within budget allocations.

The Board should be advised, for prior approval, of all purchases of equipment, materials, and services when the purchase was not contemplated during the budgeting process.

The Educational Service Provider 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 Educational Service Provider 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 Educational Service Provider 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 prompt and courteous reception, insofar as conditions permit, be given to all who call on legitimate business matters.

The Educational Service Provider 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 Educational Service Provider shall maintain a procurement and contract administration system in accordance with the USDOE requirements (34 CFR 80.36) for the administration and management of Federal grants and federally-funded programs. The Academy 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).

**[NOTE: The intent of the purchasing policy is to establish several levels at which purchasing can occur and to determine at what level Board involvement is required,**

**when it is necessary to get a simple "quote" and when the "competitive bid" procedure required.]**

FOR BOARD APPROVAL



## NEW SCHOOL CONSTRUCTION, RENOVATION

Reference: MCL 380.1267  
M.C.L. 380.1264

Before commencing construction of any new academy building or the major renovation of an existing academy building, the Board shall consult on the plans for construction or major renovation regarding academy safety issues with the law enforcement agency that is the first responder for the academy building at issue. For purposes of this paragraph, academy 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 academy building, or an addition, repair or renovation of an existing academy 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 academy 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 Academy 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 an academy 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 academy organizations, including a link to the Academy'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 Educational Service Provider of the Academy. 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 Academy 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 Board may consider and provide a preference to bidders which use a Michigan-based business as the primary contractor.

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:

- 1. have filed a Michigan business tax return showing an allocation of income tax base to Michigan
- 2. have filed a Michigan income tax return showing income generated in or attributed to Michigan
- 3. 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.

- H. 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 31st of the year in which the adjustment is made differs from that index's average for the twelve (12) months ending on August 31st 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, renovation, or repair which exceed the amount listed in this policy.

Revised 4/18/19; 8/15/19

## 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 Academy 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 School Leader 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 Academy 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 Academy's documented general purchasing Policy 6320 and AG 6320.

All Academy employees, whether employed by the Board or by an Educational Service Provider, all officers of the Academy, and all agents of the Academy 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 Academy 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 Academy 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 Academy 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 Academy 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 Academy 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 Academy 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 Academy 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 Academy allows vendors to apply for consideration to be placed on the list continuously.

The Academy 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 Academy shall not preclude potential bidders from qualifying during the solicitation period.

#### Solicitation Language (Purchasing Procedures)

The Academy 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 Academy will not approve any expenditure for an unauthorized purchase or contract.

### Procurement Methods

The Academy 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 Academy 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 \$10,000. To the maximum extent practicable, the Academy should distribute micro-purchases equitably among qualified suppliers. Micro-purchases may be made without soliciting competitive quotations if School Leader and Educational Service Provider considers the price to be reasonable based on research, experience, purchase history or other relevant information and documents are filed accordingly. The Academy 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 of allowed by the State. 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 academy 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 Academy 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 Academy 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 Academy
- 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 Academy 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 Academy 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 Academy shall come to an independent estimate prior to receiving bids or proposals.

When performing a cost analysis, the Academy 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 Academy 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 Academy 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 Academy sets a ceiling price for each contract that the contractor exceeds at its own risk. Further, the Academy 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 Academy 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 Academy and shall seek to obtain the maximum value for each dollar expended. When making a purchasing decision, the Academy 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 School Leader shall have the authority to suspend or debar a person/corporation, for cause, from consideration or award of further contracts. The Academy 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 Academy 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 School Leader 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 Academy shall not subcontract with or award subgrants to any person or company who is debarred or suspended. For contracts over \$25,000, the Academy 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 Academy 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 School Leader within seventy-two (72) hours of the opening of the bids in protest.

Within five (5) days of receipt of a protest, the School Leader 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 Academy 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).

Adopted 8/15/19  
Revised 6/24/21

## **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 Academy does not alone constitute a conflict of interest or financial interest in a contract or other financial transaction of the Academy.

See Bylaw 0144.3

## USE OF CREDIT/DEBIT CARDS

The Board of Directors recognizes the value of an efficient method of payment and recordkeeping for certain expenses.

The Board, therefore, authorizes the use of Academy credit/debit cards. The authorization, handling, and use of credit/debit cards have been established to provide a convenient and efficient means to purchase goods and services. Credit/Debit cards, however, shall not be used in order to circumvent the general purchasing procedures established by State law and Board policy. The Board affirms credit/debit cards shall be used only for those expenditures incurred for Board-approved or Academy-related activities or for those expenditures that serve the benefit of the Academy and a valid public purpose. Under no circumstances shall credit/debit cards be used for personal purchases or the purchase of alcoholic beverages, even if the purchase of such beverages is made in connection with a meal.

The Educational Service Provider shall develop Administrative Procedures that specify persons authorized to use Academy credit/debit cards, the types of expenses that can be paid by credit/debit cards, and the proper supervision and use of such cards. Inappropriate or illegal use of the credit/debit card and/or failure to strictly comply with the limitations and requirements set forth in the Administrative Procedures may result in a loss of credit/debit card privileges; disciplinary action, up to, and including, termination; personal responsibility to reimburse any and all inappropriate charges (including finance charges and interest) assessed in connection with the purchase; and/or possible referral to law enforcement authorities for prosecution.

The Educational Service Provider shall annually request the Board to approve the position titles authorized to use Academy credit/debit cards in the conduct of Academy business. The Educational Service Provider shall be responsible for supervising and giving direction to employees authorized to use Academy credit/debit cards.

## 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 Educational Service Provider to seek advantages in savings that may accrue to the Academy through joint agreements with the governing body of other governmental units for the purchase of supplies, equipment, or services.

The Board authorizes the Educational Service Provider 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.

## VENDOR RELATIONS

Reference: MCL 15.321 et. seq.

Neither the Board of Directors nor the Educational Service Provider 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 Academy 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 he/she has authored and/or that has been approved for use in the Academy.

For the purpose of this policy beneficial interest shall be determined in accordance with MCL 15.321 et seq.

Board members and Educational Service Provider 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 School Leader's office before contacting any teachers, students, or other personnel of the Academy. 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).

## **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 Academy.

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 Educational Service Provider 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.

FOR BOARD APPROVAL

## PAYROLL AUTHORIZATION

Reference: M.C.L. 408.476

The most substantial payment of public funds for the operation of the Academy is that which is made to the employees for services rendered. To ensure that each person so compensated is validly employed by this Academy and that the compensation remitted fairly represents the services rendered, this policy is promulgated.

Employment of all personnel whether by the year, term, month, week, day, or hour in contract, temporary, or substitute form must be approved by the Board.

Each motion of the School Leader presented to the Board to employ or reemploy a staff member shall include the name of the individual, the position title, and the compensation to be paid.

### Direct Deposit - Payroll Debit Card

Payment of wages shall be by use of direct deposit or payroll debit card, except as provided otherwise.

Employees' selection between payment by direct deposit or electronic transfer and any subsequent change in election shall be done freely, without intimidation, coercion, or fear of discharge or reprisal for the choice.

The Board shall pay any fees or costs incurred in connection with paying wages or establishing a process for paying wages by direct deposit and payroll debit card.

The Educational Service Provider shall be responsible for all payroll functions.

## 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. (on rehearing) 489 Mich.194 (2011)

The Board of Directors 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. Public School Employees Retirement System; or
- E. Michigan Public School Employment Retirement System (MPERS) Tax Deferred Payment (TDP) plan.

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 Academy's Administrative Procedures. 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 Academy. The service agreement shall include a provision that protects, indemnifies, and holds the Academy 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 Academy 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 School Leader's office in writing if they wish to participate in such a program.



The Educational Service Provider shall be responsible for all payroll functions.

FOR BOARD APPROVAL

## **TRAVEL PAYMENT & REIMBURSEMENT**

Travel expenses incurred for official business travel on behalf of the Board of Directors shall be limited to those expenses necessarily incurred by the employee in the performance of a public purpose authorized, in advance, in accordance with administrative guidelines.

Payment and reimbursement rates for per diem meals, lodging, and mileage shall be approved by the Board annually. The Board shall establish mileage rates not exceeding 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.

All travel shall comply with the travel procedures and rates established in the administrative guidelines.

## **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 Academy – 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 Academy. The solicitation is typically from a large number of individuals/organizations utilizing internet-based technologies.

Crowdfunding activities aimed at raising funds for a specific classroom or school activity, including extracurricular activity, or to obtain supplemental resources (e.g., supplies or equipment) that are not required to provide a free appropriate public education to any students in the classroom may be permitted, but only with the specific approval of the Educational Service Provider and the School Leader.

All approved crowdfunding activities shall protect the privacy of students, children, and young adults in accordance with Academy policies and administrative guidelines and applicable State and Federal law, including FERPA and IDEIA.

Materials, supplies, equipment, and other proceeds of the crowdfunding activity shall become property of the Academy. Cash or equivalent payment to Academy personnel is prohibited. All fiscal transactions shall comply with appropriate Academy policies.

Adopted 8/15/19

## PETTY CASH

The Board of Directors recognizes the convenience afforded the day-by-day operation of the Academy 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 Educational Service Provider as custodian 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 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 of the fund shall submit the schedule to the School Leader, with a voucher requesting replenishment of the same amount.

The petty cash fund will be closed out for audit at the end of each school year, and unused funds will be returned to the depository.

## **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 Educational Service Provider 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.

FOR BOARD APPROVAL

## HEALTH CARE FUND INVESTMENTS

Reference: MCL 38.1214; MCL 38.1133 [Note: IF the Board adopts a resolution establishing a public employee health care fund for the purpose of accumulating funds to provide for the funding of health care benefits to retirants and beneficiaries of retirants of the School, the following policy applies]

The Educational Service Provider/Investment Advisor shall invest the assets of the fund in accordance with the Administrative Procedures of the Educational Service Provider and the applicable laws.

FOR BOARD APPROVAL

## 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 Educational Service Provider, the Board may consider the presentation of token gifts to individuals and/or groups who have rendered service to the Academy.

Public funds under the control of the Academy 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.

## **FAIR LABOR STANDARDS ACT (FLSA)**

Reference: 29 USC 201 et seq.  
29 CFR Part 541

It is the Board of Director's policy to comply with the provisions of the Fair Labor Standards Act (FLSA) and its implementing regulations. The Board will pay at least the minimum wage required by the FLSA to all covered, non-exempt employees or the Board directs the Educational Service Provider to fulfill all FLSA requirements in its hiring and compensation practices. Non-exempt employees are hourly employees or salaried employees who do not qualify for a professional, administrative, computer, or executive exemption under the FLSA. Teachers are generally exempt, even if they are paid on an hourly basis.

FOR BOARD APPROVAL



## SYSTEM OF ACCOUNTING

Reference: M.C.L.A. 41.422 et seq., 141.421 et seq.  
A.C. Rule R340.351 et seq.  
GASB #34  
GASB #54

It is the policy of the Board of Directors that a chart of accounts be established in accordance with the requirements of the State Department of Education for the accounting of all Academy funds. The Educational Service Provider is responsible for an accounting of all capital assets to protect the financial investment of the Academy against catastrophic loss. Further, the Educational Service Provider will establish procedures and regulations necessary to properly account for capital assets and comply with generally accepted accounting principles (GAAP) and ensure that the Academy's capital assets are properly insured.

### GASB 84

The Academy'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 Academy. 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 Academy's system of accounting shall comply with all requirements of the Governmental Accounting Standards Board, Statement No. 54 (GASB 54). In accordance with GASB 54, the Academy will report its fund balances in the following categories:

- A. Nonspendable fund balance—amounts that are not in a spendable form (such as inventory) or are required to be maintained intact (such as the corpus of an endowment fund)
- B. Restricted fund balance—amounts constrained to specific purposes by their providers (such as grantors, bondholders, and higher levels of government), through constitutional provisions, or by enabling legislation
- C. Committed fund balance—amounts constrained to specific purposes by the Board; to be reported as committed, amounts cannot be used for any other purpose unless the Board takes action to remove or change the constraint
- D. Assigned fund balance—amounts the Board intends to use for a specific purpose; intent can be expressed by the Board or by an official or committee to which the Board delegates the authority
- E. Unassigned fund balance—amounts that are available for any purpose; these amounts are reported only in the general fund.

The Board authorizes the auditors and directs its Educational Service Provider to take all steps necessary to comply with the requirements of GASB 54. All revenue and funds will be designated to one of the above categories.

The Educational Service Provider shall be responsible for the proper accounting of all Academy funds. The Educational Service Provider shall ensure that expenditures are budgeted under and charged against those accounts which most accurately describe the purpose for which such monies are to be or have 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 which most accurately describe the purposes for which such monies are to be or have been spent.

The Educational Service Provider is responsible to implement procedures and practices that will determine:

- A. Capitalization policies for Academy 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);
- B. Methods for calculating annual and accumulated depreciation expense for assets including estimates for asset lives, residual asset values, and depreciation methodology;
- C. 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 Academy insurance providers.

A report of the revenues and expenditures in the fund reporting categories established above shall be made to the Board on a monthly basis by the Educational Service Provider.

The Board's annual financial statements will include information such as: 1) beginning and ending balances of capital assets; 2) beginning and ending balances of accumulated depreciation, 3) total depreciation expense for the fiscal year.

Such reporting shall include 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, changes in methods of calculating depreciation expense or accumulated depreciation, such as, estimates of useful life, residual values, depreciation methodology (e.g. straight line or other method).

