

2022
POLICY
MANUAL

Michigan Great Lakes Virtual Academy

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BOARDPOLICIES
2022 POLICY MANUAL

Michigan Great Lake Virtual Academy

Spring 2022

ADOPTION RESOLUTION

RESOLVED that the policies printed and codified in the comprehensive document entitled "Board Policies of the Michigan Great Lakes Virtual Academy Board of Directors" are hereby adopted and that all Board Policies previously adopted by the Michigan Great Lakes Virtual Academy Board of Directors are hereby rescinded; further be it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 Michigan Great Lakes Virtual Academy Board of Directors at a public meeting held at Manistee, Michigan on April 27, 2017.

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Legend:

LR = Legally Required (if applicable)

LC = Legal Content

BP = Best Practice

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

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

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Adoption Date:

Classification:

Revised Dates: **5/4/21; 06/17/2021; 04/25/2022; 05.22**

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

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Adopted 4/27/17

Revised 8/17/17; 9/20/18; 3/21/19; 6/20/19

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	0155	Committees	BP
0160	Meetings		
	0161	Parliamentary Authority	BP
	0162	Quorum	LC
	0163	Presiding Officer	BP
	0164	Call	BP
	0164.1	Regular Meetings	LC
	0164.2	Special Meetings	LC
	0164.3	Emergency Meetings	LC
	0165	Notice	LC
	0165.1	Posting Notice of Regular Meetings	LC
	0165.2	Change of Regular Meetings	LC
	0165.3	Posting Notice of Special Meetings	LC
	0165.4	Posting Notice of Emergency Meetings	LC
	0165.5	Recess	BP
	0165.6	Cancellation	LC
	0166	Agenda	LC
	0166.1	Consent Agenda	LC
	0167	Conduct	
	0167.1	Voting	LR
	0167.2	Closed Session	LR

	0167.3	Public Participation at Board Meetings	LR
	0167.4	Administrative Participation	BP
	0167.5	Use of Electronic Mail	BP
	0167.6	Use of Social Media	BP
	0168	Minutes	BP
	0168.1	Open Meeting	LR
	0168.2	Closed Meeting	LC
	0168.3	Committee Meetings	LC
	0169	Student Disciplinary Hearings	LC
	0169.1	Closed Session Requested	LC
	0169.2	Open Hearing	LC
0170	Duties		
	0171	Officers	
	0171.1	President	LC
	0171.2	Vice-President	LC
	0171.3	Secretary	LC
	0171.4	Treasurer	LC
	0172	Legal Counsel	BP
	0173	Independent Auditor	BP
	0175	Association Memberships	BP
	0175.1	Board Conferences, Conventions, and Workshops	BP

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

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Adoption Date: **04.17**

Classification:

Revised Dates: **8/17/17; 9/20/18; 3/21/19; 06/20/2019; 05.22**

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 Guideline

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

Apps and Services

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

Authorizer or Authorizing Body

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

Board

The Board of Directors. (See Charter Contract Bylaws). Depending on context to the extent lawfully delegated, "Board" may refer to the Designee thereof.

Board Operating Policy

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

Charter Contract

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

Due Process

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

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

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

Educational Service Provider Employee

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

Family Member

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

Full Board

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

Head of School

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 Head of School can delegate appropriate duties assigned by the Board (or Educational Service Provider). The Head of School must hold an appropriate school administrator certificate or permit.

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.

Management Agreement

An agreement to provide educational, administrative, management, instructional services or staff to a Public School Academy.

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

OFFICIAL DESCRIPTION

0111 **Name**

The Board of Directors of this school shall be known officially as the Michigan Great Lakes Virtual Academy Board of Directors.

0112 **Purpose**

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

0115 **Address**

The physical location of the Academy, the official address of the Academy, shall be 10 Filer Street, Manistee, Michigan 49660 and the official name of the Academy shall be Michigan Great Lakes Virtual Academy.

Adopted 4/27/17

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).

Adopted 4/27/17
Revised 3/21/19

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 Michigan 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.

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

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

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

MCL 450.2223, 450.2231

0132 Executive

0132.1 Selection of 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 Guidelines

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 Guidelines 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 Guidelines 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 Guidelines, 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 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.

Adopted 4/27/17
Revised 3/21/19

MEMBERSHIP

0141 **Number**

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

0142 **Appointment**

0142.1 **Term**

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

0142.2 **Oath**

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

0142.3 **Vacancies**

(See Provision of Charter Contract Bylaws.)

0142.31 **Filling a Board Vacancy**

(See Provision of the Charter Contract Bylaws.)

0142.4 **Orientation**

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

- A. the Charter Contract;
- B. the Educational Service Provider contract, if applicable
- C. the Board Policies Manual;
- D. the current budget statement, audit report, and related fiscal materials;
- E. the student handbook;
- F. the staff handbook;

- G. the Open Meetings Act;
- H. other materials, as deemed appropriate by the Board.

Each new Board member shall be invited to meet with the Board President and Educational Service Provider representative to discuss Board functions, policies, procedures, and provisions of the Charter Contract.

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

0143 **Authority**
MCL 15.261 et seq.

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

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

0143.1 **Public Expression of Board Members**

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

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

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

- A. correspondence, such as legislative proposals, when the Board member has received official guidance from the Board on the matters discussed in the letter;
- B. routine "thank you" letters of the Board;
- C. statements by Board members on non-school matters (providing the statements do not identify the author as a member of the Board); or
- D. personal statements not intended for publication.
- E. A Board member's personal or private use of social media may have unintended, negative consequences to the Board member and/or the

Academy, including possible violations of the Open Meetings Act and issues relating to creation of a public record. Postings to social media should be done in a manner sensitive to the Board member's responsibilities, applicable Academy policies, and legal obligations.

0144 **Operations**

0144.1 **Compensation**

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

0144.11 **Reimbursement of Expenses**

Reference: MCL 380.1254; MCL 388.1764b

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

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

The following categories of expenses shall be reimbursable:

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

The following categories of expenses shall not be reimbursable:

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

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

0144.2 **Board Member Ethics**

Reference: Board of Directors, National School Boards Association

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

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

0144.3 Conflict of Interest
MCL 15.323; 380.1203, 450.2545a

Board members shall perform their official duties free from any conflict of interest. To this end, no Board member shall use his/her position as a Board member to benefit either himself/herself or any other individual or agency, apart from the total interest of the Academy.

When a member of the Board suspects the possibility of a personal interest conflict, he/she should disclose his/her interest (such disclosure shall become a matter of record in the minutes of the Board) and thereafter

abstain from any participation in both the discussion of the matter and the vote thereon.

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

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

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

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

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.

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

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

1. A contract or other financial transaction between the Academy and any of the following:
 - a. A corporation in which the individual is a stockholder owning 1% or less of the total stock outstanding in any class if the stock is not listed on a stock exchange or owning stock that has a present market value of \$25,000.00 or less if the stock is listed on a stock exchange.
 - b. A corporation in which a trust, if the individual is a beneficiary under the trust, owns 1% or less of the total stock outstanding in any class if the stock is not listed on a stock exchange or owns stock that has a present market value of \$25,000.00 or less if the stock is listed on a stock exchange.
 - c. A professional limited liability company organized pursuant to the Michigan limited liability company act, if the individual is an employee but not a member of the company.
 2. A contract or other financial transaction between the Academy and any of the following:
 - a. A corporation in which the individual is not a director, officer, or employee.
 - b. A firm, partnership, or other unincorporated association, in which the individual is not a partner, member, or employee.
 - c. A corporation or firm that has an indebtedness owed to the individual.
 3. A contract awarded to the lowest qualified bidder, upon receipt of sealed bids pursuant to a published notice for bids if the notice does not bar, except as authorized by law, any qualified person, firm, corporation, or trust from bidding. This does not apply to any amendments or renegotiations of a contract or to additional payments under the contract that were not authorized by the contract at the time of award.
- D. The official minutes of the Board must disclose the name of each party involved in the contract, the nature of the financial interest, and the terms of the contract, including the duration; financial consideration between the parties; facilities or services of the Academy included in the contract; and the nature and degree of assignment of school staff needed to fulfill the contract.

- E. A Board member with a conflict of interest in a contract may not participate in the discussion of nor vote on the contract.

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

0144.4 Indemnification
MCL 691.1408, 450.2561 – 2569

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

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

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

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

Adopted 4/27/17
Revised 9/20/18; 3/21/19

ORGANIZATION

0151 Annual Organizational Meeting

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

0152 Officers

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

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

0154 Annual Organizational Meeting Agenda (Motions)

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

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

- K. Appointment (or reappointment) of Legal Counsel
- L. Appointment (or reappointment) of External Auditor

0155 **Committees**

(See Charter Contract Bylaws.)

Adopted 4/27/17

MEETINGS

0161 Parliamentary Authority

The parliamentary authority governing the Board of Directors shall be Robert's Rules of Order, Newly Revised in all cases in which it is not inconsistent with statute, administrative code, or these bylaws.

0162 Quorum

A quorum shall be a majority of the maximum number of Directors designated to the Academy Board by the Academy's bylaws, and no business shall be conducted in the absence of a quorum.

0163 Presiding Officer

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

0164 Call

0164.1 Regular Meetings

The Board shall hold a meeting periodically on dates and at times and places determined annually by a resolution of the Board.

0164.2 Special Meetings

Special meetings of the Board may be called by the President or by any two (2) members of the Board provided there is compliance with the notice provision of the Academy Bylaws.