Before implementing procedures or changing procedures, the Educational Service Provider 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.

The Educational Service Provider shall promulgate Administrative Procedures to ensure the proper implementation of this policy in accordance with law.

Revised 8/15/19

## PUBLIC DISCLOSURE AND REPORTING

Reference: MCL 4.415, 388.1618, 388.1619, 388.1651a, 15.231 to 15.246, 380.1204a(1)  
20 USC 6311

Within thirty (30) 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 Academy 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:

- 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 Academy 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 Academy 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 current collective bargaining agreement for each bargaining unit within the Academy
    - b. 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 Academy
    - c. the audit report of the audit for the most recent fiscal year for which it is available

- d. the total salary and a description and cost of each fringe benefit included in the compensation package for the School Leader of the Academy and for each employee of the school whose salary exceeds \$100,000.00
- e. the annual amount spent on dues paid to associations
- f. the annual amount spent on lobbying or lobbying services

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 Academy's financial and pupil accounting records conducted at least annually at the expense of the Academy.

The Academy'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 State Department of Education.

Not later than 120 days after the end of each school fiscal year, the Academy 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 15th of each year, the Academy 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 Academy's web address where the required financial data is posted. The Academy shall also include a link on its websites to the website where the State Department of Education posts this financial information.

By September 30th of each year, the Academy shall file with the State Department of Education the special education actual cost report on a form and in a manner as prescribed by the State Department of Education.

The Academy shall provide to the State Department of Education an annual progress report on the implementation of school improvement plans, curriculum, and accreditation as required by "Public Act 25 of 1990."

The Academy shall comply with the reporting requirements under State and Federal law, including reports to the center for educational performance and information (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.

The Educational Service Provider shall ensure the proper implementation of the requirements of this policy and law through its Administrative Procedures.

FOR BOARD APPROVAL

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 Capital 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, Apps and Services	LC
<b>7540.03</b>	<b>Student Education 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	Electronic Mail	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
7545	Electronic Communications	BP

Revised 8/17/17; 8/16/18; 8/15/19; 10/15/20; 6/24/21

## 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 School Leader 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 Academy, 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.

## **GIFTS, GRANTS, AND BEQUESTS**

The Board of Directors is duly appreciative of public interest in and good will toward the Academy, 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 shall be accepted and acknowledged by 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 Academy, as determined by the policies and the administrative procedures 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 Academy 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 Academy 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.



## DISPOSITION OF SURPLUS PROPERTY

Reference: MCL 380.143, 380.1262

The Board of Directors requires the Educational Service Provider to review the property of the Academy periodically to dispose of that material and equipment no longer usable in accordance with the terms of this policy.

### Instructional Material

The Academy 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 Academy 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 Educational Service Provider is authorized to dispose of obsolete instructional and other property through sale to the highest bidder, donation to appropriate parties, or proper waste removal. Disposal of surplus property purchased with Federal funds shall be made in accordance with Federal guidelines.

## MAINTENANCE

Reference: Public Act 225 of 1993

The Board of Directors recognizes that the fixed assets of this Academy 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 Academy buildings and equipment. Wherever possible and feasible, maintenance shall be preventive.

For implementation by the custodial and maintenance staff, the Educational Service Provider 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 Educational Service Provider shall develop and make known to the custodial and maintenance staff whatever procedures 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 procedures are to include provision for Handicapped Parking signs that conform to State law.

## **HYGIENIC MANAGEMENT**

Reference: AC Rule R340.1301

The Board of Directors recognizes the health and physical well-being of the students of this Academy depend, in large measure, upon the cleanliness and sanitary management of the Academy.

The Board directs a program of hygienic management be instituted in the Academy and explained annually to all staff members.

The Board shall request each facility be inspected for cleanliness and sanitation by the School Leader.

In consultation with the School Leader, Educational Service Provider 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 Educational Service Provider shall develop and supervise a program for the cleanliness and sanitary management of the Academy's buildings, grounds, and equipment pursuant to law.

The cleanliness of the school building shall be the responsibility of the Educational Service Provider.

## **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 Academy, 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 Educational Service Provider 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 Academy in accordance with the Federal OSHA standards adopted by the State and shall take appropriate action on any violations to the School Leader. This staff member shall also have the authority to organize and direct the activities of an Academy Safety Committee.

At the beginning of each school year and as frequently thereafter as deemed necessary by the Educational Service Provider, he/she shall check the Academy's playground for safety. A record of each inspection shall be on file in the Academy office.

The School Leader shall assure that the staff members and students of this Academy 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 Educational Service Provider shall report the results to the Board at the meeting following the receipt of the State report.

## 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 academy property (including grounds, buildings, and vehicles) and during any academy-sponsored activity or event.

In order to protect students and staff 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 academy premises (owned or leased), in academy vehicles, at all academy sponsored events and in all academy buildings owned and/or operated by the Academy.

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 (twenty-four (24) hours a day, seven (7) days a week) 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. academy grounds,
- B. athletic facilities,
- C. any academy-related event, and
- D. on or off Board premises.

Tobacco may not be advertised or promoted on academy property or at academy-controlled events. Therefore, signs, clothing, bags, accessories, and other items promoting tobacco or containing tobacco branding are prohibited on academy property and at academy-controlled events.

Tobacco companies/products may not sponsor any academy activity or project.

Tobacco advertising or promotion is prohibited on signs, clothing (including hats or bags), or sponsorship of Academy events.

The School Leader shall:

- A. Communicate the Academy's Tobacco-Free Policy to students, staff, family members, and visitors, at Academy 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 Academy 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 Academy may provide access to developmentally-appropriate tobacco cessation programs or information about community cessation programs.

Violations of this policy may result in removal from academy property or the academy activity in accordance with Policy 9150 – Academy Visitors.

The School Leader shall designate the individuals and the methods to monitor compliance with this policy.

## **FACILITY SECURITY**

Reference: MCL 388.851d

Buildings constitute the greatest financial investment of the Academy. It is in the best interest of the Board of Directors to protect the Academy'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 Educational Service Provider shall develop and supervise a program for the security of the Academy's students, staff, visitors, academy buildings, academy grounds, and academy 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 academy facilities, and on academy 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 Educational Service Provider is authorized to install temporary door locking devices as permitted by law in order to protect the health, welfare, and safety of students, staff, visitors and Board property. Notification of the local fire department and law enforcement agency and required inspection in accordance with M.C.L. 388.851d shall be provided before use of the device or system. Training of staff working in the building on the use of the device or system shall be provided and documented.

Revised 10/15/20

## VIDEO SURVEILLANCE AND ELECTRONIC MONITORING

Reference: 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 at various school sites throughout the Academy 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 Educational Service Provider is responsible for approving where and when to install and operate fixed-location video surveillance/electronic monitoring equipment in the Academy. The School Leader 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 School Leader 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 School Leader shall carefully consider and consult with Academy 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. Security staff and administrators are authorized to carry and use portable video cameras when responding to incidents.

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 School Leader is directed to annually notify parents and students via Academy 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 Academy 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 Educational Service Provider 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.

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 School Leader, 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 building principal, 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 30 days of the event/incident. Unless an investigation is being conducted, recordings shall be destroyed after 30 days. If, however, action is taken by the Educational Service Provider, 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. Recordings may also be kept beyond the normal retention period if they are going to be utilized for training purposes.

This policy does not address or cover instances where Academy 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 Educational Service Provider is directed to develop Administrative Procedures 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 procedures. 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.

Revised 6/24/21

## PROPERTY INVENTORY

As steward of this Academy'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 maintain a continuous inventory of all Academy-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 to replace or 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 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.

Major items of equipment shall be subject to annual spot check inventory to determine loss, misallocation, or depreciation; any major loss shall be reported to the Board.

Property records of consumable supplies shall be maintained on a continuous inventory basis.

Equipment acquired under a Federal award will vest upon acquisition to the Academy, 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 Academy 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 Academy 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.

Revised 6/24/21

## 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 Business Manager shall be responsible for the development and maintenance of the capital-asset accounting system. The Business Manager shall develop procedures to ensure compliance with all capital-asset policies.

*Capital-assets* are defined as those tangible assets of the Academy with 1.) a useful life in excess of one (1) year 2.) and an initial cost equal to or exceeding the amount determined every five (5) years in the Academy's administrative guidelines, 3.) which are capitalized in accordance with GAAP, and 4.) which the Academy 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 Academy, the 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 Business Manager.

The purchase of capital-assets, the transfer of capital-assets between buildings, and the disposal of capital-assets shall be initiated by the Business Manager and shall require the prior written approval of the Educational Service Provider. An asset to be disposed of by sale with a current value in excess of \$2,500 shall be sold at auction. An auction shall be held at the discretion of the Business Manager when sufficient assets have accumulated to warrant the cost. The Business Manager 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 Educational Service Provider and Business Manager.

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;

Revised 6/24/21

## **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 Academy implement strategies to ensure proper recycling of reusable materials.

The Board of Directors directs the Educational Service Provider 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.

FOR BOARD APPROVAL

## USE OF ACADEMY FACILITIES

The Board of Directors believes that the facilities of this Academy 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 Academy [ ] and is harmonious with the purposes of this Academy.

The Board will permit the use of Academy facilities when such permission has been requested in writing by a responsible organization or a group of citizens and has been approved by the Educational Service Provider.

Academy facilities shall be available for the uses listed below. When interests compete for the use of facilities, approval will be given according to the uses directly related to the Academy and its operations.

The use of Academy grounds and facilities shall not be granted for any purpose prohibited by law.

The Educational Service Provider shall develop Administrative Procedures for granting permission to use Academy facilities, including a schedule of fees. These Procedures 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 Academy administrative procedures.
- B. Users shall be financially liable for damage to the facilities and shall be responsible for proper chaperonage.

## **LENDING OF BOARD-OWNED EQUIPMENT**

The Board of Directors believes that Academy-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 Academy property. If equipment is required for the use of those granted permission to use Academy facilities, it may be loaned in accordance with Board of Directors policy on the use of academy facilities.

Individuals authorized to use Board-owned equipment off Academy 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).

A Board employee may use authorized Board-owned Technology Resources for school use off of Academy property. Academy Technology Resources (as defined in Bylaw 0100) may contain personally identifiable information ("PII") about students and/or staff. Federal and State laws prohibiting disclosure of such PII apply to electronic records stored on Academy Technology Resources. Board employees must exercise caution when saving/uploading/storing PII on mobile/portable storage devices (e.g., external hard drives, CDs/DVDs, USB thumb/flash drives, etc.), including mandatory encryption of the device, and when accessing PII that is stored on the Academy's network or contracted cloud storage. A Board employee who loses or misuses student or staff PII will be subject to disciplinary action.

Revised 8/16/18



## **STAFF USE OF PERSONAL COMMUNICATION DEVICES**

As the employer of record, the Educational Service Provider directs the proper use of personal communication devices of its employees.

FOR BOARD APPROVAL

## 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 operations within the school system.

However, the use of the Academy's network and technology resources by students is a privilege, not a right. As a prerequisite, students and their parents must sign and submit a *Student Network and Internet Acceptable Use and Safety* form ( ) annually. (See also, Policy 7540.03)

The Educational Service Provider, shall develop and implement a written School Technology Plan (STP). Procedures for the proper acquisition of technology shall be set forth in the STP. The STP shall also provide guidance to staff and students about making safe, appropriate and ethical use of the Academy's network(s), as well as inform both staff and students about disciplinary actions that will be taken if Board technology and/or networks are abused in any way or used in an inappropriate, illegal, or unethical manner.

Further safeguards shall be established so that the 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 Academy policy, and learning appropriate responses if they are victims of cyberbullying.

The Educational Service Provider, shall review the STP and report any changes, amendments or revisions to the Board annually.

The Board prohibits students from using Academy Technology Resources to access and/or use social media for other than instructional purposes.

Staff may use Academy-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 Academy's constituents. Authorized staff may use Academy Technology Resources to access and use Academy-approved social media platforms/sites to increase awareness of Academy programs and activities, as well as to promote achievements of staff and students, provided the Educational Service Provider approves, in advance, such access and use. Use of Academy-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 Academy'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 Academy Technology Resources or personally-owned WCDs to access and/or use social media for personal purposes.

Revised 8/16/18

## 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 computers, telephone systems, electronic mail (e-mail) systems, and voice mail systems are the Board's property and are to be used solely for business purposes. The Board retains the right to access and review all 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 should not expect any information contained on such systems to be 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.

Computers, electronic mail, and voice mail are to be used only for the Academy's business and educational purposes.

No personal messages should be exchanged via Board-owned/Educational Service Provider technology. Staff members should keep their personal records and personal business at home. Personal messages via Board-owned technology should be limited, in accordance with the Educational Service Provider Administrative Procedures.

Staff members are prohibited from sending offensive, discriminatory, or harassing messages via Board-owned technology: computer, electronic mail, or voice mail.

The Board requires the proper use of its resources. 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 Board's interests have been compromised. The administrators and supervisory staff members authorized by the Educational Service Provider have the authority to search and access information electronically.

All computers and any information or software contained therein are property of the Board. Staff members shall not copy, delete, or remove any information or data contained on the Board-owned computers or servers without the express permission of the School Leader or designee. Further, staff members shall not communicate any such information to unauthorized individuals. In addition, staff members may not copy software from or onto any Board computer and may not bring software from outside sources for use on Board equipment without the prior approval of the Educational Service Provider. Such pre-approval will include a review of any copyright infringements or virus problems associated with such outside software.