0164.3 Emergency Meetings

In the event of a severe and imminent threat to the health, safety, or welfare of the Academy, its personnel, or students, any member of the Board may call an emergency session provided the majority of the Board concur that delay would be detrimental to efforts to lessen or respond to the threat. Actual notice of any emergency meeting shall be attempted, but not required to other Board members.

0165 Notice

0165.1 Posting Notice of Regular Meetings

Within ten (10) days after the organizational Board meeting, the Board shall cause to be posted at the Board office and in other locations considered appropriate by the Board, a notice listing the date, time, and place of each regularly scheduled meeting of the Board. The notice shall contain the name and address of the Academy and its telephone number.

The notice shall also contain the following statement:

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

Upon the written request of an individual, organization, firm, or corporation, and upon the requesting party's payment of a yearly fee of not more than the estimated reasonable cost for printing and postage of each notice as shall be determined annually by the Board, the Academy shall send to the requesting party by first-class mail a copy of any notice required to be posted by these bylaws. The news media shall be entitled to receive, at their request, copies of such notices free of charge.

0165.2 Change of Regular Meetings

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

M.C.L.A. 15.264, 15.266

0165.3 Posting Notice of Special Meetings

Said notice shall state the date, time, and place of such special meeting and the business to be transacted thereat, as well as the name, address, and telephone number of the Academy. A notice of any special meeting shall be posted at least eighteen (18) hours before said special meeting at the Academy office and such other places as the Board may determine. A copy of said notice shall be served upon each member of the Board.

0165.4 Posting Notice of Emergency Meetings

No notice of any emergency meeting shall be required.

0165.5 Recess

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

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

0165.6 Cancellation

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

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

0166 Agenda

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

The agenda of the regular monthly meeting or special meetings shall be accompanied by a report from the Educational Service Provider on information relating to the Academy with such recommendations as s/he shall make.

Each agenda shall contain the following statement:

"This meeting is a meeting of the Board of Directors in public for the purpose of conducting the Academy's business and is not to be considered a public community meeting. There is a time for public participation during the meeting as indicated in agenda item ____."

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 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.

The agenda for each regular meeting shall be mailed or delivered to each Board member so as to provide proper time for the member to study the agenda. Generally, the agenda should be mailed no later than four (4) days prior to the meeting, or delivered so as to provide time for the study of the agenda by the member. The agenda for a special meeting shall be delivered at least eighteen (18) hours before the meeting, consistent with provisions calling for special meetings.

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

0166.1 Consent Agenda

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

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

- A. minutes of prior meetings
- B. bills for payment
- C. hiring of personnel, if applicable
- D. resolutions that require annual adoption, such as bank signatories, Michigan High School Athletic Association membership, etc.
- E. resignations and leaves
- F. organizational matters

A member of the Board may request any item to be removed from the consent resolution and defer it for a specific action and more discussion. No vote of the Board will be required to remove an item from the consent agenda. A single member's request shall cause it to be relocated as an action item eligible for discussion. Any item on the consent agenda may be

removed and discussed as a nonaction item or be deferred for further study and discussion at a subsequent Board meeting if the Educational Service Provider or any Board member thinks the item requires further discussion.

0167 Conduct

0167.1 Voting

All regular and those special meetings of the Board at which the Board is authorized to perform business shall be conducted in public. No act shall be valid unless approved at a meeting of the Board by a majority vote of the members elected or appointed to and serving on the Board who are authorized to vote (see Voting as defined in Bylaw 0100) and a proper record made of the vote. Meetings of the Board shall be public and no person shall be excluded therefrom. M.C.L.A. 380.1201

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

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

0167.2 Closed Session

The Board may 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)

0167.3 Public Participation at Board Meetings

In keeping with the confidential nature of closed sessions, no member of the Board shall disclose the content of discussions that take place during such sessions except as specifically permitted by law.

No Board member may record nor communicate by any means, electronic or otherwise, with party or parties outside such meetings regarding the substance of such meetings either during or after the course of such meetings.

MCL 15.267, 15.268

The Board of Directors recognizes the value of public comment on educational issues and the importance of allowing members of the public to express themselves on Academy matters.

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

The presiding officer shall be guided by the following rules:

- A. Public participation shall be permitted at a time as determined by the presiding officer.
- B. Anyone with concerns related to the operation of the school or to matters within the authority of the Board may participate during the designated public participation portion(s) of a meeting.
- C. Attendees must register their intention to participate in the public participation portion of the meeting upon their arrival at the meeting.
- D. Individuals may not register others to speak during public participation.
- E. Participants must first be recognized by the presiding officer.
- F. Each statement made by a participant shall be limited to three (3) minutes duration.
- G. Participants shall direct all comments to the Board and not to staff or other participants.

The presiding officer may:

- A. interrupt, warn, or terminate a participant's session when they make comments that are repetitive, obscene, and/or comments that constitute a true threat (i.e., statements meant to frighten or intimidate one (1) or more specified persons into believing that they will be seriously harmed by the speaker or someone acting at the speaker's behest);
- B. request any individual to stop speaking and/or leave the meeting when that person behaves in a manner that is disruptive of the orderly conduct and/or orderly progress of the meeting;
- C. request the assistance of law enforcement officers in the removal of a disorderly person when that person's conduct interferes with the orderly progress of the meeting;
- D. call for a recess or an adjournment to another time when the lack of public decorum so interferes with the conduct and/or orderly conduct of the meeting as to warrant such action;
- E. waive these rules with the approval of the Board when necessary for the protection of privacy or the administration of the Board's business.

The Board permits individuals who attend meetings remotely to participate in public participation, subject to the same rules that apply to individuals who attend in person. The Board is not responsible for any technology failures that prevent or disrupt any individual from attending and/or participating remotely.

Audio or video recordings are permitted subject to the following conditions:

- A. No obstructions are created between the Board and the audience.
- B. No interviews are conducted in the meeting room while the Board is in session.
- C. No commentary, adjustment of equipment, or positioning of operators is made that would distract either the Board or members of the audience while the Board is in session.
- D. There is no disruption at the meeting.

The person operating the recorder should contact the Head of School prior to the Board meeting to review possible placement of the equipment.

MCL 15.263(4)(5)(6), 380.1808

0167.4 Administrative Participation

The Educational Service Provider and those administrators directed by the Educational Service Provider shall attend all meetings, when feasible. Administrative participation shall be by professional counsel, guidance, and recommendation - as distinct from deliberation, debate, and voting of Board members.

0167.5 Use of Electronic Mail

Since E-mail is a form of communication that could conflict with the Open-Meetings Law, it will be used to conduct business of the Board only for the purposes of communicating:

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

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

There should be no expectation of privacy for any messages sent by E-mail. Messages that have been deleted may still be accessible on the hard drive, if the space has not been occupied by other messages. Messages, deleted or otherwise, may be subject to disclosure under the Freedom of Information Act, unless an exemption would apply.

0167.6 Use of Social Media

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

0168 Minutes

0168.1 Open Meeting

The Secretary, or a temporary secretary appointed by the presiding officer, shall designate a person to keep minutes of each meeting showing the date, time, place, members present, members absent, any decisions made at a meeting open to the public, and the purpose 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 Head of School'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.

0169 Student Disciplinary Hearings

0169.1 Closed Session Requested

If a parent or student requests a closed hearing, a vote must be taken. The purpose of the closed session should be announced: "To consider a student disciplinary matter, pursuant to the request of the parent/guardian" A majority vote is required to go into a closed session for this purpose.

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

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

The Administration should present a summary of the requested discipline and an overview of the incident(s) supporting discipline. The Administration may call and question witnesses as it determines appropriate. An administrator may testify as a witness to the results of his/her investigation of the incident and the student's past record.

The student, parent, or representative (only one (1)) should be allowed to ask the witness(es) questions related to issues reasonably related to the discipline. Additional questioning by the Administration, the student/representative and/or the Board may be allowed at the Board's discretion.

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

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

The Board shall not take any action in the closed session. To act on the discipline the Board must return to open session. This requires a majority vote.

During the open session the name of the student shall not be used in voting on the discipline, to protect student privacy under the Federal Family Educational Rights and Privacy Act. The student may be referred to by a Code Number or Pseudonym (i.e. Student A). Only the reference code shall be indicated in the Board minutes, NOT the student's actual name. The reference code shall be listed in the student's discipline file.

If, at any time during the hearing, the student, parent or authorized representative withdraws the request for a closed hearing, the matter shall proceed under the open hearing provisions.

0169.2 Open Hearing

If the student, parent or authorized representative does not request a closed hearing, the Board must still assure that the Family Educational Rights and Privacy Act is not violated.

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

In all other respects the hearing shall proceed as outlined under the Closed Hearing.