## **WEB ACCESSIBILITY, CONTENT, APPS AND SERVICES**

### **A. Creation of Content for Web Pages/Sites, Apps and Services**

The Board of Directors authorizes staff members to create content, apps and services (see Bylaw 0100 Definitions) that will be hosted by the Board on its servers or Academy-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 Academy, 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 School Leader before being published on the Internet and/or used with students.

### **B. Purpose of Content of Academy Web Pages/Sites, Apps and Services**

The purpose of content, apps and services hosted by the Board on its servers or Academy-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 Academy to members of the public and other persons who may be affected by Academy 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 Academy-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 Academy'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., SYNERGY [Progressbook]) for the purpose of conveying information to students and/or parents.
5. Staff members are prohibited from requiring students to go to the staff member's personal web pages/sites (including, but not limited to, their Facebook, Instagram, Pinterest pages) to check grades, obtain class assignments and/or class-related materials, and/or to turn in assignments.
6. 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 Academy-affiliated server.
7. Unless the content, apps and services contains student personally-identifiable information, Board websites, apps and web services that are created by students and/or staff members that are posted on the Internet should not be password protected or otherwise contain restricted access features, whereby only employees, student(s), or other limited groups of people can access the site. Community members, parents, employees, staff, students, and other website users will generally be given full access to the Board's website(s), apps and web services.

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 Academy-affiliated servers.

The Board retains all proprietary rights related to the design of web content, apps and web services that are hosted on Board-owned or Academy-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 Academy is committed to providing persons with disabilities an opportunity equal to that of persons without disabilities to participate in the Academy'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 Academy 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 Academy 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 Academy's programs, services, and activities delivered online.

The Academy 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. Web Accessibility Coordinator

The Board designates its Management Consultant as the Academy's Web Accessibility Coordinator(s). That individual(s) is responsible for coordinating and implementing this policy.

The Academy's Web Accessibility Coordinator(s) can be reached at:  
Management Consultant  
5005 Cloverlawn Drive  
Flint, Michigan 48504  
(810) 787-9019

2. 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 Academy 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 Academy's administrators and staff, however, are aware of this requirement with

respect to the selection of online content provided to students. The Academy's Web Accessibility Coordinator or his/her designees will vet online content available on its website that is related to the Academy's programs, benefits and/or services for compliance with this criteria for all new content placed on the Academy's website after adoption of this policy.

Nothing in the preceding paragraph, however, shall prevent the Academy 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 Academy'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 Academy, under the direction of the Web Accessibility Coordinator(s) or his/her/their designees, will, at regular intervals, audit the Academy'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 Academy 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 School Leader 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 Academy 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 Academy Web Content, Apps and Services

The Academy is authorized to use web pages/sites, apps and services to promote school activities and inform stakeholders and the general public about Academy news and operations.

Such communications constitute public records that will be archived.

When the Board or School Leader designates communications distributed via Academy 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 Academy uses an apps and web service that does not allow the Academy 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 Academy's use of that apps and web service will be subject to Policy 7544 – Use of Social Media, unless the Academy is able to automatically withhold all public comments.

If unsolicited public comments can be automatically withheld, the Academy 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.

Revised 8/17/17; 8/16/18



## STUDENT EDUCATION ACCEPTABLE USE AND SAFETY

Reference: 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

Advances in telecommunications and other related technologies have fundamentally altered the ways in which information is accessed, communicated, and transferred in our society. Such changes are driving the need for educators to adapt their means and methods of instruction, and the way they approach student learning, to harness and utilize the vast, diverse, and unique resources available on the Internet. The Board of Directors is pleased to provide Internet services to its students. The Board encourages students to utilize the Internet in order to promote educational excellence in our schools by providing them with the opportunity to develop the resource sharing, innovation, and communication skills and tools which will be essential to life and work in the 21st century. The instructional use of the Internet will be guided by the Board's policy on Instructional Materials.

The Academy's Internet system has not been established as a public access service or a public forum. The Board has the right to place restrictions on its use to assure that use of the Academy's Internet system is in accord with its limited educational purpose. Student use of the Academy's computers, network, and Internet services (Network) will be governed by this policy and the related Administrative Procedures, and the Student Code of Conduct. The due process rights of all users will be respected in the event there is a suspicion of inappropriate use of the Network. Users have no right or expectation to privacy when using the Network including, but not limited to, privacy in the content of their personal files, e-mails, and records of their online activity while on the Network.

The Internet is a global information and communication network that provides students and staff with access to up-to-date, highly relevant information that will enhance their learning and the education process. Further, the Internet provides 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.

First, and foremost, the Board may not be able to technologically limit access to services through the Academy's Internet connection 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, will open classrooms and students to electronic information resources which have not been screened by educators for use by students of various ages.

Pursuant to Federal law, the Board has implemented technology protection measures which block/filter Internet access to visual displays that are obscene, child pornography or harmful to

minors. The Academy 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. Nevertheless, parents/guardians are advised that a determined user may be able to gain access to services on the Internet that has not been 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/guardians may find inappropriate, offensive, objectionable or controversial. Parents/Guardians assume risks by consenting to allow their child to participate in the use of the Internet. Parents/Guardians of minors are responsible for setting and conveying the standards that their children should follow when using the Internet. The Academy supports and respects each family's right to decide whether to apply for independent student access to the Internet.

The technology protection measures may not be disabled at any time that students may be using the Network, 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 Educational Service Provider, is directed to prepare procedures 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") cyberbullying and other unlawful or inappropriate activities by students online, and
- D. unauthorized disclosure, use, and dissemination of personal information regarding minors.

The Board directs Educational Service Provider to implement procedures regarding the appropriate use of technology and online safety and security as specified above. Furthermore, Educational Service Provider 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 Educational Service Provider, is responsible for providing training so that Internet users under their supervision are knowledgeable about this policy and its accompanying procedures. The Board expects that staff members will provide guidance and instruction to students in the appropriate use of the Internet. Such training shall include, but not be limited to, education concerning appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms, and cyberbullying awareness

and response. All Internet users (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 procedures.

Students and staff members are responsible for good behavior on the Academy's computers/network and the Internet just as 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 sanction any use of the Internet that is not authorized by or conducted strictly in compliance with this policy and its accompanying procedures.

Users who disregard this policy and its accompanying procedures may have their use privileges suspended or revoked, and disciplinary action taken against them. Users granted access to the Internet through the Academy's computers assume personal responsibility and liability, both civil and criminal, for uses of the Internet not authorized by this Board policy and its accompanying procedures.

The Board designates the Educational Service Provider, and School Leader as the persons responsible for initiating, implementing, and enforcing this policy and its accompanying procedures as they apply to the use of the Network and the Internet for instructional purposes.

## **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 Academy'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 Academy Technology and Information Resources by principles consistent with applicable local, State, and Federal laws, and the Academy's educational mission. This policy and its related administrative guidelines, Policy 7544 and any applicable employment contracts and collective bargaining agreements govern the staffs' use of the Academy's Technology and Information Resources and staff's personal communication devices when they are connected to the Academy'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 Academy'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 Academy's computer network and/or Internet connection).

Staff are expected to utilize Education Technology in order 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 the Board's policy on Instructional Materials.

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 Academy 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, Academy 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 Educational Service Provider, 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 Educational Service Provider. The technology protection measures may not be disabled at any time that students may be using the Academy 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 Educational Service Provider 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 Educational Service Provider is directed to prepare procedures 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 the Educational Service Provider to initiate 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 Educational Service Provider to cause to provide instruction for students regarding the appropriate use of technology and online safety and security as specified above, the Educational Service Provider will implement monitoring procedures for the online activities while students are at school.

The disclosure of personally identifiable information about students online is prohibited.

The Educational Service Provider is responsible for providing training so that Internet users under their supervision are knowledgeable about this policy and its accompanying procedures. The Board expects that guidance will be provided and instruction offered to students in the appropriate use of the Academy 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 Academy Technology Resources are required to sign a written agreement to abide by the terms and conditions of this policy and its accompanying procedures.

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 Academy.

The Board expects all Academy personnel to be responsible for good behavior when using Academy 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.

Staff members may only use Academy Technology Resources to access social media if it is done for educational or business-related purposes.

Staff members use of Academy 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 Academy'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 Academy 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 Academy Technology and Information Resources that are not authorized by this policy and its accompanying guidelines.

The Board designates the Educational Service Provider and the School Leader as the administrators responsible for initiating, implementing, and enforcing this policy and its accompanying guidelines as they apply to staff members' use of Academy Technology and Information Resources.

In addition, Federal and State confidentiality laws forbid schools and Academy 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. Academy personnel who violate State and Federal confidentiality laws or privacy laws related to the disclosure of confidential employee information may be disciplined.

Revised 8/16/18

## **ELECTRONIC MAIL**

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, as well as any procedures developed pursuant to it, are not meant to limit or discourage the use of e-mail for conducting the official business of the Academy, but rather, this policy and any corresponding procedures are intended to establish a framework for the proper use of e-mail as an official business tool.

When available, the Academy's e-mail system must be used by Educational Service Provider for any official Academy e-mail communications. Personal e-mail accounts on providers other than the Academy's e-mail system may be blocked at any time due to concerns for network security, SPAM, or virus protection. Furthermore, school staff are expected to exercise reasonable judgment and prudence and take appropriate precautions to prevent viruses from entering the Academy'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 Academy business, without prior approval of the Educational Service Provider.

School staff may join list serves or other e-mail services (e.g. RSS feeds) that pertain to their responsibilities in the Academy, provided these list serves or other e-mail services do not exceed the staff member's e-mail storage allotment. Staff members are required 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, 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 Academy's technology coordinator (IT staff). Similarly, 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 School Leader or the Academy's technology coordinator. The Educational Service Provider is authorized to block e-mail from list serves or e-mail services if the e-mails received by the staff member(s) regularly exceed 20 megabytes.

### Public Records

The Academy 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 Academy 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 should 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 Academy business, or



education records if their content includes personally identifiable information about a student. Consequently, staff shall comply with an Academy 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 Academy.

### 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.

### Unauthorized E-mail

The Board does not authorize the use of its proprietary computers and 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 Academy's e-mail system shall acknowledge their review of, and intent to comply with, the Academy's policy on acceptable use and safety by signing and submitting Form 7540.04 F1 annually.

Furthermore, staff using the Academy's e-mail system shall satisfactorily complete training, pursuant to Policy 7540.04, regarding the proper use and retention of e-mail.

## PERSONAL INTERNET ACCOUNT PRIVACY - STUDENTS

Reference: Michigan Internet Privacy Information Act, PA 478 of 2012  
M.C.L. 37.271 et. seq.

The Academy 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 Academy 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 Academy.
    - b. An account or service provided by the Academy 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.

## PERSONAL INTERNET ACCOUNT PRIVACY – STAFF

Reference: Michigan Internet Privacy Protection Act, PA 478 of 2012  
M.C.L. 37.271 et. seq.

The Academy 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 Academy may:
  - 1. request or require an employee to disclose access information to the Academy 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 Academy'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 Academy'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 Academy has specific information about an unauthorized transfer of the Academy'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 Academy or while using the Academy'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 Academy'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.

## **ELECTRONIC DATA PROCESSING/INFORMATION SYSTEM DISASTER RECOVERY PLAN**

The Board of Directors is committed to maintaining and protecting the Academy'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 Educational Service Provider 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 Academy'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 Academy;
- C. procedures and personnel used to backup all programs and data on a daily, monthly, quarterly, and year-end basis;
- D. backup storage off-site.

## **ACCESS TO ACADEMY 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.), telephone paging devices (e.g., beepers or pagers), and/or other web-enabled devices of any type.

The Board of Directors provides both a guest network and business network. The business network is a secure network for the conduct of official Academy business. Access to the business network requires prior approval and authorization by the Academy. The guest network is a CIPA-compliant non-secured network provided for use by students, parents, and other visitors while on academy property. Only Board approved communication devices and authorized users may access the business network. Any non-Board-approved communication devices or non-authorized users must be pre-approved by the School Leader.

The Board permits employees, Board members, and agents to use their "PCDs" to wirelessly access the Academy's Technology and/or Information Resources (as defined in Bylaw 0100) while they are on-site at any Academy facility. Access to the business/guest network shall require authentication.

If the user wants to access the Academy's Technology and/or Information Resources through a hard-wired connection, the user's PCD must first be checked by the School Leader or designee to verify it meets the established standards for equipment used to access the network.

School Leader or designee is charged with developing (or, is directed to develop) the necessary standards for connecting PCDs to the Academy'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 Academy's intellectual property, damage to the District's public image/reputation, and damage to the Academy'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 Academy'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 Academy'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 Academy's technology resources without authorization may be prospectively denied access to the Academy's technology resources. If the violation is committed by a contractor, vendor or agent of the Academy, 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 Academy.

Revised 8/16/18

## **UTILIZATION OF THE ACADEMY'S WEBSITE AND REMOTE ACCESS TO THE ACADEMY'S NETWORK**

Parents, students, staff/employees and community members are encouraged to access the Academy's website.

The following resources are available on the Academy's website:

- A. links to academy website
- B. the Academy's calendar
- C. all reports mandated by applicable law
- D. Board agendas and minutes
- E. information concerning the Academy's Anti-Discrimination Policies and Guidelines, including Section 504/ADA complaint procedures
- F. required Forms
- G. employment and Volunteer Opportunities
- H. resources for additional information during a crisis/emergency situation
- I. contact info

Parents, students, staff/employees and community members should check the Academy'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 Academy Network through Server

Board members and staff members of the Academy, are permitted to use their personally-owned or Academy-owned computer or workstation and/or web-enabled devices of any type to remotely (i.e. away from Academy property and facilities) access the Academy's server and thereby connect to the Academy'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 Academy, including, but not limited to, reading or sending e-mail and reviewing Academy-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 device 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 Technology Acceptable Use and Safety policies and procedures.

Any user who violates this policy may be denied remote access and connection privileges. Any staff member who violates this policy may be disciplined, up to and including termination; any contractor who violates this policy may have his/her contract with the Academy terminated; and any student who violates this policy may be disciplined up to and including suspension or expulsion.

Revised 8/16/18

## **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 Educational Service Provider. 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.
- D. Communications with students are not to occur through electronic methods. This does not apply to students to whom you are related or over whom you have guardianship.
- E. Electronic communications with students are only to occur through Academy maintained e-mail accounts or websites.

The Educational Service Provider may require the employee to produce records for review when there is reason to believe that this policy has been violated. Records within the Academy'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 Academy should be submitted to Educational Service Provider.

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>8310</b>	<b>Public Records</b>	<b>LR</b>
<b>8310.01</b>	<b>Enhanced Access to Public Records</b>	<b>LR</b>
8315	Information Management	BP
<b>8321</b>	<b>Criminal Justice Information Security</b>	<b>LR</b>
<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
8450.02	Protective Facial Coverings During Pandemic/Epidemic Event	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>
	<b>8510 Appendix A: Specific Goals for Nutrition</b>	
	<b>8510 Appendix B: Specific Goals for Physical Activity</b>	
	<b>8510 Appendix C: Specific Goals for Other Academy-Based Activities</b>	
	<b>Designed to Promote Student Wellness</b>	
	<b>8510 Appendix D: Specific Goals for Nutrition Promotion</b>	
	<b>8510 Appendix E: Nutrition Guidelines for All Foods Available</b>	
	<b>On Campus During the School Day</b>	
	<b>8510 Appendix F: Wellness Policy Board Resolution</b>	
8531	Free and Reduced–Priced Meals	LC
<b>8540</b>	<b>Vending Machines</b>	<b>LR*</b>
8600	Transportation	LC
8660	Transportation by Private Vehicle	BP
8710	Insurance	BP
8740	Bonding	BP
8760	Student Accident Insurance	BP

8800	Religious/Patriotic Ceremonies and Observances
8900	Anti-Fraud

LC  
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.**

Revised 8/17/17; 8/16/18; 8/15/19; 6/18/20; 10/15/20; 6/24/21

## IRAN ECONOMIC SANCTIONS ACT COMPLIANCE

Reference: M.C.L. 329.311 – 329.316

The Academy 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 Academy shall require a person that submits a bid on a request for proposal with the Academy to certify that it is not an Iran linked business.

If the Academy determines, using credible information available to the public, that a person has submitted a false certification, the Academy 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 Academy 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 Academy 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.
- C. "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.

FOR BOARD APPROVAL

## CRIMINAL HISTORY RECORD CHECK

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

Before the Academy 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 Academy 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 Academy, the Academy 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 Academy 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 Academy prior the individual commencing work.

Such Private Contractors cannot receive or retain criminal history record information ("CHRI"). Where the Academy will contract with a Private Contractor for the services of an individual, the Academy will notify the Private Contractor(s), after review of the MSP report, whether the individual has been approved to work within the Academy. The Academy may not give any details, including the fact that a criminal history check was run. Notice for approval to work in the Academy 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 School Leader 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 district, public school academy or non-public school in the State, the School Leader 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 schools may authorize the release of a prior criminal history records check with another 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 Academy in lieu of submitting to a new criminal background check. If this method is used, the School Leader 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 Academy from another proper source will be maintained in the individual's personnel record.

When the Academy receives a report that shows an individual has been convicted of a listed offense under state statutes or any felony, the School Leader 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 Academy 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 Academy 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 School Leader and the Board provide written approval.

The Academy 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 Academy with regard to such conviction. Such report shall be filed within sixty (60) days or receipt of the original report of the conviction.

The School Leader 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 School Leader 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 Academy, 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 not directly involved in evaluating the applicant's qualifications. 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 Academy 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.

## 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 Academy and to make such records available to residents of Michigan for inspection and reproduction.

The public records of this Academy include any writing or other means of recording or retaining meaningful content prepared, owned, used, in the possession of, or retained by the Academy, its Board, officers, or Educational Service Provider 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 Academy. The person may inspect, copy, or receive copies of the public record requested. The Academy 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 Academy'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 Educational Service Provider 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 authorizes the Educational Service Provider, to provide, upon written request, enhanced i.e. immediate access to any public record which the Academy has stored in an electronic database and is not confidential or exempt from disclosure by State or Federal statute. Such a record may be provided by means of a computer disk provided by the requestor, electronic mail, or a modem providing the requestor has paid the fee established for such transmission.

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 Academy, except student records and certain portions of personnel records.

The Educational Service Provider, 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 Academy records.

The Educational Service Provider, 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 Genesee Intermediate School District Intermediate School District and the Center for Educational Performance and Information (CEPI).

The Educational Service Provider, shall establish Administrative Procedures to ensure proper compliance with the intent of this policy and the Freedom of Information Act.

## ENHANCED ACCESS TO PUBLIC RECORDS

Reference: MCL 15.443 [Note: If the Board elects to provide enhanced access to public records of the School by passage of a formal resolution to that effect, the following policy shall apply]

The Academy shall provide enhanced access to public records in accordance with the Enhanced Access to Public Records Act, 1996 PA 462, as amended.

The Educational Service Provider, shall be charged with compliance with the Act and with this policy. Public records obtained pursuant to the Act shall be provided at a reasonable fee, established by the Educational Service Provider.

FOR BOARD APPROVAL

## INFORMATION MANAGEMENT

Reference: 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 Academy 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 Academy 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 Academy 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 Academy, 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 \*\*\*P 8315 Disciplinary Action\*\*\* 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, Educational Service Provider 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, Educational Service Provider 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, Educational Service Provider 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 Educational Service Provider 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 Academy 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 Educational Service Provider may initiate a "Litigation Hold" under this policy. If the Educational Service Provider 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 Educational Service Provider ( ) **may ( ) will** 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 Educational Service Provider shall develop Administrative Procedures outlining the procedures to be followed by Board members and employees when initiating and implementing a "Litigation Hold." This policy and its related Administrative Procedures shall be posted and distributed in the manner described in AG 8315.

FOR BOARD APPROVAL

## **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 Academy is required by State law to have the Michigan State Police (MSP) obtain both a State and a Federal Bureau of Investigation (FBI) criminal history record information (CHRI) background check report for all employees of the Academy and contractors, vendors and their employees who work on a regular and continuous basis in the Academy. To assure the security, confidentiality, and integrity of the CHRI background check information received from the MSP/FBI the following standards are established.

### Sanctions for Non-Compliance

Employees who fail to comply with this policy and any guidelines issued to implement this policy will be subject to discipline for such violations. Discipline will range from counseling and retraining to discharge, based on the nature and severity of the violation. All violations will be recorded in writing, with the corrective action taken. The School Leader shall review, approve, sign and date all such corrective actions.

### Local Agency Security Officer (LASO)

The Genesee Education Consulting Service shall be designated as the Academy's Security Officer ("LASO") and shall be responsible for overall implementation of this policy and for data and system security. This shall include:

- A. ensuring that personnel security screening procedures are being followed as set forth in this policy;
- B. ensuring that approved and appropriate security measures are in place and working as expected;
- C. supporting policy compliance and instituting the CSA incident response reporting procedures;
- D. ensuring the MSP Information Security Officer is promptly informed of any security incidents involving the abuse or breach of the system and/or access to criminal justice information;
- E. to the extent applicable, identifying and documenting how Academy equipment is connected to the MSP system;
- F. to the extent applicable, identifying who is using the MSP approved hardware, software and firmware, and ensuring that no unauthorized individuals have access to these items.

The Academy's LASO shall be the point of contact for the Michigan State Police and should be the person most knowledgeable about this policy. The Academy's LASO shall be designated

on the appropriate form as prescribed and maintained by the Michigan State Police. A new form shall be submitted every time a new LASO is designated. Each LASO must attend MSP Audit, Security and Access to Criminal History training.

### Agency User Agreements

The Academy shall enter into any required User Agreement for Release of CHRI ("User Agreement"), and future amendments, by the MSP necessary to access the required CHRI on applicants, volunteers, and all other statutorily required individuals, such as contractors and vendors and their employees assigned to the Academy. The LASO shall be responsible for the Academy's compliance with the terms of any such User Agreement.

### Personnel Security

Authorized users/personnel shall be individuals who have been appropriately vetted through a national fingerprint-based background check, as required by school safety legislation, and have been granted access to CHRI data, wherein access is only for the purpose of evaluating an individual's qualifications for employment or assignment.

- A. Subsequent Arrest/Conviction - If an individual granted access to criminal justice information is subsequently arrested and/or convicted, access shall be suspended immediately until the matter is reviewed by the LASO to determine if continued access is appropriate. Such determination shall be recorded in writing, signed, dated and maintained with the individual's file. In the event that the LASO has the arrest/conviction, the School Leader (if not the designated LASO) shall make the determination. If the School Leader is also the designated LASO, the determination shall be made by the Educational Service Provider. Except that, as noted in (D)(1)(a), individuals with a felony conviction of any kind will have their access indefinitely suspended.
- B. Public Interest Denial - If the LASO determines that access to criminal justice information by any individual would not be in the public interest, access shall be denied whether that person is seeking access or has previously been granted access. Such decision and reasons shall be in writing, signed, dated and maintained in the individual's file.
- C. Approval for Access - All requests for access to criminal justice information shall be as specified and approved by the LASO. Any such designee must be a direct employee of the Academy; however, if approved by the Board and an appropriate waiver obtained from the prospective employee, ESP personnel may be given view only access to the information by the LASO if needed to review the results for determining an individual's qualifications for employment. The Academy must maintain a readily accessible list that includes the names of all LASO-approved personnel with access to criminal justice information, as well as the reason for providing each individual access. This list shall be made available to Michigan State Police upon request.
- D. Termination of Employment/Access – Within twenty-four (24) hours of the termination of employment, all access to criminal justice information shall be terminated immediately for that individual, such as requiring the individual to return any keys or access cards to buildings, offices, and/or files, or closing the individual's account and/or blocking access to any systems containing such information at the Academy.



- E. Transfer/Re-assignment - When an individual who has been granted access to criminal justice information has been transferred or re-assigned to other duties, the LASO shall determine whether continued access is necessary and appropriate. If not, s/he shall take such steps as necessary to block further access to such information within the twenty-four (24) hour period immediately following the transfer or reassignment.

### Media Protection

Access to digital and physical media in all forms, which contains criminal history background information provided by the MSP through the statutory record check process, is restricted to authorized individuals only. Only individuals involved in the hiring determination of both Academy employees and volunteers shall be authorized to access digital and physical media containing CHRI; provided, however, if approved by the Board and an appropriate waiver obtained from the prospective employee, ESP personnel may be given view only access to the information by the LASO if needed to review the results for determining an individual's qualifications for employment.

- A. Media Storage and Access – All digital and physical media shall be stored in a physically secure location or controlled area, such as locked office, locked cabinet or other similarly secure area(s) which can only be accessed by authorized individuals. If such security cannot be reasonably provided, then all digital CHRI background data shall be encrypted. Digital media shall be stored on an Academy server. Storage on a third party server, such as cloud service, is not permitted. Storage of digital media must conform to the requirements in AG 8321.
- B. Media Transport – Digital and physical media shall only be transported upon sufficient justification approved by the LASO. Digital and physical media shall be protected when being transported outside of a controlled area. Only authorized individuals shall transport the media. Physical media (e.g. printed documents, printed imagery, etc.) shall be transported using a locked container, sealed envelope, or other similarly secure measure. To the extent possible, digital media (e.g., hard drives and removable storage devices such as disks, tapes, flash drives and memory cards) shall be either encrypted and/or be password protected during the transport process. The media shall be directly delivered to the intended person or destination and shall remain in the physical control and custody of the authorized individual at all times during transport. Access shall only be allowed to an authorized individual.
- C. Media Disposal/Sanitization – When the CHRI background check is no longer needed, the media upon which it is stored shall either be destroyed or sanitized. The LASO and the School Leader shall approve in writing the media to be affected. This record shall be maintained by the LASO during the individual's active employment plus an additional six (6) years.
1. Digital Media - Sanitization of the media and deletion of the data shall be accomplished by either overwriting at least three (3) times or by degaussing, prior to disposal or reuse of the media. If the media is inoperable or will not be reused, it shall be destroyed by shredding, cutting, or other suitable method to assure that any data will not be retrievable.

2. Physical Media – Disposal of documents, images or other type of physical record of the criminal history information shall be cross-cut shredded or incinerated. Physical security of the documents and their information shall be maintained during the process by authorized individuals. Documents may not be placed in a waste basket or burn bag for unauthorized individuals to later collect and dispose of.

All disposal/sanitization shall be either conducted or witnessed by authorized personnel to assure that there is no misappropriation of or unauthorized access to the data to be deleted. Written documentation of the steps taken to sanitize or destroy the media shall be maintained for ten (10) years, and must include the date as well as the signatures of the person(s) performing and/or witnessing the process. (See also, AG 8321.)