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

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Revised Dates: **8/17/17; 3/21/19; 06/20/2019; 05.22**

DUTIES

0171 **Officers**

0171.1 **President**

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

0171.2 **Vice-President**

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

0171.3 **Secretary**

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

0171.4 **Treasurer**

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

0172 **Legal Counsel**

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

0173 **Independent Auditor**

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

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

0175 Association Memberships

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

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

0175.1 Board Conferences, Conventions, and Workshops

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

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

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

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

- A. Conference registration fees
- B. Transportation – plane (coach, or economy class), train (coach or economy class) or automobile, including buses, taxis and limousines.
- C. Mileage at the Board approved rate
- D. Toll charges and parking
- E. Lodging (in most instances, reimbursement will be limited to the conference rate, however, exceptions may be made in extenuating circumstances as determined by the Treasurer.)
- F. Meals

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

Adopted 4/27/17

1000 **ADMINISTRATION**

1000	Educational Service Provider Statement	
1240	Evaluation of the Educational Service Provider	BP
1420	Academy Administrator and School Leader Evaluation	LC
1421	Criminal History Record Check	LR
1422.01	Drug-Free Workplace	LR
1439	Administrator Discipline	LC
1619.03	Patient Protection and Affordable Care Act	L

Adopted 4/27/17

Revised 1/18/18; 9/20/18; 6/20/19; 11/21/19

1000 ADMINISTRATION

All Administration of the Michigan Great Lakes Virtual Academy are employees of K12, Inc., the employer of record, as per the contractual agreement between Michigan Great Lakes Virtual Academy Board of Directors and K12, Inc. All employees, therefore, are subject to all personnel policies and regulations, including but not limited to Academy Administration Evaluation, Nondiscrimination and Equal Employment Opportunity, and Section 504/ADA Prohibition Against Disability Discrimination in Employment, established by the K12, Inc.

Adopted 4/27/17

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. To carry out this responsibility, the Board will evaluate the Educational Service Provider according to the contract between the Board and the Educational Service Provider and a mutually agreed-upon tool.

Adopted 4/27/17

ACADEMY ADMINISTRATOR AND HEAD OF SCHOOL EVALUATION

Reference: MCL 380.1249; 380.1249b

The Board of Directors shall ensure that its Educational Service Provider establishes and implements a rigorous, transparent, and fair performance evaluation system that does all of the following:

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

The Educational Service Provider shall perform the academy administrators' evaluations. The Educational Service Provider shall perform the Head of School's evaluation. A Head of School or academy administrator rated highly effective on three (3) consecutive year-evaluations may be evaluated every other year at the Board's discretion.

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

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

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

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

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

Adopted 4/27/17
Revised 11/21/19

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").¹ 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 Head of School 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.

¹ 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 Head of School 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 Head of School 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 Head of School 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 Head of School 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 Head of School 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 Head of School 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 1/18/18
Revised 9/20/18

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

Adopted 6/20/19

TABLED POLICY – FALL 2017-1/18/18
NEW POLICY – FALL 2017
ADMINISTRATOR DISCIPLINE

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

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

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

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

Discipline may include, but is not limited to:

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

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

The Educational Service Provider decision to impose any disciplinary action that is not subject to Board review is final.

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

PATIENT PROTECTION AND AFFORDABLE CARE ACT

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

The Board of Directors acknowledges that the Patient Protection and Affordable Care Act ("ACA") imposes certain obligations upon the Academy. Such obligations may include the following:

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

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

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

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

Adopted 4/27/17

2000 **PROGRAM**

2105	Mission of the Academy	BP
2111	Value Statements for Board, Staff and/or Educational Service Provider, and Students	BP
2112	Parent and Family Engagement	LR
2120	School Improvement	LC
2131	Educational Outcomes for Students	BP
2210	Curriculum Development – Approved Courses	LC
2260	Nondiscrimination and Access to Equal Educational Opportunity	LR
2260.01	Section 504/ADA Prohibition Against Discrimination Based on Disability	LR
2261	Title I Services	LR
2261.01	Parent and Family Member Participation in Title I Programs	LR
2261.02	Title I – Parent’s Right to Know	LC
2261.03	Academy and School Report Card	LR
2266	Nondiscrimination On The Basis Of Sex In Education Programs or Activities	LR
2271	Postsecondary (Dual) Enrollment Option Programs	LC
2410	Prohibition of Referral or Assistance	LR
2414	Reproductive Health and Family Planning	LR
2605	Program Accountability and Evaluation	BP
2623	Student Assessment	LR
2628	State Aid Incentives	BP
2700	P.A. 25 Annual Report	LC

Adopted 4/27/17

Revised 8/17/17; 1/18/18; 3/21/19; 6/20/19; 11/21/19; 6/18/20; 9/17/20

2000 **PROGRAM**

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2261.02	Title I – A Parent’s Right to Know	LC
2261.03	Academy and School Report Card	LR
2271	Postsecondary (Dual) Enrollment Option Program	LC
2340	Field and Other Academy-Sponsored Trips	BP
2410	Prohibition on Referral or Assistance	LR
2414	Reproductive Health and Family Planning	LR
2605	Program Accountability and Evaluation	BP
2623	Student Assessment	LR
2628	State Aid Incentives	BP
2700	P.A. 25 Annual Report	LC

Revised Dates: **8/17/17; 1/18/18; 3/21/19; 6/20/19; 11/21/19; 06/18/2020;
06/17/2021; 04/25/2022; 05.22**

MISSION OF THE ACADEMY

The Michigan Great Lakes Virtual Academy (MGLVA) will provide an individualized education plan for each of our K-12 students, based upon proven best practices, so that they will gain the skills, knowledge, habits of mind, and democratic values to both achieve their goals as individuals and to productive, engaged citizens of the great state of Michigan. Delivered online and offline, this unique program will put public school accountability, teacher competence, and meaningful parent involvement at the center of student learning. MGLVA will be a model for other public schools to replicate, especially in the areas of creating Individualized Learning Plans (ILPs), parent engagement, mastery of standards, web-based and in-person professional development, a detailed instructional model, creating value-added measures of student achievement, and creating tiered levels of intervention for students who are struggling. MGLVA is committed to data-driven instruction and decision making, responsive governance, across-the-board accountability, and transparency in all aspects of school operations.

Adopted 4/27/17

VALUE STATEMENTS FOR BOARD, STAFF AND/OR EDUCATIONAL SERVICE PROVIDER, AND STUDENTS

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

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

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

Statement of Values for Board Members and Educators

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

Statement of Values for Students

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

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

Adopted 4/27/17

PARENT AND FAMILY ENGAGEMENT

Reference: Sec. 1112, 1116 ESEA
MCL 380.1294

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

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

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

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

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

A. Relationships with Families

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

B. Effective Communication

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

C. Volunteer Opportunities

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

D. Learning at Home

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

E. Engaging Families in Decision Making and Advocacy

1. engaging families as partners in the process of school review and continuous improvement planning; ²
2. engaging families in the development of its Academy-wide parent and family engagement policy and plan, and distributing the policy and plan to families. ^{1,2}

F. Collaborating with the Community

1. building constructive partnerships and connecting families with community-based programs and other community resources;^{1,2}
2. coordinating and integrating parent and family engagement programs and activities with Academy initiatives and community-based programs that encourage and support families' participation in their children's education, growth, and development.^{1,2}

Implementation

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

¹Indicates IDEA 2004 Section 650 & 644 parent involvement requirements

²Indicates Title I Section 1116 parent and family engagement

Adopted 3/21/19

SCHOOL IMPROVEMENT

Reference: MCL 380.1204(a) 380.1277

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

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

The Educational Service Provider shall establish Administrative Procedures to ensure that the following objectives can be achieved:

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

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

Adopted 4/27/17

EDUCATIONAL OUTCOMES FOR STUDENTS

Reference: ©1992, NEOLA, Inc. and The Institute for Curriculum and Instruction

The mission of this Academy is to provide a quality education for all of the students; the Board of Directors believes this mission is being accomplished when students confirm they have achieved the educational goals below.

During and upon completion of the educational program of the Academy, an educated student should achieve the following learning outcomes at desired levels of quality.

Communication Skills

The student demonstrates the following knowledge, attitudes, and skills:

- A. independently and efficiently solves life problems, using both oral and written language;
- B. logically examines, and subsequently uses, information from various, appropriate resources;
- C. understands and responds appropriately to the communication of others and their feelings and attitudes;
- D. competently selects, adopts, and uses the most appropriate language forms to achieve his/her communication purposes.

General Education

The student demonstrates the following knowledge and skills:

- A. has sufficient fundamental knowledge and skills in traditional subjects (i.e. math, English, science, social studies) to meet his/her responsibilities as a participating member of society;
- B. can establish and pursue educational, vocational, and/or avocational goals of his/her own;
- C. seeks to learn continuously, using appropriate informational resources.

Pride and Ethics

The student demonstrates pride in his/her work, based on a realistic assessment of his/her abilities and accomplishments and displays responsible, ethical, and moral behavior consistent with societal standards, reflecting a commitment to use his/her capabilities to achieve and maintain a purposeful and productive life.

Interaction and Cooperation

The student demonstrates the ability and willingness to interact effectively with individuals, treating their ideas and ideals with thoughtfulness and respect and to cooperate with others to benefit society.

Citizenship

The student demonstrates an understanding and commitment to the ideas and ideals upon which our democratic society was founded and considers it a responsibility and privilege to participate in democratic processes at local, state, and national levels.

Arts and Culture

The student demonstrates appreciation and support of artistic endeavors and natural beauty and cultivates his/her own creative self-expression and talents in one or more art forms.

Social Change

The student demonstrates an understanding of the nature of societal change and adjusts to change by evaluating current social conditions and events, by assessing alternative courses of action in terms of feasibility and potential consequences, and by selecting or recommending those actions which permit self and others to function appropriately in society.

Health

The student demonstrates an understanding and caring for his/her and other's physical and mental well-being through involvement in personal and public programs that promote acceptable levels of health and safety.