- D. Personal Mobile Devices – A personally-owned mobile device (mobile phone, tablet, laptop, etc.) shall not be authorized to access, process, store or transmit criminal justice information unless the Academy has established and documented the specific terms and conditions for personally-owned mobile devices through a Mobile Device Management (MDM) system. An MDM is not required when receiving CHRI from an indirect access information system (i.e., the system provides no capability to conduct transactional activities on State and national repositories, applications, or services).

#### CHRI Background Check Consent and Documentation

All individuals requested to complete a fingerprint-based CHRI background check must execute Michigan State Police Form RI-088A at time of application and be notified fingerprints will be used to check the criminal history records of the FBI, prior to completing a fingerprint-based CHRI background check. The most current and unaltered Livescan form (RI-030) will satisfy this requirement and must be retained. Individuals subject to a fingerprint-based CHRI background check shall be provided the opportunity to complete or challenge the accuracy of the individual's criminal history record. Additionally, if the Board approves ESP personnel receiving view only access to the information if needed to review the results for determining an individual's qualifications for employment, an appropriate waiver allowing the results to be shared with the ESP must be obtained from the prospective employee.

Some type of documentation identifying the position for which a fingerprint-based CHRI background check has been obtained must be retained for every CHRI background check conducted, such as the "Agency User Agreement" (RI-087), an offer letter, employment agreement, new hire checklist, employment contract, volunteer background check form, etc

The Academy shall retain the red light / green light letter received from an Authorized Recipient on site as documentation that a CHRI background check has been completed.

#### Controlled Area/Physical Protection

All CHRI obtained from the Michigan State Police pursuant to the statutorily required background checks shall be maintained in the Main Office, which is a physically secure and controlled area. The following security precautions will apply to the controlled area:

- A. Limited unauthorized personnel access to the area during times that criminal justice information is being processed or viewed.

- B. The controlled area shall be locked at all times when not in use or attended by an authorized individual.
- C. Information systems devices (e.g., computer screens) and physical documents, when in use, shall be positioned to prevent unauthorized individuals from being able to access or view them.
- D. Encryption shall be used for digital storage of criminal justice information. (See AG 8321.)

#### Passwords (Standard Authentication)<sup>1</sup>

All authorized individuals with access to computer or systems where processing is conducted or containing criminal justice information must have a unique password to gain access. This password shall not be used for any other account to which the individual has access and shall comply with the following attributes and standards:

- A. at least eight (8) characters long on all systems
- B. not be a proper name or a word found in the dictionary
- C. not be the same as the user identification
- D. not be displayed when entered into the system (must use feature to hide password as typed)
- E. not be transmitted in the clear outside of the secure location used for criminal justice information storage and retrieval
- F. must expire and be changed every ninety (90) days
- G. renewed password cannot be the same as any prior ten (10) passwords used (See also, AG 8321.)

#### Security Awareness Training

All individuals who are authorized by the Academy to have access to criminal justice information or to systems which store criminal justice information shall have basic security awareness training within six (6) months of initial assignment/authorization and every two (2) years thereafter. The training shall, to the extent possible, be received through a program approved by the Michigan State Police. A template of the training is provided on the Michigan State Police's website. At a minimum, the training shall comply with the standards established by U.S. Department of Justice and Federal Bureau of Investigation for Criminal Justice Information Services. (See AG 8321.) A record shall be kept current of all individuals who have completed the security awareness training.

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<sup>1</sup> Applicable to Academies that maintain CHRI within a digital system of records, such as a digital database, filing system, record keeping software, spreadsheets, etc. Not applicable if CHRI kept solely via e-mail and/or paper copies.

Secondary Dissemination of Information

If criminal history background information received from the Michigan State Police is released to another authorized agency under the sharing provision designated by The Revised School Code, a log of such releases shall be maintained and kept current indicating:

- A. the date of release;
- B. record disseminated;
- C. method of sharing;
- D. agency personnel that shared the CHRI;
- E. the agency to which the information was released;
- F. the name of the individual recipient at the agency; and
- G. whether authorization was obtained.

A log entry need not be kept if the receiving agency/entity is part of the primary information exchange agreements between the Academy and the Michigan State Police. A release form consenting to the sharing of CHRI shall be maintained at all relevant times.

If CHRI is received from another Academy, district or outside agency, an Internet Criminal History Access Tool (ICHAT) background check shall be performed to ensure the CHRI is based on personal identifying information, including the individual's name, sex, and date of birth, at a minimum.

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 Academy 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	Electronic intrusions shall be monitored and detected by the firewalls, virus protection,

	surveillance. Doors must be locked and checked at night.	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 Academy 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 Academy 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 Academy 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:

- a. for a lost device, report if the owner:
  1. believed the device was locked;
  2. believed the device was unlocked;
  3. could not validate the device's locked state.
- b. for a total loss of a device, report if:
  1. CHRI was stored on the device;
  2. the device was locked or unlocked;
  3. capable of remote tracking or wiping of device.
- c. report any compromise of a device when the intrusion occurs while still in the owner's possession

- d. report any compromise outside of the United States

#### Collection of Evidence

Where an information security incident involves legal action against the Academy 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).

Revised 8/16/18; 6/24/21

## 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 Academy with notice that s/he/they have received a participation card issued by the attorney general under the address confidentiality program act, the Academy shall not disclose the confidential address of the student, regardless of any other provision of this policy. The School Leader, 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" 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 Academy 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 Academy. Only records mandated by the State or Federal government and/or necessary and relevant to the function of the Academy or specifically permitted by this Board will be compiled by 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
  4. standardized intelligence 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
1. verified reports of serious or recurrent behavior patterns
  2. psychological tests
  3. attendance records
  4. health records
  5. 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 Academy 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 student's 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.

An Academy official is a person employed by the Educational Service Provider 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; a person or company with whom the Board has contracted to perform a special task (such as an attorney, auditor, or medical consultant); a contractor, consultant, volunteer or other party to whom the Board has outsourced a service otherwise performed by Board employees (e.g. a therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another Academy official in performing his/her tasks (including volunteers).

"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 Academy" or if the record is necessary in order for the Academy 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 Academy 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 Academy 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 one (1) 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 Academy 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 Academy 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 Academy will enter into a written agreement with the recipient organization that specifies the purpose of the study. (See Form 8330 F14.)

While the disclosure of personally identifiable information without consent is allowed under this exception, it is recommended that whenever possible the administration either release de-identified information or remove the students' names and social security identification numbers to reduce the risk of unauthorized disclosure of personally identifiable information.

- 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 Academy 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 Academy shall disclose to the parent or legal guardian any personally identifiable information concerning the student that is collected or created by the Academy as part of the student's education records.

If the Academy provides any personally identifiable information concerning the student that is collected or created by the Academy as part of the student's education records to any person, agency, or organization, then the Academy 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 Academy receives the written request and without charge to the parent or legal guardian.

The Academy 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 Academy 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 Academy 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 Procedures 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 Educational Service Provider shall provide public notice to students and their parents of the Academy'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. address (except for students participating in the address confidentiality program act);

- C. telephone number;
- D. date and place of birth;
- E. participation in officially recognized activities and sports;
- F. dates of attendance;
- G. date of graduation;
- H. awards received;
- I. telephone numbers for inclusion in school or PTO directories;
- J. school photographs or videos of students participating in school activities, events or programs.

The Educational Service Provider and the School Leader will also develop a list of uses for which the Academy 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 Academy by a student's parent or legal guardian, the Academy 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 Academy to disclose any or all of such "directory information" upon written notification to the Academy within 7 days after receipt of the Academy'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 Academy 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 School Leader 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 Academy 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 Academy 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 Academy.

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 ten (10) work days before the scheduled date of the activity. The instrument will be provided to the parent within five (5) business days of the principal receiving the request.

The Educational Service Provider and the School Leader 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 Educational Service Provider nor its employees will be held responsible for any breach of this policy by the parent/eligible student or any unauthorized party.

The Educational Service Provider shall prepare Administrative Procedures 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 Procedures on student records.

The Educational Service Provider 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 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 Educational Service Provider employees of this Academy specifically as a consequence of permitting access or furnishing student records in accordance with this policy and regulations.

Any entity receiving personally identifiable information pursuant to a study, audit, evaluation or enforcement/compliance activity must comply with all FERPA regulations. Further, such an entity must enter into a written contract with the Board of Directors delineating its responsibilities in safeguarding the disclosed information. Specifically, the entity must demonstrate the existence of a sound data security plan or data stewardship program, and must also provide assurances that the personally identifiable information will not be re-disclosed without prior authorization from the Board. Further, the entity conducting the study, audit, evaluation or enforcement/compliance activity is required to destroy the disclosed information once it is no longer needed or when the timeframe for the activity has ended, as specified in its written agreement with the Board of Directors. See Form 8330 F14 and Form 8330 F16 for additional contract requirements.

Revised 8/17/17; 6/24/21



## 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 Educational Service Provider 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 staff member 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 School Leader and the Educational Service Provider.

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 School Leader and the Educational Service Provider 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 Academy 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 an Academy employee, contractor or agent in obtaining a new job if s/he knows or has reasonable cause to believe that such Academy 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 Academy from providing responses to requests for information about unprofessional conduct, as required by State law.

Adopted 8/17/17

## CONFIDENTIALITY

Reference: Freedom of Information Act 1976, paragraph 15.243 et seq.  
MCL 445.83, 445.84

Neither the Educational Service Provider 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 Academy, 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 Educational Service Provider 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 Academy's Policy.

If the Educational Service Provider is approached to provide information inappropriately, the Educational Service Provider shall refuse to release the requested information and shall refer the requestor to the Academy'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 Educational Service Provider 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 Educational Service Provider accountable for any inappropriate release of information or for any uses of confidential information for personal reasons.

Any person who intentionally violate this policy are subject to discipline up to, and including, discharge.

The Educational Service Provider shall assure that employees receive a copy of, and have readily available access to, this policy and its Administrative Procedures.

## 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 Academy, the Academy 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 Academy. 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 Educational Service Provider in writing. The Educational Service Provider 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.

## ANIMALS ON ACADEMY 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)

The Board of Directors recognizes that there are many occasions when animals are present on Academy 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 Academy by a service or therapy animal in accordance with Federal and State law and this policy.

This policy applies to all animals on Academy 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.

### Vaccination, Licensing and/or Veterinary Requirements

Animals, including service animals, housed on or brought on to Academy property on a regular basis must meet every veterinary requirement set forth in State law and County regulation/ordinance, including but not limited to rabies vaccination or other inoculations required to be properly licensed.

Animals in the Academy and Elsewhere on Academy Property

Animals permitted in the Academy and elsewhere on Academy 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 who has a 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 Educational Service Provider may permit 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 an 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 an animal shall be disallowed if documented health concerns of a student or staff member cannot be accommodated.

Service Animals for Students

The student's need for and use of the service animal must be documented in the student's individual education plan (IEP) or Section 504 Plan.

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 Academy property or at Academy-sponsored events.

A service animal that meets the definition set forth in the ADA and this policy shall be under the control of its handler. A service animal shall have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of 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 handler's control (e.g., voice control, signals, or other effective means), or under the control of a handler other than the student.

#### Required Documentation

The following documentation is required prior to a service animal being allowed at the Academy or other Board property:

- A. current IEP or Section 504 Plan that includes a provision regarding the use of a service animal;
- B. current satisfactory health certificate or report of examination from a veterinarian for the service animal as required by this policy for all animals that are regularly present on Academy property; and
- C. criminal background check for the handler, if the handler is not the student, in the same manner as required of vendors, individuals, or other entities under contract with the Board.

The Educational Service Provider is responsible for determining whether the required documentation has been provided for the student's service animal. When the required documentation has been provided, the service animal will be permitted to accompany the student with a disability anywhere on the Academy campus where students are permitted to be.

#### Removing and/or Excluding a Student's Service Animal

In instances when a service animal has demonstrated that it is not under the control of the student or its handler, the Educational Service Provider is also responsible for documenting such behavior and for determining if and when the service animal is to be removed and/or excluded from Academy property.

In instances when the service animal has demonstrated that it is not sufficiently housebroken, the Educational Service Provider shall document such behavior and determine whether the service animal is to be removed and/or excluded from Academy property.

The Educational Service Provider 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 Educational Service Provider decision to remove and/or exclude a service animal from Academy property may be appealed in accordance with the complaint procedure set forth in AG 2260.01B - Section 504/ADA - Complaint and Due Process Procedures.

The procedures set forth in AG 2260B – Complaint Procedures for Nondiscrimination and Equal Educational Opportunity/Access are not intended to 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.

### 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 accommodation(s). An employee with a disability may request authorization to use a service animal while on duty as such an accommodation. As required of all animals under this policy, an employee with a disability who utilizes a service animal as an accommodation must provide a current satisfactory health certificate or report of examination from a veterinarian for the animal.

### 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 Academy'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 Academy's facilities with their service animals should notify the Educational Service Provider that their service animal will accompany them during their visit.

As required of all animals under this policy, an individual with a disability who has a service animal will be required to provide a current satisfactory health certificate or report of examination from a veterinarian for the animal if they will visit an area of the Academy's facilities on a regular basis.

An individual with a disability who attends an Academy event will be permitted to be accompanied by his/her service animal in accordance with Policy 9160 - Public Attendance at Academy Events. If the individual with a disability will attend a regularly scheduled series of events with his/her service animal, the individual with disabilities will be required to provide a current satisfactory health certificate or report of examination from a veterinarian for the animal, which is required for all animals by this policy.