Resource Management

The student demonstrates effective management of money, property, and resources to meet his/her needs and contribute positively to the economic and environmental needs of society.

Career Planning

The student demonstrates effective use of a variety of personal and public resources to further his/her knowledge of career opportunities and exhibits a commitment to developing the knowledge, attitudes, and skills needed to qualify for and perform effectively in his/her chosen employment.

Leisure Time

The student demonstrates constructive use of leisure time to fully realize his/her physical, intellectual, and/or creative potentials.

The Board expects all students in this Academy to be able to demonstrate these applied learning outcomes at a level commensurate with their age and capabilities.

The Educational Service Provider is charged with the responsibility for providing opportunities, through the Academy's curriculum and appropriate Administrative Procedures (if applicable), for each student to accomplish these goals and for developing a valid means for assessing the extent to which each is accomplished.

Student achievement of these educational goals represents the Board's highest priority. In implementing the educational program, the Educational Service Provider shall ensure that these educational outcomes are assigned the highest priority.

Adopted 4/27/17

CURRICULUM DEVELOPMENT – APPROVED COURSES

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

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

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

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

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

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

The Head of School shall be responsible to the Board for the development and evaluation of curriculum and the preparation of courses of study.

The Head of School shall make progress reports to the Board periodically.

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

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

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

Approved Courses

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

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

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

Adopted 6/20/19

Revised 6/18/20

NONDISCRIMINATION AND ACCESS TO EQUAL EDUCATIONAL OPPORTUNITY

Reference:

MCL 380.1146, 380.1704, 37.1101 et seq., 37.2402, 37.1402, 37.2101-37.2804
Fourteenth Amendment, U.S. Constitution
20 USC Section 1681, Title IX of Education Amendments Act
20 USC Section 1701 et seq., Equal Educational Opportunities Act of 1974
20 USC Section 7905, Boy Scouts of America Equal Access Act
29 USC Section 794, Rehabilitation Act of 1973, as amended
29 CFR Part 1635
42 USC Section 2000d et seq., Civil Rights Act of 1964
42 USC Section 2000ff et seq., The Genetic Information Nondiscrimination Act
42 USC 6101 et seq., Age Discrimination Act of 1975
34 CFR Part 110 (7/27/93)
Vocational Education Program Guidelines for Eliminating Discrimination and Denial of Services,
Department of Education, Office of Civil Rights, March 1979
42 USC 12101 et seq., The Americans with Disabilities Act of 1990, as amended

Any form of discrimination or harassment can be devastating to an individual's academic progress, social relationship and/or personal sense of self-worth.

As such, the Board of Directors does not discriminate on the basis of race, color, national origin, sex (including sexual orientation or gender identity), disability, age (except as authorized by law), religion, military status, ancestry or genetic information in its educational programs or activities and will not permit discrimination in any of these categories from its Educational Service Provider.

Equal educational opportunities shall be available to all students, without regard to the Protected Classes, age (unless age is a factor necessary to the normal operation or the achievement of any legitimate objective of the program/activity), place of residence within the boundaries of the Academy, or social or economic background, to learn through the curriculum offered in this Academy. Educational programs shall be designed to meet the varying needs of all students.

In order to achieve the aforesaid goal, the Educational Service Provider shall:

A. Curriculum Content

review current and proposed courses of study and textbooks to detect any bias based ascertaining whether or not supplemental materials, singly or taken as a whole, fairly depict the contribution of both genders, various races, ethnic groups, etc. toward the development of human society;

B. Staff Training

develop an ongoing program of in-service training for school personnel designed to identify and solve problems in all aspects of the program;

C. Student Access

1. review current and proposed programs, activities, facilities, and practices to ensure that all students have equal access thereto and are not segregated in any duty, work, play, classroom, or school practice, except as may be permitted under State regulations;
2. verify that facilities are made available, in accordance with Board Policy 7510 - Use of Academy Facilities, for non-curricular student activities that are initiated by parents or other

members of the community, including but not limited to any group affiliated with the Boy Scouts of America or any other youth group listed in Title 36 of the United States Code as a patriotic society;

This language does not prohibit the Academy from establishing and maintaining a single-gender school, class, or program within a school if a comparable school, class, or program is made available to students of each gender.

D. Academy Support

verify that like aspects of the entire Academy program receive like support as to staff size and compensation, purchase and maintenance of facilities and equipment, access to such facilities and equipment, and related matters;

E. Student Evaluation

verify that tests, procedures, or guidance and counseling materials, which are designed to evaluate student progress, rate aptitudes, analyze personality, or in any manner establish or tend to establish a category by which a student may be judged, are not differentiated or stereotyped on the basis of Protected Classes.

Definitions:

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

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).

Academy Compliance Officers

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

Special Programs Manager
1309 Madison Rd
Manistee, MI 49660
231-794-5999 ext. 3112

Title 9 Coordinator
1309 Madison Rd
Manistee, MI 49660
231-794-5999 ext. 3112

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

The Academy will accommodate the use of certified service animals when there is an established need for such supportive aid in the school environment. Certain restrictions may be applied when necessary due to allergies, health, safety, disability or other issues of those in the classroom or school environment. The goal shall be to provide all students with the same access and participation opportunities provided to other students in school. Confirmation of disability, need for a service animal to access the school programming, and current certification/training of the service animal may be required.

The COs are responsible for coordinating the 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 discrimination, retaliation or denial of equal access. The COs shall also verify that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act (as amended), Title VI and VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973 (as amended), and the Age Discrimination Act of 1975 is provided to students, their parents, staff members, and the general public. A copy of each of the Acts and regulations on which this notice is based may be found in the CO's office.

The Educational Service Provider shall annually attempt to identify children with disabilities, ages 0-25, who do not receive a public education.

The Board is committed to educating (or providing for the education of) each qualified person with a disability with persons who are not disabled to the maximum extent appropriate. Generally, the Academy will place a person with a disability in the regular educational environment unless it is demonstrated that the education of the person in the regular environment, even with the use of supplementary aids and services cannot be achieved satisfactorily. If the Board operates a separate class or facility that is identifiable as being for persons with disabilities, the facility, program, and activities and services must be comparable to the facilities, programs, and activities and services offered to students without a disability.

In addition, Educational Service Provider shall establish procedures to identify students who are Limited English Proficient (LEP), including immigrant children and youth, to assess their ability to participate in Academy programs, and develop and administer a program that meets the English language and academic needs of these students. This program shall include procedures for student placement, services, evaluation and exit guidelines and shall be designed to provide students with effective instruction that leads to academic achievement and timely acquisition of proficiency in English. As a part of this program, the Academy will evaluate the progress of students in achieving English language proficiency in the areas of listening, speaking, reading and writing, on an annual basis (also see Policy 2225). The Educational Service Provider is responsible for verifying that a concentration of students who are Limited English Proficient (LEP) in one or more programs is not the result of discrimination.

Reports and Complaints of Unlawful Discrimination and Retaliation

Students and Educational Service Provider employees are required, and all other members of the Academy community and third parties are encouraged to promptly report incidents of unlawful discrimination and/or retaliation to a teacher, administrator, supervisor, or other Academy official so that the Board may address the conduct. Any teacher, administrator, supervisor, or other Academy employee or official who receives such a complaint shall file it with the CO within two (2) days.

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

If, during an investigation of alleged bullying, aggressive behavior and/or harassment in accordance with Policy 5517.01 – Bullying and Other Forms of Aggressive Behavior, the Principal believes that the reported misconduct may constitute unlawful discrimination based on a Protected Class, the Principal shall report the act to one of the COs who shall investigate the allegation in accordance with this policy. While the CO

investigates the allegation, the Principal shall suspend the Policy 5517.01 investigation to await the CO's written report. The CO shall keep the Principal informed of the status of the Policy 2260 investigation and provide the Principal with a copy of the resulting written report.

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

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

Investigation and Complaint Procedure

Except for sex discrimination and/or Sexual Harassment that is covered by Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities, any employee who alleges to have been subjected to unlawful discrimination or retaliation may seek resolution of his/her complaint through the procedures described below. The formal complaint procedures involve an investigation of the individual's claims of discrimination/retaliation and a process for rendering a decision regarding whether the charges are substantiated.

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

The procedures set forth below are not intended to interfere with the rights of a student to pursue a complaint of unlawful discrimination or retaliation with the United States Department of Education Office for Civil Rights ("OCR"). The Cleveland Office of the OCR can be reached at 1350 Euclid Avenue, Suite 325, Cleveland, Ohio 44115; Telephone: (216) 522-4970; Fax: (216) 522-2573; TDD: (216) 522-4944; E-mail: ocr.cleveland@ed.gov; Web: <http://www.ed.gov/ocr>.

Informal Complaint Procedure

The goal of the informal complaint procedure is to promptly stop inappropriate behavior and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for a student who alleges unlawful discrimination or retaliation. This informal procedure is not required as a precursor to the filing of a formal complaint.

The informal process is only available in those circumstances where the Complainant and the Respondent mutually agree to participate in it.

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

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

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

A Complainant who alleges unlawful discrimination/retaliation may make an informal complaint, either orally or in writing: (1) to a teacher, other employee, or building administrator in the school the student attends; (2) to the Educational Service Provider or other Academy-level employee; and/or (3) directly to one of the COs.