## ACADEMY 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 academy environment. The Board believes crime and violence at the Academy are potential, multifaceted problems that need to be addressed by utilizing the best resources and coordinated efforts of Academy personnel, law enforcement agencies, and families. The Board further believes the Academy and local law enforcement officials must work together to provide for the safety and welfare of students while at the academy, at an academy-sponsored activity or while en route to or from the academy or an academy sponsored activity. The Board also believes the first step in addressing academy 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 Academy.

In furtherance of its commitment to a safe academy environment, the Board has prohibited weapons on academy property and at academy-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 academy property or at academy-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 academy property in relation to weapons and drugs. Individuals are prohibited from possessing or using weapons or drugs at any time on academy property, within the Student Safety Zone, or at any academy-related event.

The Academy will work with local officials in arranging signage defining the 1,000-foot boundary.

The School Leader shall take the necessary steps so that an individual eighteen (18) years of age or older, who is a registered sex offender and resides, works, or loiters in violation of the Student Safety Zone, is reported to the local authorities.

The Educational Service Provider, 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 School Leader, members of the Board of Directors, the County Prosecutor or his/her designee, and representatives from the local law enforcement agency. Others may also be invited to participate in the meeting.

The Educational Service Provider, shall make a report to the Board about all such reviews and recommend the approval and adoption of any proposed revisions or additions.



### Academy Contact Person

Furthermore, in accordance with state law, the Board hereby designates the School Leader as the Academy 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 School Leader shall be provided to the Michigan State Police in the manner and frequency required by law.

The Academy contact person shall notify the School Leader of the academy 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 School Leader 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 School Leader 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 Academy's *School Safety Information Policy Agreement*, then, upon request by academy officials, the student's parent or legal guardian shall execute any waivers or consents necessary to allow academy officials access to academy, court, or other pertinent records of the student concerning the incident and action taken as a result of the incident.

### Required Reporting

The Educational Service Provider, 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 Academy during the preceding school year and the reason for the expulsion.

The Educational Service Provider, shall post a report on the Academy website at least annually, in the form prescribed by the Superintendent of Public Instruction, stating the incidents of crime occurring at the Academy. At least once annually, a copy of the most recent report of incidents of crime, disaggregated by academy building, shall be made available to the parent or legal guardian of each student enrolled in the Academy. 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 Academy that results from the property crime.

The School Leader 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 Academy 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 Academy 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 School Leader to request vehicle registration information for suspicious vehicles within 1,000 feet of academy property through the Law Enforcement Information Network (LEIN).

#### Persistently Dangerous Schools

The Board recognizes that State and Federal law requires that the Academy report annually incidents, which meet the statutory definition of violent criminal offenses that occur in the Academy, on academy grounds, on an academy conveyance, or at an academy-sponsored activity. It is further understood that the State Department of Education will then use this data to determine whether or not an academy is considered "persistently dangerous," as defined by State policy.

Pursuant to the Board's stated intent to provide a safe academy environment, Academy 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 Academy exceed the threshold number established in State policy, the School Leader 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 to reduce the number of these incidents in the subsequent year.

The Educational Service Provider, shall make a report to the Board about this plan of corrective action and shall recommend approval and adoption of it.

Revised 8/17/17; 8/15/19; 6/18/20; 6/24/21

## **FIRE SAFETY AND FIRE DEPARTMENT NOTIFICATION**

Reference: Michigan R 29.1908(3); R 29.2009(3)

The Educational Service Provider, shall develop written procedures that provide for all of the following:

- A. The designation of a staff member on each shift to be responsible for notifying the local fire department in the event of a fire;
- B. The availability at all times of a non-pay telephone for designated employees to notify the local fire department;
- C. The conspicuous posting of the telephone number of the local fire department near the telephone;
- D. A requirement that notification of the fire department is incorporated into all fire drills.

FOR BOARD APPROVAL

## EMERGENCY OPERATIONS PLAN

References: M.C.L.380.1308a

By no later than January 1, 2020, each Academy shall 1) develop an emergency operations plan or 2) adapt its statewide academy 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. Academy 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 Academy 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 Academy.

The Plan must include guidelines and procedures that address all of the following:

- A. academy violence and attacks
- B. threats of academy violence and attacks
- C. bomb threats
- D. fire
- E. weather-related emergencies
- F. intruders
- G. parent and pupil reunification
- H. threats to an academy-sponsored activity or event whether or not it is held on academy premises
- I. a plan to train teachers on mental health and pupil and teacher safety
- J. a plan to improve academy building security
- K. an active violence protocol
- L. continuity of operations after an incident
- M. a vulnerability assessment

The Academy 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 8/15/19

## ENVIRONMENTAL HEALTH AND SAFETY ISSUES

The Board of Directors recognizes its responsibility relative to student, staff, 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 Academy 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 Educational Service Provider shall develop and implement a positive, proactive environmental health and safety program that integrates responsibilities within the Academy 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 Academy-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 Academy 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 Academy.
- 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 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 Academy community.
- F. Procedures that detail plans for foreseeable emergencies and fire prevention.

### Phase-out/Banned Products

The Educational Service Provider 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 Academy 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 Academy 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 Educational Service Provider shall develop Administrative Procedures 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 Educational Service Provider shall develop the Administrative Procedures necessary to establish these practices in the Academy (see AG 8615).

Pollution Control and Prevention

In an effort to comply with environmental policy and applicable regulations, the Academy 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

## 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 Academy 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 Academy's IPM program written under this policy states the Academy's goals regarding the management of pests and the use of pesticides. It reflects the Academy's site-specific needs and includes the following elements as required by law:

- A. Site evaluation, including site description, inspection, and monitoring and the concept of threshold levels;
- B. Consideration of the relationship between pest biology and pest management methods;
- C. 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;
- D. Pest controls methods selection, including consideration of the impact on human health, especially for children, and the environment; and
- E. Continued evaluation of the integrated pest management program.

The Educational Service Provider, or designee for the Academy shall be responsible for ensuring that an IPM program is developed and is in compliance with MCL 324.8316.



### Education /Training

The Academy 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 Academy 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 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 School Leader or IPM Coordinator of the Academy 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 Educational Service Provider, will report to the Academy Board on the effectiveness of the IPM plan and make recommendations for improvement as needed. The Educational Service Provider, is responsible to develop Administrative Procedures for the implementation of this policy.

## **CRISIS INTERVENTION**

The Board of Directors believes the school's personnel, 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 Academy setting and address various crisis situations.

The Educational Service Provider shall develop Administrative Procedures 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.

FOR BOARD APPROVAL

## EMERGENCY SITUATIONS AT THE ACADEMY

Reference: MCL 29.19  
A.C. 1301:7-7-01, 3301-35-03 (D), 3301-83-15  
HB No. 4713 (2013)

The Board of Directors is committed to providing a safe learning and work environment.

Unfortunately, natural and man-made disasters do occur. Such emergencies are best met by preparedness and planning.

### A. Emergency Preparedness

The Academy 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 Academy facilities shall be identified by appropriate personnel and responded to promptly in accordance with the plan for emergency preparedness.

Academy 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 Academy shall conduct a minimum of five (5) fire drills each school year. Three (3) of the fire drills shall be held by December 1st 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 Academy 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 Academy 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 1st of the school year, and at least one (1) shall be conducted after January 1st 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 Educational Service Provider shall seek input from local public safety officials on the nature of the drills to be conducted under this subsection.

4. Each Academy 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 15th of each school year, the School Leader 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 School Leader shall notify the county emergency management coordinator of the rescheduled date for the drill.

C. Drill Result Publication

1. The School Leader 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 Academy
  - 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 School Leader 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 School Leader.

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.

## 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 Academy 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 Educational Service Provider, will appoint an employee to serve as Toxic Hazard Preparedness (THP) Officer. The THP Officer will be responsible for the following:

A. **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 School Leader will rely on MSDSs from material suppliers to meet hazard determination requirements.

B. **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.

C. **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 Academy central office, with additional copies for employees' use will be located at the Educational Service Provider's central office.

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 Academy. 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 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 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 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 Academy.

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.

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 Educational Service Provider, shall appoint a person to develop and implement the Academy's Asbestos-Management Program to ensure proper compliance with Federal and State laws and appropriate instruction of staff and students. Upon completion the Academy'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 Educational Service Provider, 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 Educational Service Provider 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.

FOR BOARD APPROVAL

## 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 School Leader and evaluated. Any accident resulting in an injury, however slight, to a student, staff member or visitor to the Academy must be reported promptly, in writing, to the School Leader. 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 School Leader, following established procedures, as soon as possible following the occurrence of the injury.

FOR BOARD APPROVAL

## **CONTROL OF CASUAL-CONTACT COMMUNICABLE DISEASES**

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 Academy.

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, 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 School Leader will isolate the student in the building and contact the parents/guardians. Protocols established by the County Health Department shall be followed.

The Educational Service Provider, shall develop Administrative Procedures 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.

## **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 Academy 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 Academy secretary;
- C. the School Leader.

FOR BOARD APPROVAL

## **PROTECTIVE FACIAL COVERINGS DURING PANDEMIC/EPIDEMIC EVENTS**

During times of elevated communicable disease community spread (pandemic or epidemic), the School Leader will issue periodic guidance through Board of Directors plans/resolution(s) in alignment with public health officials and/or in accordance with government edicts and including any Pandemic Plan developed by the Academy's Pandemic Response Team.

Academy settings can be a source of community spread. Wearing face masks/coverings is especially important during these times and can help mitigate the risk of exposure from person to person.

As such, during times of elevated communicable disease community spread, the School Leader may activate this policy by notifying the academy community, requiring all academy staff, volunteers and visitors (including vendors) to wear appropriate face masks/coverings on academy grounds unless it is unsafe to do so or where doing so would significantly interfere with the Academy's educational or operational processes.

In addition, the Board may require that students shall wear a face mask unless they are unable to do so for a health or developmental reason. Efforts will be made to reduce any social stigma for a student who, for medical or developmental reasons, cannot and should not wear a mask.

If face masks/coverings are required, and no exception is applicable, students shall be subject to disciplinary action in accordance with the Student Code of Conduct/Student Discipline Code, and in accordance with policies of the Board and/or may be reassigned by the School Leader to an online/virtual learning environment if the School Leader determines that reassignment is necessary to protect the health and safety of the student or others.

During times of elevated communicable disease community spread as determined by the Board in consultation with health professionals, all students are required to wear masks while being transported on academy school buses or other modes of academy transportation or while waiting for an academy bus outdoors and unable to maintain a distance of six (6) feet or more from individuals who are not members of their household.

### Use of Mask/Face Covering

Face coverings/masks should:

- A. fully cover the mouth, nose, and chin;
- B. fit snugly against the side of the face so there are no gaps;
- C. not create difficulty breathing while worn; and
- D. be held securely through either a tie, elastic, etc. to prevent slipping.

Facial masks/coverings generally should not include surgical masks or respirators unless medically indicated (as those should be reserved for healthcare workers) or masks designed to be worn for costume purposes.

All employee facial masks/coverings shall meet the requirements of the appropriate dress/staff grooming policies. All student facial masks/coverings shall meet the requirements of the

appropriate Student Code of Conduct/Student Discipline Code and Policy 5511 Dress and Grooming.

Any person may be required to temporarily remove a face mask or covering when instructed to do so for identification or security purposes. Failure to comply with such a request violates this policy and may lead to disciplinary or other action.

Exceptions to the use of masks/face coverings include when:

- A. facial masks/coverings in the academy setting are prohibited by law or regulation;
- B. facial masks/coverings are in violation of documented industry standards;
- C. facial masks/coverings are not advisable for health reasons;
- D. facial masks/coverings are in violation of the academy's documented safety policies;
- E. facial masks/coverings are not required when the individual works alone in an assigned work area;
- F. there is a functional (practical) reason for a staff member or volunteer not to wear a facial mask/covering in the workplace;
- G. settings where masks might present a safety hazard (i.e. science labs);
- H. individuals have difficulty wearing a face covering;
- I. the individual is communicating with students who are hearing impaired or otherwise disabled, where an accommodation is appropriate or necessary;
- J. the individual is actively participating in outdoor recess and/or physical activity where students are able to maintain a distance of six (6) feet or more or athletic practice, scrimmage, or competition that is permitted under a separate Department of Health order;
- K. the individual is seated and actively consuming food or beverage;
- L. students and staff can maintain distancing of at least six (6) feet and removal of the facial covering is necessary for instructional purposes, including instruction in foreign language, English language for non-native speakers, and other subjects where wearing a facial covering would prohibit participation in normal classroom activities, such as playing an instrument;
- M. students are able to maintain a distance of six (6) feet or more and a mask break is deemed necessary by the educator supervising the educational setting;
- N. an established sincerely held religious requirement exists that does not permit a facial covering.

The Board may be required to provide written justification to the local health officials upon request explaining why a staff member is not required to wear a facial covering in the academy. Therefore, if any exceptions are made to the requirement for facial coverings, the request for such exception

must be submitted in writing to the individual's supervisor with appropriate documentation provided. A decision on the request will be provided in writing.

#### Use of Face Shields

Face shields that wrap around the face and extend below the chin may be permitted as an alternative to face masks/coverings with permission of the Educational Service Provider and School Leader as the Board recognizes that face shields may be useful in some situations, including:

- A. when interacting with students, such as those with disabilities, where communication could be impacted;
- B. when interacting with English-language learners or when teaching a foreign language;
- C. settings where masks might present a safety hazard (i.e. science labs); or
- D. for individuals who have difficulty wearing a face covering.