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

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

- A. Advising the Complainant about how to communicate concerns to the Respondent.
- B. Distributing a copy of Policy 2260 – Non-Discrimination and Access to Equal Educational Opportunity to the individuals in the school building or office where the Respondent works or attends.
- C. If both parties agree, the CO may arrange and facilitate a meeting or mediation between the Complainant and the Respondent to work out a mutual resolution.

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

Formal Complaint Procedure

If a complaint is not resolved through the informal complaint process, if one (1) of the parties requested that the informal complaint process be terminated to move to the formal complaint process, or if the Complainant, from the outset, elects to file a formal complaint, or the Compliance Officer(s) determines the allegations are not appropriate for resolution through the informal process, the formal complaint process shall be implemented.

The Complainant may file a formal complaint, either orally or in writing, with a teacher, Principal, or other official at the student's school, the CO, Educational Service Provider, or another official who works at another academy or at the Academy level. Due to the sensitivity surrounding complaints of unlawful discrimination, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a formal complaint within thirty (30) days after the conduct occurs. If a Complainant informs a teacher, Principal, or other official at the student's school, Educational Service Provider, or other employee, either orally or in writing, about any complaint of discrimination/retaliation, that employee must report such information to the CO/designee within two (2) days.

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

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

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

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

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

Simultaneously, the CO will inform the Respondent that a formal complaint has been received. The Respondent will be informed about the nature of the allegations and provided with a copy of any relevant policies and/or administrative guidelines, including Policy 2260 - Nondiscrimination and Access to Equal Educational Opportunity. The Respondent must also be informed of the opportunity to submit a written response to the formal complaint within five (5) days.

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

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

Respondent, or any other witness that is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the CO/designee shall prepare and deliver a written report to the Educational Service Provider that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful discrimination/retaliation as provided in Board policy and State and Federal law as to whether the Respondent has engaged in unlawful discrimination/retaliation of the Complainant. The CO's recommendations must be based upon the totality of the circumstances. In determining if unlawful discrimination or retaliation occurred, a preponderance of evidence standard will be used. The CO 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 CO or designee, the Educational Service Provider must either issue a written decision regarding whether the charges have 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) days. At the conclusion of the additional investigation, the Educational Service Provider shall issue a final written decision as described above.

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

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

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

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

Sanctions and Monitoring

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

Where the Board becomes aware that a prior remedial action has been taken against a member of the 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 participate or refused to participate in any manner in an investigation, proceeding, or hearing under those laws and/or this policy, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws and/or this policy.

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

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

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

Education and Training

In support of this policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The 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 all information, provided regarding the Board's policy and discrimination in general, will be age and content appropriate.

The Academy will endeavor to assist the student and/or his/her parents in their access to Academy programs by providing notices to the parents and students in a language and format that they are likely to understand.

Materials approved by the State Department of Education describing the benefits of instruction in Braille reading and writing shall be provided to each blind student's individualized planning committee. The Academy shall not deny a student the opportunity for instruction in Braille, reading, and writing solely because the student has some remaining vision.

Retention of Investigatory Records and Materials

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

- A. all written reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;
- B. any narratives that memorialize oral reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;
- C. any documentation that memorializes the actions taken by 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.

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.

© **National Charter School Institute**

Adoption Date:

Classification: **Legally Required**

Revised Dates: ; **06.21**

SECTION 504/ADA PROHIBITION AGAINST DISCRIMINATION BASED ON DISABILITY

Reference:

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

Pursuant to Section 504 of the Rehabilitation Act of 1973 ("Section 504"), the Americans with Disabilities Act of 1990, as amended ("ADA") and the implementing regulations (collectively "Section 504/ADA"), no otherwise qualified individual with a disability shall, solely by reason of his/her disability, be excluded from participation be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. The Board of Directors does not discriminate in admission or access to, or participation in, or treatment, in its programs or activities. As such, the Board's policies and practices will not discriminate against students with disabilities, and the Board will make its facilities, programs, and activities accessible to qualified individuals with disabilities. No discrimination will be knowingly permitted against any individual with a disability on the sole basis of that disability in any of the programs, activities, policies, and/or practices in the Academy.

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

Major life activities also include the operation of a major bodily function, including, but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

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

The determination of whether an impairment substantially limits a major life activity must be made without regard to the ameliorative effects of mitigating measures such as medication, medical supplies, equipment or appliances, low-vision devices (not including ordinary eyeglasses or contact lenses), prosthetics (including limbs and devices), hearing aides and cochlear implants or other implantable hearing devices, mobility devices, oxygen therapy equipment or supplies, assistive technology, reasonable accommodations or auxiliary aids or services, or learned behavioral or adaptive neurological modifications.

With respect to public preschool, elementary and secondary educational services, a qualified person with a disability means a disabled person:

- A. who is of an age during which nondisabled persons are provided educational services;
- B. who is of any age during which it is mandatory under Michigan law to provide educational services to disabled persons; or
- C. to whom the State is required to provide a free appropriate public education pursuant to the Individuals with Disabilities Education Improvement Act (IDEIA).

With respect to vocational education services, a qualified person with a disability means a person with a disability who meets the academic and technical standards requisite to admission or participation in the vocational program or activity. The Board will not deny a student with disabilities access to its vocational

education programs or courses due to architectural and/or equipment barriers, or because the student needs related aids or services to receive an appropriate education.

Compliance Officer(s)

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

Special Programs Manager
1309 Madison Rd
Manistee, MI 49660
231-794-5999 ext. 3112

Title 9 Coordinator
1309 Madison Rd
Manistee, MI 49660
231-794-5999 ext. 3112

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

The Compliance Officer(s) is/are responsible for coordinating the Academy's efforts to comply with and fulfill its responsibilities under Section 504 and Title II of the ADA. A copy of Section 504 and the ADA, including copies of the implementing regulations, may be obtained from the Compliance Officer.

The Compliance Officer(s) will oversee the investigation of any complaints of discrimination based on disability, which may be filed pursuant to the Board's adopted internal complaint procedure, and will attempt to resolve such complaints.

The Educational Service Provider will provide for the prompt and equitable resolution of complaints alleging violations of Section 504/ADA. (See below) The Educational Service Provider will further establish and implement a system of procedural safeguards in accordance with Section 504, including the right to an impartial due process hearing. (See AG 2260.01B)

Training

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

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

Facilities

No qualified person with a disability will, because the 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. Programs and activities will be designed and scheduled so that the location and nature of the facility or area will not deny a student with a disability the opportunity to participate on the same basis as students without disabilities.

Education

The Board is committed to identifying, evaluating, and providing a free appropriate public education (FAPE) to students within its jurisdiction who have a physical or mental impairment that substantially limits one or more major life activities, regardless of the nature or severity of their disabilities.

An appropriate education may include regular or special education and related aids and services to accommodate the unique needs of students with disabilities. For students with disabilities who are not eligible for specially designed instruction under the IDEIA, the special education and related aids and services (including accommodations/modifications/interventions) they need in order to have their needs met as adequately as the needs of nondisabled students are met, shall be delineated, along with their placement, in a Section 504 Plan (Form 2260.01A F13). Parents/guardians/custodians ("parents") are invited and encouraged to participate fully in the evaluation process and development of a Section 504 Plan. The quality of education services provided to students with disabilities will be equal to the quality of services provided to students without disabilities.

The Board is committed to educating (or providing for the education of) each qualified person with a disability who is enrolled by the Academy to the maximum extent appropriate. Generally, the Academy will place a person with a disability in the regular educational environment unless it is demonstrated that the education of the person in the regular environment even with the use of supplementary aids and services cannot be achieved satisfactorily. If the Academy places a person in a setting other than the regular educational environment, it shall take into account the proximity of the alternate setting to the person's home. If the Board operates a separate class or facility that is identifiable as being for persons with disabilities, the facility, program, and activities and services must be comparable to the facilities, programs, and activities and services offered to students without a disability.

The Academy will provide non-academic extracurricular services and activities in such a manner as is necessary to afford qualified persons with disabilities an equal opportunity for participation in such services and activities.

Notice

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

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

Complaint Procedures

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

In accordance with Section 504 of the Rehabilitation Act of 1973 and its implementing regulations ("Section 504"), parents and students will be notified of their right to file an internal complaint regarding an alleged violation, misinterpretation or misapplication of Section 504. In addition, students and their parents will be notified of their right to file a complaint with the U.S. Department of Education's Office for Civil Rights. Finally, students and parents will be advised of their right to request a due process hearing before an Impartial Hearing Officer (IHO) regarding the identification, evaluation or educational placement of persons with disabilities, including the right to participation by the student's parents or guardian and representation of counsel, and their right to examine relevant education records.

Internal complaints and requests for due process hearings must be put in writing and must identify the specific circumstances or areas of dispute that have given rise to the complaint or the request for a hearing, and offer possible solutions to the dispute. The complaint or request for due process hearing must be filed with the Compliance Officer within specified time limits. The Compliance Officer is available to assist individuals in filing a complaint or request.

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

Internal Complaint Procedures

An internal complaint may be filed by a student and/or parent. A student and/or parent may initiate the internal complaint procedure when s/he/they believe that a violation, misapplication or misinterpretation of Section 504 has occurred. Additionally, the following procedure may be used for any disagreement with respect to actions regarding the identification, evaluation, or educational program or placement of students who are identified as disabled or believed to be disabled pursuant to Section 504, and are not eligible under the IDEIA, except in the case of disciplinary actions where the provisions of the Student Code of Conduct apply. Use of the internal complaint procedure is not a prerequisite to the pursuit of other remedies, including the filing of a complaint with the U.S. Department of Education's Office for Civil Rights or requesting a due process hearing.

Step 1

Investigation by the Compliance Officer: A student or parent may initiate an investigation by filing a written internal complaint with the Compliance Officer. The complaint should fully describe the circumstances giving rise to the dispute and how the child is adversely affected. The complaint must be filed as soon as possible, but not longer than thirty (30) days after disclosure of the facts giving rise to the complaint. The Compliance Officer shall conduct an impartial investigation of the complaint. As part of the investigation, the Compliance Officer shall permit the complainant to present witnesses and other evidence in support of the complaint. The investigation shall be completed within fifteen (15) days of the written complaint being filed. The Compliance Officer will notify the complainant in writing of his/her decision.

Step 2

If the complaint is not resolved satisfactorily at Step 1, the student or parent may request a due process hearing, provided the complaint involves an issue related to the identification, evaluation, or placement of the student.

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

OCR Complaint

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

U.S. Department of Education
Office for Civil Rights
Cleveland Office
1350 Euclid Avenue, Suite 325
Cleveland, Ohio 44115
(216) 522-4970
FAX: (216) 522-2573
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Retaliation

Retaliation against a person who makes a report or files a complaint alleging unlawful discrimination/retaliation or participates as a witness in an investigation is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce or interfere with any individual because the person opposed any act or practice made unlawful by Section 504 or the ADA, or because that individual made a

report, formal complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding, or hearing under those laws and/or this policy, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws and/or this policy.

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

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

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

© **National Charter School Institute**

Adoption Date:

Classification: **Legally Required**

Revised Dates: ; **06.21**

TITLE I SERVICES

Reference: 20 USC 6301 et seq.
34 C.F.R. Part 200, et seq.

The Board of Directors elects to augment the educational program of educationally disadvantaged students by the use of Federal funds and in accordance with Title I of the Elementary and Secondary Education Act of 1965, as amended.

The Educational Service Provider shall prepare and present to the State Department of Education a plan for the delivery of services that meets the requirements of the law, including those described below. The plan shall be developed by appropriate staff members and parents of students who will be served by the plan. The Academy will periodically review and revise the plan, as necessary.

Assessment

The Academy shall annually assess the educational needs of eligible children, as determined by Federal and State criteria. This assessment shall include performance measures mandated by the Department of Education as well as those determined by the Academy's professional staff to assist in the diagnosis, teaching, and learning of the participating students.

Scope

The Academy shall determine if the funds will be used to upgrade the educational program of the entire Academy in Title I Academies that qualify as schoolwide schools and/or to establish or improve programs that provide services only for eligible students in greatest need of assistance. The schoolwide program, for the entire Academy and/or the Targeted Assistance Academy, shall include the components required by law as well as those agreed upon by participating staff and parents.

Participation

The Title I program shall be developed and evaluated in consultation with parents and professional staff members, including teachers, School Leaders, paraprofessionals, specialized instructional support personnel, administrators and other appropriate academy personnel involved in its implementation. Appropriate training will be provided to staff members who provide Title I services. Parent participation shall be in accord with Board Policy 2261.01 and shall meet the requirements of Section 1116 of the Act.

Comparability of Services

Title I funds will be used only to augment, not to replace, State and local funds. The Academy will document its compliance with the supplement not supplant provisions by using a written methodology that ensures State and local funds are allocated to each academy on the same basis, regardless of whether an academy receives Title I funding. The Educational Service Provider shall use State and local funds to provide educational services in schools receiving Title I assistance that, taken as a whole, are at least comparable to services being provided in academies that are not receiving Title I assistance. The determination of the comparability of services may exclude State and local funds expended for language instruction educational programs and the excess costs of providing services to children with disabilities as determined by the Academy.

The determination of comparability of services will not take into account unpredictable changes in student enrollments or personnel assignments that occur after the beginning of the school year.

To achieve comparability of services, the Educational Service Provider shall assign teachers, administrators, and auxiliary personnel and provide curriculum materials and instructional supplies in such a manner as to ensure equivalence throughout the Academy.

Professional Development

Members of the professional staff to participate in the design and implementation of staff development activities that:

- A. involve parents in the training, when appropriate;
- B. combine and consolidate other available Federal and public school funds;
- C. foster cooperative training with institutions of higher learning and other educational organizations, including other schools;
- D. include in the staff development curriculum the following strategies:
 - 1. creating and using performance-based student assessments;
 - 2. using technology in teaching and learning;
 - 3. working effectively with parents;
 - 4. understanding early childhood education;
 - 5. meeting children's special needs by using differentiated instruction;
 - 6. fostering gender-equitable education;

Adopted 4/27/17
Revised 3/21/19

PARENT AND FAMILY MEMBER PARTICIPATION IN TITLE I PROGRAMS

Reference: 20 U.S.C. 6318 et seq.
34 C.F.R. Part 200 et seq.

In accordance with the requirements of Federal law, programs supported by Title I funds must be planned and implemented in meaningful consultation with parents and family members of the students being served.

Each year the Educational Service Provider shall work with parents and family members of children served in Title I Programs in order to jointly develop and agree upon a proposed written parent and family engagement policy to establish expectations for the involvement of such parents and family members in the education of their children. The proposed policy shall be reviewed and approved annually by the Board of Directors and distributed to parents and family members of children receiving Title I services. The proposed policy must establish the Academy's expectation and objectives for meaningful parent and family engagement, and describe how the Academy will:

- A. involve parents and family members in the development of the Academy's Title I plans and any State-mandated comprehensive support and improvement plans;
- B. provide coordination, technical assistance, and other support necessary to assist and build the capacity of all participating academies in planning and implementing effective parent involvement activities to improve student achievement and academy performance, which may include meaningful consultation with employers, business leaders, and philanthropic organizations, or individuals with expertise in effectively engaging parents and family members in education;
- C. coordinate and integrate parent and family engagement strategies, to the extent feasible and appropriate, with other Federal, State, and local laws and programs;
- D. with meaningful involvement of parents and family members, annually evaluate the content and effectiveness of the parent and family engagement policy in improving the academic quality of academies, including:
 - 1. identifying barriers to greater parent participation (with particular attention to parents who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background);
 - 2. the needs of parents and family members to assist with the learning of their children, including engaging with academy personnel and teachers; and
 - 3. strategies to support successful academy and family interactions.
- E. use the findings of the above-referenced evaluation to:

1. design evidence-based strategies for more effective parental involvement; and,
 2. revise the parent and family engagement policy, if necessary;
- F. involve parents in the activities of the Academy's Title I, which may include establishing a parent advisory board that may be charged with developing, revising and reviewing the parent and family engagement policy;
- G. provide opportunities for the informed participation of parents and family members (including parents and family members who have limited English proficiency and/or disabilities, and parents and family members of migratory children, including providing information and academy reports in a format, and to the extent practicable in a language, such parents can understand;
- H. conduct meetings with parents including provisions for flexible scheduling and assistance to parents to better assure their attendance at meetings;
- I. develop agendas for parent meetings to include review and explanation of the curriculum, means of assessments, and the proficiency levels students are expected to achieve and maintain;
- J. provide opportunities for parents to formulate suggestions, interact and share experiences with other parents, and participate appropriately in the decision-making about the program and revisions in the plan;
- K. involve parents in the planning, review, and improvement of the Title I program;
- L. communicate information concerning academy performance profiles and their child's individual performance to parents;
- M. assist parents in helping their children in achieving the objectives of the program by such means as ensuring regular attendance, monitoring television-watching, providing adequate time and the proper environment for homework; guiding nutritional and health practices, and the like;
- N. provide timely responses to parental questions, concerns, and recommendations;
- O. coordinate and provide technical assistance and other support necessary to assist Title I schools to develop effective parent participation activities to improve academic achievement;
- P. conduct other activities as appropriate to the Title I plan and State and Federal requirements.

The Board will reserve the requisite percent of its allocation of Federal Title I funds to carry out the above-described activities. Parents and family members of children receiving Title I services shall be involved in the decisions regarding how the reserved funds are allotted for parent involvement activities. Reserved funds shall be used to carry out activities and strategies consistent with the Board's parent and family engagement policy (Policy 2111), including at least one (1) of the following:

- A. Supporting academies and nonprofit organizations in providing professional development for the Academy and academy personnel regarding parent and family engagement strategies, which may be provided jointly to teachers, principals, other school leaders, specialized instructional support personnel, paraprofessionals, early childhood educators, and parents and family members.
- B. Supporting programs that reach parents and family members at home, in the community, and at academy.
- C. Disseminating information on best practices focused on parent and family engagement, especially best practices for increasing the engagement of economically disadvantaged parents and family members.
- D. Collaborating, or providing subgrants to academies to enable such academies to collaborate, with community-based or other organizations or employers with a record of success in improving and increasing parent and family engagement.
- E. Engaging in any other activities and strategies that the Board determines are appropriate and consistent with its parent and family engagement policy.