If employees receive approval from the Educational Service Provider and School Leader after discussing their request not to wear a face mask/covering/shield due to a physical, mental or developmental health condition, and/or if wearing a mask/covering/shield would lead to a medical emergency or would introduce significant safety concerns, the Educational Service Provider and School Leader may also discuss other possible accommodations for the staff member. Such discussion shall follow Board policies and guidelines under the ADA.

Academy nurses or staff who care for individuals with symptoms consistent with those of a communicable disease must use appropriate personal protective equipment (PPE), provided by the academy, in accordance with OSHA standards.

When facial masks/coverings are required by the Board, and no exception has been applied, staff members who violate this policy shall be subject to disciplinary action in accordance with policies of the Board.

Adopted 10/15/20  
Revised 6/24/21

## **AUTOMATIC EXTERNAL DEFIBRILLATORS (AED)**

Reference: 21 CFR §801.109

The Board of Directors and the Educational Service Provider has determined that safety may be enhanced at the Academy by having an automatic external defibrillator (AED) placed in building(s) within the Academy.

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 Educational Service Provider to develop, adopt and implement a cardiac emergency response plan that addresses all of the following:

- A. The use and regular maintenance of AED's, if available;
- B. The activation of a cardiac emergency response team during an identified cardiac emergency;
- C. A plan for effective and efficient communication throughout the Academy campus;
- D. The incorporation and integration of the local emergency response system and emergency response agencies with the Academy's plan;
- E. An annual review and evaluation of the cardiac emergency plan;
- F. If the Academy includes grades 9-12, a training plan for the use of an AED in cardiopulmonary resuscitation (CPR) techniques.



## DIRECT-CONTACT COMMUNICABLE DISEASES

Reference: MCL 380.1169

The Board of Directors directs the Educational Service Provider to provide a safe, healthy environment for students and staff. This can best be accomplished when all persons within the Academy 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 Educational Service Provider 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.

With this in mind, the Board of Directors directs the Educational Service Provider to develop educational programs for students and staff about the manner in which these diseases may be prevented and the manner in which they are transmitted. These programs should specify risk factors involved and ways to deal with those risks and should emphasize that these diseases are preventable if basic precautions are taken.

The Board of Directors directs the Educational Service Provider 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 Procedures 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 Procedures dealing with Homebound Instruction.

Additionally, the Board directs the Educational Service Provider 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 Educational Service Provider shall develop Administrative Procedures that establish procedures to fulfill the intent of this policy.

FOR BOARD APPROVAL

## CONTROL OF BLOOD-BORNE PATHOGENS

Reference: 29 CRF 1910.1030

The Board of Directors directs the Educational Service Provider to protect staff members who may be exposed to blood-borne pathogens and other potentially infectious materials in their performance of assigned duties.

The Educational Service Provider shall implement Administrative Procedures 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.

## **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 Academy 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 the Educational Service Provider 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 Educational Service Provider 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 academy is a violation of law and subjects the disseminator to civil liability for any resulting damages.

The Educational Service Provider 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 Procedures established by the Educational Service Provider.

Revised 8/15/19; 6/18/20

## 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.  
M.C.L. 380.1272, 1272a, 1272d et seq.  
7 CFR Parts 15b, 210, 215, 220, 225, 226, 240, 245, 3015  
42 U.S.C. 1758, 1760  
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 Board of Directors may provide food service for the purchase and consumption of lunch for all students.

The Board 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 Academy.

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 School Leader or designee. Food services shall be operated on a self-supporting basis with revenue from students, staff, Federal reimbursement, and surplus food. The Board shall assist the program by furnishing available space, initial major equipment, and utensils. Maintenance and replacement of equipment is the responsibility of the program. 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 School Leader or designee and such accounts shall be audited as part of the Academy'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 School Leader 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 Academy during the school year.

With regard to the operation of the Academy food service program, the Educational Service Provider 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 deposition) of food-service funds pursuant to Federal and State law and USDA regulations;
- F. the safety and safekeeping (storage) of food and food equipment pursuant to Federal and State law and USDA regulations;
- G. the planning and execution of menus in compliance with USDA requirements;
- H. the regular maintenance and replacement of equipment.

The Academy 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.

Revised 8/17/17; 8/15/19; 6/24/21

## 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 Academy'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 Academy shall:  
*(Specific goals need to be inserted here. See Appendix A.)*
- B. With regard to physical activity, the Academy shall:  
*(Specific goals need to be inserted here. See Appendix B.)*
- C. With regard to other school-based activities the Academy shall:  
*(Specific goals need to be inserted here. See Appendix C.)*
- D. With regard to nutrition promotion, the Academy 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 Educational Service Provider as the individual(s) charged with operational responsibility for verifying that the Academy meets the goals established in this policy.

The Educational Service Provider shall appoint an Academy wellness committee that meets at least once per year and includes parents, students, representatives of the Academy food authority, educational staff (including health and physical education teachers), mental health and social services staff, school health professionals, members of the public and Academy 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. Academy-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 Academy environment;
- B. review of the Academy'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 Educational Service Provider any revisions to the policy it deems necessary and/or appropriate. In its review, the Wellness Committee shall consider evidence-based strategies in determining its recommendations.

The Educational Service Provider 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 Educational Service Provider 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 Educational Service Provider shall:

- A. distribute information at the beginning of the school year to families of Academy children;
- B. include information in the student handbook;

and post the policy on the Academy's website, including the Wellness Committee's assessment of the implementation of the policy.

Revised 8/17/17; 6/24/21



## **SPECIFIC GOALS FOR NUTRITION**

- 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 integrated into other subject areas of the curriculum, when appropriate, to complement, but not replace, the standards and benchmarks for health education.
- C. Nutrition education standards and benchmarks shall be age-appropriate and culturally relevant.
- D. The standards and benchmarks for nutrition education shall be behavior focused.

FOR BOARD APPROVAL

## **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. All students, including those with disabilities, special health care needs and in alternative educational settings (to the extent consistent with the students' IEPs), shall receive instruction in physical education for twenty (20) minutes one (1) day per week for at least one (1) semester in grades 1 -12.
- C. The physical education curriculum shall provide sequential instruction related to the knowledge, attitudes, and skills necessary to participate in lifelong, health-enhancing physical activity.
- D. Properly certificated, highly qualified teachers shall provide all instruction in physical education.
- E. Planned instruction in physical education shall teach cooperation, fair play, and responsible participation.
- F. Planned instruction in physical education shall meet the needs of all students, including those who are not athletically gifted.
- G. Planned instruction in physical education shall be presented in an environment free of embarrassment, humiliation, shaming, taunting, or harassment of any kind.
- H. Planned instruction in physical education shall include cooperative as well as competitive games.
- I. Planned instruction in physical education shall take into account gender and cultural differences.

### 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. 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.

- E. In addition to planned physical education, the Academy shall provide age-appropriate physical activities (e.g., recess during the school day, intramurals and clubs before and after school, and interscholastic sports) that meet the needs of all students, including males, females, students with disabilities, and students with special healthcare needs.

FOR BOARD APPROVAL

## **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.

- A. The Academy shall schedule mealtimes so there is minimum disruption by bus schedules, recess, and other special programs or events.
- B. The Academy shall provide attractive, clean environments in which the students eat.
- C. Activities, such as tutoring or club meetings, shall not be scheduled during mealtimes, unless students may eat during those meetings.
- D. The Academy may use environmentally friendly practices, such as the use of locally grown foods and non-disposable tableware and dishes.
- E. The Academy may provide opportunities for staff, parents, and other community members to model healthy eating habits by dining with students in the Academy dining areas.
- F. The Academy 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.

Revised 6/24/21

## **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 Academy shall:

- A. encourage students to increase their consumption of healthful foods during the school day.
- B. Rewarding children in the classroom should not involve candy and other foods that are deemed USDA competitive foods or that can undermine children's diets and health and reinforce unhealthy eating habits. A wide variety of alternative rewards can be used to provide positive reinforcement for children's behavior and academic performance.

Revised 8/17/17

## **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 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).
- C. 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.
- D. 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.
- 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 School Leader and the Educational Service Provider.
- G. 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.
- H. 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.
- I. The food service program shall be administered by a director who is properly qualified, certificated, licensed, or credentialed, according to current professional standards.
- J. All food service personnel shall receive pre-service training in food service operations.
- K. Continuing professional development shall be provided for all staff of the food service program.

Revised 8/17/17; 6/24/21

## 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 Eagle's Nest 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 **Educational Service Provider** shall seek the involvement of parents, students, representatives of the school food service program, the Academy board, Academy administrators, and the public as this Academy's wellness policy is developed, and shall recommend a policy to the Board not later than the first day legally-required by law; 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 The first day legally-required by law and shall be effective on the first day of the school year beginning after July 1, 2006.

## 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 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 Educational Service Provider to determine in accordance with Board standards, the eligibility of students for free and/or reduced-price meals. The Academy 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 Academy and [shall/may] seek out and apply for such Federal, State, and local funds as may be applied to the Academy's program of free and reduced-price meals.

FOR BOARD APPROVAL



## VENDING MACHINES

Reference: 42 USC 1779

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.

- A. A contract is made with a reputable supplier of vending machines and products to install, service, stock, and maintain each vending machine.
- B. No products are vended which would conflict with or contradict information or procedures contained in the Academy's educational programs on health and nutrition.

The Educational Service Provider, shall develop and implement Administrative Procedures which will ensure these conditions are adhered to on a continuing basis.

FOR BOARD APPROVAL

## TRANSPORTATION

Reference: M.C.L. 380.1321, 1322, 1323, 1324, 1756  
A.C. Rule 340.281, 282

It is the policy of the Board of Directors to provide transportation for those students whose distance from their Academy makes this service necessary and in all other cases required by Federal or State law or regulations.

Academy buses and student-transportation vehicles, whether purchases, leased, or contracted for, shall be maintained by the Academy for the transportation of students in accordance with State law. No vehicle shall be purchased or used to transport students for which there is no applicable, passenger-protection, Federal motor-vehicle safety standards.

All Academy buses and student-transportation vehicles, whether purchased, leased, or contracted for shall comply with specifications defined in State law. Each operator of an Academy vehicle used by the Academy shall be licensed for the purpose for which the vehicle is being used and shall operate the vehicles in accordance with Federal and State laws. The license, a medical examiners certificate, and record of continuing education must be in the driver's possession when driving.

Transportation of eligible vocational or special education children between their home and Academy site shall be arranged through the use of Academy-owned or leased vehicles, through cooperation with other districts, through commercial carriers, and/or by other means in the most efficient and economical manner.

The Board reserves the right to terminate transportation based on financial, legal, or other considerations. Additionally, it is a privilege for students to ride an Academy vehicle and this privilege may be revoked if the student's conduct is in violation of the School Leaders administrative guidelines or the Code of Conduct pertaining to student transportation.

Transportation will be provided for homeless students and students in foster care in compliance with applicable State and Federal laws.

The Board may feel it necessary for the Educational Service Provider to install and operate video cameras on Academy buses to enhance student safety and well-being. S/He shall establish appropriate administrative guidelines for the proper use of the cameras.

The Educational Service Provider shall establish administrative guidelines to ensure proper implementation of this policy.

Adopted 6/18/20

## TRANSPORTATION BY PRIVATE VEHICLE

Reference: AC Rule 340.279, 340.282

The Board of Directors authorizes the transportation, by private vehicle, of students of the Academy.

Any such transportation must be approved in advance and in writing by the School Leader, in accordance with the Educational Service Provider's Administrative Procedures.

On request, the parent of the participating student will be given the name of the driver and the description of the vehicle.

No person shall be approved for the transportation of students in a private vehicle who is not an employee of the Educational Service Provider.

The driver must hold a current, valid license to operate a motor vehicle in the State of Michigan and must have automobile liability and personal injury insurance in the amount required by the Educational Service Provider's Administrative Procedures. The School Leader may withdraw the authorization of any private vehicle driver whose insurance is not adequate.

Any private vehicle used for the transportation of students must be owned by the approved driver or the spouse of the approved driver and must conform to registration requirements of the State.

The responsibility of professional staff members for the discipline and control of students will extend to their transportation of students in a private vehicle. Drivers who are not staff members are requested to report student misconduct to the School Leader.

Expenses incurred by drivers of private vehicles in the course of transporting students will be reimbursed by the Board at the approved mileage rate and upon presentation of evidence of costs for tolls and parking fees.

## INSURANCE

Reference: MCL 129.51, 380.124, 380.1269, 380.1332

The Board of Directors shall purchase with Academy funds the type and amount of insurance necessary to protect the Academy 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. employee insurance coverage as specified or by Board action;
- G. worker's compensation coverage.

Insurance for a given coverage shall be obtained at the lowest possible cost, assuming service and company reliability are satisfactory. The Educational Service Provider, with input from the Academy Board, shall administer the insurance program.

## **BONDING**

Reference: MCL 380.85, 380.124, 380.243, 380.317

The Board of Directors recognizes that prudent trusteeship of the resources of this Academy dictates that Educational Service Provider employees be bonded, if they are responsible for the safekeeping of Academy monies.

The Academy shall be indemnified against loss of money by bonding Educational Service Provider employees who hold the responsible positions. The amounts of the bonds shall be determined by the Board, in accordance with State law.