The Educational Service Provider must also assure that each Title I participating academy develops a specific written plan, with parental involvement and agreement, which includes provisions regarding the following:

- A. Each School Leader must convene an annual meeting at a convenient time to which all parents of participating children are invited and encouraged to attend to explain the parents' rights to be involved and the academy's obligations to develop a parent and family engagement policy.
- B. Meetings with parents of children receiving Title I services must be scheduled at flexible times with assistance such as child care, transportation, home visits, or similar aid offered to parents to encourage their involvement.
- C. Parents must be involved in an organized, on-going and timely way in the development, review, and improvement of parent involvement activities, including the planning, review and improvement of the academy parent and family engagement policy, and the joint development of the academywide program plan, if appropriate.
- D. Parents of participating students must be provided with:
 - 1. timely information about the Title I program and the academy's parent and family engagement policy;
 - 2. a description and explanation of the curriculum in use at the academy, the forms of academic assessment used to measure student progress, and the achievement levels expected;
 - 3. regular meetings, upon request, for parents to make suggestions, and to participate as appropriate, in decisions relating to the education of their children, and receive responses regarding the parents'

suggestions about their student's education as soon as practicably possible.

- E. If the written plan is not satisfactory to the parents of participating children, the academy must submit any parents' comments when it presents the plan to the Educational Service Provider.
- F. As a component of the academy-level parent and family engagement policy, the School Leader for each academy shall coordinate the development of a academy-parent compact jointly with parents of children served under Title I which outlines how the academy staff, the parents, and the students will share responsibility for improved student academic achievement and the means by which the academy and parents will build and develop a partnership to help students achieve the State's high standards. The compact must:
 - 1. describe the academy's responsibility to provide a high quality curriculum and instruction in a supportive, effective learning environment;
 - 2. describe the ways in which each parent is responsible for supporting their child's learning environment such as monitoring attendance, homework, extra-curricular activities and excessive television watching; volunteering in the classroom; and participating, as appropriate, in decisions relating to the education of their children and their positive use of extra-curricular time;
 - 3. address the importance of parent/teacher communication on an on-going basis through at least annual parent teacher conferences to discuss the child's achievement and the compact; frequent progress reports to the parents on their child's progress; reasonable access to the staff and to observe and participate in classroom activities and regular two-way, meaningful communication between family members and school staff, and, to the extent practicable, in a language that family members can understand.
- G. Parents of children receiving Title I services must be notified about their academy's parent and family engagement policy in an understandable and uniform format, and, to the extent practicable, in a language the parents can understand. These policies must also be made available to the community.
- H. Academy-level parent and family engagement policies must be updated periodically to meet the changing needs of parents and the academies.

In order to involve parents in the education of their children and to support a partnership among the academy, parents and the community for improving student academic achievement, the Educational Service Provider and building principals must include provisions in the Academy and parent and family engagement policies regarding:

- A. assisting parents of children served under Title I in understanding such topics as the State academic standards, State and local academic assessments, Title I, and how to monitor their child's progress and how to work with educators to improve their child's achievement;

- B. providing materials and training to help parents work with their children to improve achievement, such as literacy training and using technology (including education about the harms of copyright privacy);
- C. educating teachers, specialized instructional support personnel, school leaders (including principals), and other staff, with the assistance of parents, about the value and utility of contributions of parents, how to reach out to, communicate with, and work with parents as equal partners, how to implement and coordinate parent programs, and how to build ties between parents and the school;
- D. to the extent feasible and appropriate, coordination and integration of parent involvement programs and activities with other Federal, State and local programs (including public preschool programs), and conducting other activities that encourage and support parents more fully participating in the education of their children (e.g., parent resource centers);
- E. providing information related to academy and parent programs, meetings, and other activities to parents of participating children in a format, and, to the extent practicable, in a language the parents can understand;
- F. providing such reasonable support for parent involvement activities as parents may request.

In order to build the Academy's capacity for parent involvement, the Educational Service Provider and building principals may also:

- A. involve parents in the development of training for teachers and administrators and other educators to improve the effectiveness of such training;
- B. provide necessary literacy training from Title I funds if the Academy has exhausted all other reasonably available sources of funding for such training;
- C. pay reasonable and necessary expenses associated with parental involvement activities to enable parents to participate in academy related meetings and training sessions, including transportation and child care costs;
- D. train parents to enhance the involvement of other parents;
- E. arrange academy meetings at a variety of times, or conduct in-house conferences between teachers or other educators who work directly with participating children, with parents who are unable to attend such conferences at academy, in order to maximize parental involvement and participation;
- F. adopt and implement model approaches to improving parental involvement;
- G. establish an Academy parent advisory council to provide advice on all matters related to parental involvement in Title I programs;

- H. develop appropriate roles for community-based organizations and businesses in parental involvement activities.

Adopted 4/27/17

Revised 3/21/19

TITLE I – A PARENT’S RIGHT TO KNOW

Reference: 20 USC 6311, Elementary and Secondary Education Act of 1965
34 C.F.R. Part 200 et seq.

In accordance with the requirement of Section 1111 of Title I, for each school receiving Title I funds, the Educational Service Provider shall insure that all parents of students in the Academy are notified that they may request, and the Academy will provide the following information about the student’s classroom teachers:

- A. the status of the teacher(s) State qualification and licensing for the grade level and subject areas they are teaching;
- B. any emergency or provisional status in which the State requirements have been waived for the teacher(s);
- C. the undergraduate major of the teacher(s) and the area of study and any certificates for any graduate degrees earned;
- D. the qualifications of any paraprofessionals providing services to their child/children.

In addition, the parents shall be provided information on the level of achievement of their child/children on the required State academic assessments. Further, parents will receive timely notice if the student is assigned to a teacher who is not “highly qualified” as required or if the student is taught for more than four (4) weeks by a teacher who is not “highly qualified.”

The notices and information shall be provided in an understandable format and, to the extent possible, in a language the parent(s) understand.

Adopted 4/27/17

ACADEMY AND SCHOOL REPORT CARD

References: 20 U.S.C. 6314
34 C.F.R. 200.31(h)(1)
A.C. 3301-35-02, 3301-35-02 (B)

Each Academy that receives Title I, Part A funds must prepare and publicly disseminate a report card on the performance and operations of the Academy. Report cards must be concise and presented in an understandable and uniform format that is developed in consultation with parents and accessible to persons with disabilities and, to the extent practicable, in a language that parents can understand.

The report shall contain the information called for on the form issued by the Michigan Department of Education in accordance with State and Federal law. The report must include 1) an overview section and 2) a detail section.

Report cards must begin with a clearly labeled overview section that is prominently displayed. The overview section of Academy report cards must include information on key metrics of State, District, and school performance and progress and is intended to help parents and other stakeholders quickly access and understand such information and provide context for the complete set of data included in the report.

The overview section of the annual report card must include for the Academy as a whole and each school, if appropriate:

- A. student achievement data (i.e., the number and percentage of students at each level of achievement on the State mathematics, reading/language arts, and science assessments), including how achievement in the Academy compares to State as a whole and, for each school in the Academy, how that school compares to the Academy and the State as a whole;
- B. English language proficiency of English learners (i.e., the number and percentage of English learners achieving English language proficiency as measured by Michigan's English proficiency assessment);
- C. performance on each measure within the Academic Progress indicator used by the State for elementary schools and secondary schools that are not high schools;
- D. high school graduation rates, including the four (4) year adjusted cohort and the extended-year adjusted cohort;
- E. performance on each measure within any School Quality or Student Success indicator used by the State;
- F. school identifying information, including student membership count and Title I participation status;
- G. summative determination for each school;
- H. whether the school was identified for comprehensive support and improvement or targeted support and improvement, and the reason(s) for such identification.

The overview section must include disaggregated data for specific student subgroups as required by the United States Department of Education (e.g., each major racial and ethnic group; children with disabilities; English learners; and economically disadvantaged students).

Report cards must include student achievement data overall and by grade, including the percentage of students at each level of achievement as determined by the State for all students and disaggregated by each major racial and ethnic group, gender, disability status, migrant status, English proficiency status, status as economically disadvantaged, status as a homeless student/youth, status as a child in foster care, and status as a student with a parent who is a member of the Armed Forces on active duty (which includes full-time National Guard duty). Data for these subgroups must be included in the detail section of report cards if it is not included in the overview section.

The details section of the School report card must include the remaining information required in the statute and applicable regulations. An Academy need not include information in the detail section of the report if it includes such information in the overview section. The annual report detail section must include, if appropriate:

- A. student achievement data (i.e., the number and percentage of students at each level of achievement on the State mathematics, reading/language arts, and science assessments), including how achievement in the Academy compares to State as a whole and, for each school in the Academy, how that school compares to the Academy and the State as a whole;
- B. percentages of students assessed and not assessed in each subject (i.e. participation rates on required assessments);
- C. extent alternate assessments aligned with alternate academic achievements standards were used for students with the most significant cognitive disabilities (i.e., the number and percentage of students assessed using alternate academic achievement standards, by grade and subject);
- D. as applicable, number and percentage of recently arrived English learners exempted from one administration of the reading/language arts assessments or whose results are excluded from certain State indicators;
- E. high school graduation rates, including the four (4) year adjusted cohort, and the extended-year adjusted cohort;
- F. postsecondary enrollment rates for each high school;
- G. information collected and reported in compliance with the Civil Rights Data Collection (CRDC) under 20 U.S.C. 3413(c)(1);
- H. progress toward State-designed long-term goals for academic achievement, graduation rates, and English learners achieving English language proficiency (including measurements of interim progress);
- I. level of performance on each indicator included in State accountability system including, as applicable, results on each individual measure within each indicator not already included in the school overview section
- J. information on educator qualifications;

- K. information on per-pupil expenditures (i.e., actual personnel and actual non-personnel; for the Academy as a whole and each school);
- L. State performance on the National Assessment of Educational Progress (NAEP) – math and reading, grades 4 and 8;
- M. description and Results of State accountability system (the Academy may provide the web address or URL of, or a direct link to, a State plan or other location on the Michigan Department of Education's web site to meet this requirement);
- N. additional information best-suited to convey the progress of each school;
- O. other information as required by the State Department of Education.