All other Educational Service Provider employees handling money shall be covered under a blanket bond for an amount determined by the Board.

The Educational Service Provider shall bear the cost of bonding each employee required to be bonded by this policy.

FOR BOARD APPROVAL

## **STUDENT ACCIDENT INSURANCE**

Reference: MCL 1522

The Board of Directors recognizes the need for insurance coverage for injuries to students caused by accidents that occur while students are in the educational, athletic, and co-curricular programs of the Academy. Therefore, at the beginning of each school year, the Board shall offer parents the opportunity to participate in group accident insurance for students, at the expense of the parents.

A signed statement of insurance coverage on the part of the student's parent/guardian shall be a prerequisite for student registration in any school activity having a potential for personal injury.

The Educational Service Provider may recommend suitable and qualified insurance carriers and notify all parents of their availability.

FOR BOARD APPROVAL

## 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 Academy 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 Academy 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 Procedures 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 Academy.

The Board shall not conduct or sanction a baccalaureate service in conjunction with graduation ceremonies.

### 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 Academy 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 building principal 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.

FOR BOARD APPROVAL



## ANTI-FRAUD

This policy is implemented to advise Academy 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 Academy 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 Academy.

### Policy

Fraud and fraudulent activity is strictly prohibited.

Academy personnel shall be responsible for reporting any observed or suspected fraud or fraudulent activity to the School Leader 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 Academy'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 Academy'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 Academy;
- D. Misappropriation of funds, supplies or other assets of the Academy;
- 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 Academy, 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 Academy 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 School Leader or his/her designee, the reporting witness and others interviewed are not to discuss the allegations or investigation with other Academy 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.

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

## 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.

Telephone calls to extension numbers within the School may be answered by voice mail provided the caller is offered the alternative of dialing "0" and talking to a staff member or volunteer.

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.

## **ACADEMY INFORMATION PROGRAM**

The Board of Directors directs the Educational Service Provider to employ reasonable means to keep parents and other interested parties informed on matters of importance regarding Academy policies, finances, programs, personnel, and operations. The Educational Service Provider shall develop Administrative Procedures for this purpose.

FOR BOARD APPROVAL

## PUBLIC COMPLAINTS

Reference: 20 USC 1232 (h)

Any person or group having a legitimate interest in the operations of this Academy shall have the right to present a request, suggestion, or complaint concerning staff, the curriculum, or operations of the Academy. 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 Academy 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 Educational Service Provider 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 Procedures.

**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 Academy officials.**

As appropriate, the staff member shall report the complaint to the School Leader 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 School Leader.

#### Third Step

If a satisfactory solution is not achieved by discussion with the School Leader, the complainant may submit a written request for a conference to the Educational Service Provider. 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 School Leader;
- D. the relief sought by the complainant and the reasons such relief is needed.

Should the matter be resolved in conference with the Educational Service Provider, 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.

The complainant shall be advised, in writing, of the Board's decision no more than 7 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 School Leader, 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 Academy's Administrative Procedures.

#### Second Step

If the complaint regarding the School Leader cannot be resolved through discussion, the complainant may submit a written request to the [ ] Educational Service Provider [ ] 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 School Leader;
- D. the relief sought by the complainant and the reasons such relief is needed.
- E.

The complainant shall be advised, in writing, of the Educational Service Provider's decision within ten (10) business days.

### **Matters Regarding the Educational Service Provider**

Should the matter be a concern regarding the Educational Service Provider or the Education Service Provider's decision regarding a complaint with the School Leader which cannot be resolved through discussion with the Educational Service Provider, the complainant may submit a written request for a conference to the Board. This request should include:

- A. the specific nature of the complaint and a brief statement of the facts giving rise to it;
- B. the respect in which it is alleged that the complainant (or child of the complainant) has been affected adversely;
- C. the reason that the matter was not able to be resolved with the Educational Service Provider; and
- D. the relief which the complainant seeks and the reasons why it is felt that such relief is needed.

The complainant shall be advised, in writing, of the Board's decision with ten (10) business days, following the next regular meeting of the Board. 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 School Leader. Should the matter still not be resolved, or if it is one beyond the School Leader's authority and requires an Educational Service Provider decision or action, the complainant shall request, in writing, a hearing by the Educational Service Provider.

After reviewing all material relating to the case, the Educational Service Provider may recommend a hearing, before the Board or a committee of the Board.

After reviewing all material related to the case, the complainant shall be advised, in writing, of the Board's decision no more than 7 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 Educational Service Provider shall prepare Administrative Procedures 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 Academy, the following procedure shall be followed:

- A. The criticism is to be addressed to the Educational Service Provider, 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.

The committee's recommendation shall be reported to the Educational Service Provider, in writing, within thirty (30) business days following the formation of the committee. The Educational Service Provider 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 School Leader 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.

## **ACADEMY 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 school, it is necessary to establish visitor procedures.

The Educational Service Provider has the authority to prohibit the entry of any person to the 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 Academy. If such an individual refuses to leave the school grounds or creates a disturbance, the School Leader is authorized to request from the local law enforcement agency whatever assistance is required to remove the individual.

Nonstaff access to students and classes must be limited and only in accordance with a schedule which has been determined by the School Leader after consultation with the teacher whose classroom is being visited. Classroom visitations must be nonobtrusive to the educative process and learning environment and should not occur on an excessive basis.

Parent concerns about any aspect of his/her 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 office.

The Educational Service Provider shall promulgate such Administrative Procedures 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.

Individual Board members who are interested in visiting schools or classrooms on an unofficial basis shall make the appropriate arrangements with the School Leader. In keeping with Board bylaws, such Board member visits shall not be considered to be official unless designated as such by the Board.

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, s/he should discuss the situation first with the School Leader as soon as convenient or appropriate. Such a report or discussion shall not be considered an official one from the Board.

If the Board member believes the situation or condition serious enough, s/he may wish to also inform the Educational Service Provider.

## **PUBLIC ATTENDANCE AT ACADEMY 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 by the schools in the Academy, but the Board also acknowledges its duty to maintain order and preserve the facilities of the Academy during the conduct of such events. The Board retains the right to bar the attendance of or remove any person whose conduct may constitute a disruption at an Academy event. Academy administrators are expected to call law enforcement officials if a person violates posted regulations or does not leave Academy property when reasonably requested. In accordance with Board Policy 7440 and AG 7440 B, administrators may use metal detectors and other devices to protect the safety and well-being of participants and visitors.

The Board directs that no alcoholic beverage or other controlled substance be possessed, consumed, or distributed nor any betting occur at any function sponsored by the Academy.

No qualified person with a disability will, because the Academy'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 Academy will comply with applicable accessibility standards. For those existing facilities constructed prior to June 3, 1977, the Academy 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.

If a student or adult is asked to leave or is removed from a school event, no admission fees shall be refunded.

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 Academy'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 Academy grounds.

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 Academy 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 Academy. If the performance is of

copyrighted material and the necessary license has not been secured in advance by the Academy, 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 Educational Service Provider to establish rules and procedures governing the use of non-school audio/visual recording equipment at any Academy 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 an Academy activity which is not a public event shall obtain prior permission from the School Leader.

The School Leader shall ensure that all notices, signs, schedules, and other communications about school events contain the following statement:

"Upon request to the School Leader, the Academy shall make reasonable accommodation for a disabled person to be able to participate in this activity."

FOR BOARD APPROVAL

## ACADEMY 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 Academy, to help meet educational needs of students, and/or provide extra educational benefits not currently provided for by the Board.

Membership in such organizations shall be open to parents (and other family members such as grandparents), to the school's staff, to members of the Board, and to other citizen "friends" of the Academy.

The Board recognizes that parent-teacher organizations and other school related organizations are channels through which Academy personnel, parents, and other citizens may discuss educational concerns, problems, and needs and then work together toward solutions.

The School Leader shall do the following:

- A. review the objectives of a volunteer group to determine that relevant, genuine educational needs are being addressed;
- B. provide assistance to support organizations in planning their activities.

A volunteer support organization shall work in cooperation with the School Leader and other staff members. The support organization will submit its bylaws to the School Leader for his/her approval and shall abide by the policies of the Board and the procedures established by the Educational Service Provider.

By the end of the first semester of each year, each volunteer support organization shall submit its tentative goals and objectives, along with its fund-raising plans for the next school year, to the School Leader. Should the goals and objectives or fund raising plans change during the year, the School Leader is to be advised before any final revisions are made.

The Educational Service Provider shall implement Administrative Procedures which ensure that each group's fund-raising activities are in compliance with Board policies and the funds are used for school-related projects that have the approval of the School Leader.

The Educational Service Provider shall ensure that the Board receives an annual accounting of each volunteer support organization's receipts and expenditures.

## **PARENT/LEGAL GUARDIAN REVIEW OF INSTRUCTIONAL MATERIALS AND OBSERVATION OF INSTRUCTIONAL ACTIVITIES**

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 Educational Service Provider, shall develop Administrative Procedures for addressing the rights of parents and to assure timely response to parental requests to review instructional material or to observe instructional activity. The procedures 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.

## **RELATIONS WITH EDUCATIONAL INSTITUTIONS AND ORGANIZATIONS**

The Board of Directors directs that strong lines of communication be maintained by the Academy with other schools, institutions, and organizations that provide school students with programs, training, or services not available in the Academy.

The Educational Service Provider may recommend for Board approval such cooperative ventures with institutions or organizations for the purpose of providing programs correlated to the Academy's curriculum and helping students better accomplish the educational outcomes established by the Board.

Before entering into any agreements, the Educational Service Provider shall keep the Board advised of any arrangements that would affect the use of Academy resources or require any additional resources of the Academy.

FOR BOARD APPROVAL

## **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 Academy 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 Academy 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 Educational Service Provider is authorized to actively seek and present such partnerships for Board approval.

FOR BOARD APPROVAL



## RELATIONS WITH SPECIAL INTEREST GROUPS

The Board of Directors directs that students, staff members, and Academy 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 sources for student or staff use or participation shall be reviewed by the Educational Service Provider on the basis of their 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 School Leader, 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 Educational Service Provider (employed by the Board) 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 Academy 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 Academy;
- C. interrupt the regular school program;
- D. involve any direct cost to the Academy;
- E. cause the participants to leave the Academy, 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 Educational Service Provider.

The Educational Service Provider 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 unless authorized by the School Leader;
- 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:

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 Educational Service Provider does not support or endorse any of the organizations and/or activities/events identified in the flyers/notices.

#### Solicitation of Funds

Because the Academy cannot accommodate every organization that desires to solicit funds for worthy purposes, the Board shall not permit any outside organization to solicit funds on Academy property.

Permission to solicit funds will be granted only to those organizations or individuals who meet the permission criteria established in the Administrative Procedures. Solicitation must take place at such times and places and in such a manner specified in the Administrative Procedures. In accordance with Board Policy 5830, no Academy student may participate in the solicitation without the School Leader's approval.

#### Prizes/Scholarships

The Board is appreciative of the generosity of organizations which offer scholarships or prizes to deserving students in this Academy. 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 Educational Service Provider.

- C. The School Leader, together with a committee of staff members designated by the School Leader, shall be involved in the selection of the recipient and, if agreeable to the sponsoring organization, the selection shall be left entirely to the School Leader and staff committee.

#### Sale of School Supplies

In determining the appropriateness of the sale of school supplies by organizations other than the Academy, the Board requires that:

- A. the organization has a purpose which will benefit the Academy and its students;
- B. the organization's planned activities are clearly in the best interest of the Academy and its students;
- C. the organization has submitted the following information and assurances on the form provided by the Academy: a statement noting the purpose of the organization, financial accountability assurances, and use of facility assurances.

All funds generated by the sale of such school supplies shall be kept separate from other activity funds or other transactions of the Board.

#### Surveys and Questionnaires

No organization related (or not) to the Academy 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 School Leader 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 School Leader 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 Academy 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

## 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:

### Product Sales:

- A. product sales benefiting a school or student activity (e.g., the sale of beverages or food within schools).

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 Academy's educational standards and goals.
- B. The Board reserves the right to consider requests for advertising in the schools on a case-by-case basis.
- C. 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.
- D. No advertisement shall promote any specific religion or religious, ethnic or racial group, political candidate or ballot issue and shall be non-proselytizing.
- E. No advertisement may contain libelous material.
- F. No advertisement may be approved which would tend to create a substantial disruption in the school environment or inhibit the functioning of any school.

- G. No advertisement shall be false, misleading or deceptive.
- H. Each advertisement must be reviewed in advance for age appropriateness.
- I. Advertisements may be rejected by the Academy if determined to be inconsistent with the educational objectives of the Academy, inappropriate, or inconsistent with the guidelines set forth in this policy.
- J. 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.
- K. Students shall not be required to advertise a product, service, company or industry.
- L. Advertising will not be permitted on the outside or the inside of school buses.
- M. The School Leader or designee is responsible for screening all advertising.
- N. The School Leader 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.

## **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 School Leader 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 Academy needs.

Any person who volunteers to work with the Academy 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 School Leader 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 Academy procedures while on duty as a volunteer, including signing, if appropriate, the Academy's Network and Internet Access Agreement Forms;
- B. sign a form releasing the Academy of any obligation if the volunteer becomes ill or receives an injury as a result of his/her volunteer services.

The School Leader shall also demonstrate to each volunteer the Academy's appreciation for his/her time and efforts in assisting the operation of the Academy.

The Educational Service Provider shall develop Administrative Procedures to ensure the proper administration of this policy.