When presenting data on a report card, the Academy shall protect the privacy of individuals and the privacy of personally identifiable information contained in students' education records in accordance with the Family Educational Rights and Privacy Act (FERPA) and R.C. Section 3319.321.

The Academy's annual report card information must be made publicly available through such means as posting on the Academy's web site and distribution to local media and public agencies.

The Board will provide the school level overview directly to all parents in each school served by the Academy annually.

The data from the local report card is to be used by each of the schools and the Academy as a whole in revising and upgrading school and Academy improvement plans.

Adopted 4/27/17
Revised 3/21/19

NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS OR ACTIVITIES

Reference:

20 U.S.C. 1681 et seq., Title IX of the Education Amendments of 1972 (Title IX)
20 U.S.C. 1400 et seq., The Individuals with Disabilities Education Improvement Act of 2004 (IDEIA)
42 U.S.C. 2000c et seq., Title IV of the Civil Rights Act of 1964
42 U.S.C. 2000d et seq.
42 U.S.C. 2000e et seq.
42 U.S.C. 1983
34 C.F.R. Part 106
OCR's Revised Sexual Harassment Guidance (2001)
20 U.S.C. 1092(F)(6)(A)(v)
34 U.S.C. 12291(a)(10)
34 U.S.C. 12291(a)(8)
34 U.S.C. 12291(a)(30)

Introduction

The Board of Directors of the Michigan Great Lakes Virtual Academy (hereinafter referred to as "the Board" or "the Academy") does not discriminate on the basis of sex (including sexual orientation or gender identity), in its education programs or activities, and is required by Title IX of the Education Amendments Act of 1972, and its implementing regulations, not to discriminate in such a manner. The requirement not to discriminate in its education program or activity extends to admission and employment. The Board is committed to maintaining an education and work environment that is free from discrimination based on sex, including sexual harassment.

The Board prohibits Sexual Harassment that occurs within its education programs and activities. When the Academy has actual knowledge of Sexual Harassment in its education program or activity against a person in the United States, it shall promptly respond in a manner that is not deliberately indifferent.

Pursuant to its Title IX obligations, the Board is committed to eliminating Sexual Harassment and will take appropriate action when an individual is determined responsible for violating this policy. Educational Service Provider employees, students, third-party vendors and contractors, guests, and other members of the Academy community who commit Sexual Harassment are subject to the full range of disciplinary sanctions set forth in this policy. The Board will provide persons who have experienced Sexual Harassment ongoing remedies as reasonably necessary to restore or preserve access to the Academy's education programs and activities.

Coverage

This policy applies to Sexual Harassment that occurs within the Academy's education programs and activities and that is committed by a member of the Academy community or a Third Party.

This policy does not apply to Sexual Harassment that occurs off school grounds, in a private setting, and outside the scope of the Academy's education programs and activities; such Sexual Misconduct/Sexual Activity may be prohibited by the Student Code of Conduct if committed by a student, or by Board policies and administrative guidelines, applicable State and/or Federal laws if committed by a Educational Service Provider employee.

Consistent with the U.S. Department of Education's implementing regulations for Title IX, this policy does not apply to Sexual Harassment that occurs outside the geographic boundaries of the United States, even if the Sexual Harassment occurs in the Academy's education programs or activities. Sexual Harassment that

occurs outside the geographic boundaries of the United States is governed by the Student Code of Conduct if committed by a student, or by Board policies and administrative guidelines, applicable State and/or Federal laws if committed by a Board employee.

Definitions

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

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

- A. An Educational Service Provider employee conditioning the provision of an aid, benefit, or service of the Academy on an individual's participation in unwelcome sexual conduct (often called "*quid pro quo*" harassment);
- B. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, **and** objectively offensive that it effectively denies a person equal access to the Academy's education program or activity; or
- C. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)A(v), or "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

"Sexual assault" means any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent, and the "nonforcible" sex offenses of Incest and Statutory Rape. Sexual assault includes rape, sodomy, sexual assault with an object, fondling, incest, and statutory rape.

1. *Rape* is the carnal knowledge of a person (i.e., penetration, no matter how slight, of the genita or anal opening of a person), without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
2. *Sodomy* is oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
3. *Sexual Assault with an Object* is using an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity. An "object" or "instrument" is anything used by the offender other than the offender's genitalia.
4. *Fondling* is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
5. *Incest* is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by State law.
6. *Statutory Rape* is sexual intercourse with a person who is under the statutory age of consent as defined by State law.
7. *Consent* refers to words or actions that a reasonable person would understand as agreement to engage in the sexual conduct at issue. A person may be incapable of giving consent because of age or because of temporary or permanent mental or physical

incapacity. A person who is incapacitated is not capable of giving consent.

8. *Incapacitated* refers to the state where a person does not understand and/or appreciate the nature or fact of sexual activity due to the effect of drugs or alcohol consumption, medical condition, disability, or due to a state of unconsciousness or sleep.

D. "Domestic violence" includes felony or misdemeanor crimes of violence committed by:

1. a current or former spouse or intimate partner of the victim;
2. a person with whom the victim shares a child in common;
3. a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
4. a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime occurred; or
5. any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime occurred.

E. "Dating violence" means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

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

Complainant: "Complainant" means an individual who is alleged to be the victim of conduct that could constitute Sexual Harassment.

Respondent: "Respondent" means an individual who has been reported to be the perpetrator of conduct that could constitute Sexual Harassment.

Formal Complaint: "Formal Complaint" means a document filed by a Complainant or signed by the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting that the Academy investigate the allegation(s) of Sexual Harassment. At the time of filing a Formal Complaint with the Academy, a Complainant must be participating in or attempting to participate in the Academy's education program or activity. A "document filed by a complainant" means a document or electronic submission (such as by electronic mail or through an online portal that the Board provides for this purpose) that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint. Where the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or a party to the Formal Complaint and must not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

Actual Knowledge: "Actual knowledge" means notice of Sexual Harassment or allegations of Sexual Harassment to the Academy's Title IX Coordinator, or any Academy official who has authority to institute corrective measures on behalf of the Board, or any Educational Service Provider employee. The mere ability or obligation to report Sexual Harassment or to inform a student about how to report Sexual Harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the Academy. "Notice" includes, but is not limited to, a report of Sexual Harassment to the Title IX Coordinator. This standard is not met when the only Academy official with actual knowledge is the Respondent.

Supportive Measures: "Supportive measures" means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to the Academy's education program or

activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the Academy's educational environment, or deter Sexual Harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, school/campus escort services, mutual restrictions of contact between the parties, changes in work locations), leaves of absence, increased security and monitoring of certain areas of the campus (including academy buildings and facilities), and other similar measures.

Education Program or Activity: "Education program or activity" refers to all operations of the Academy, including but not limited to in-person and online educational instruction, employment, extracurricular activities, athletics, performances, and community engagement and outreach programs. The term applies to all activity that occurs on academy grounds or on other property owned or occupied by the Board. It also includes locations, events and circumstances that take place off-academy property/grounds over which the Board exercises substantial control over both the Respondent and the context in which the Sexual Harassment occurs.

Academy community: "Academy community" refers to students and Educational Service Provider employees (i.e., administrators, and professional and classified staff), as well as Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

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

Inculpatory Evidence: "Inculpatory evidence" is evidence that tends to establish a Respondent's responsibility for alleged Sexual Harassment.

Exculpatory Evidence: "Exculpatory evidence" is evidence that tends to clear or excuse a Respondent from allegations of Sexual Harassment.

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

Eligible Student: "Eligible Student" means a student who has reached eighteen (18) years of age or is attending an institution of postsecondary education.

Title IX Coordinator(s)

The Board of Directors designates and authorizes the following individual(s) to oversee and coordinate its efforts to comply with Title IX and its implementing regulations:

Kristin Miller
Student Services Administrator
1309 Madison Rd.
Manistee, MI 49660
231-794-5999 ext.3111
kmiller@k12.com

The Title IX Coordinator shall report directly to the Head of School. Questions about this policy should be directed to the Title IX Coordinator.

The Head of School and Educational Service Provider shall notify applicants for admission and employment, students, parents or legal guardians of elementary and secondary school students, Educational Service Provider employees, and all unions or professional organizations holding collective bargaining or professional agreements with the Board of the following information:

The Board of Directors of the Michigan Great Lakes Virtual Academy Academy does not discriminate on the basis of sex in its education program or activity, and is required by Title IX and its implementing regulations

not to discriminate in such a manner. The requirement not to discriminate in its education program or activity extends to admission and employment.

Kristin Miller
Student Services Administrator
1309 Madison Rd.
Manistee, MI 49660
231-794-5999 ext.3111
kmiller@k12.com

Any inquiries about the application of Title IX and its implementing regulations to the Academy may be referred to the Title IX Coordinator(s), the Assistant Secretary for the U.S. Department of Education's Office for Civil Rights, or both.

The Board has adopted a grievance process that provide for the prompt and equitable resolution of student and employee complaints alleging any action that is prohibited by Title IX and/or its implementing regulations. The grievance process is included in Policy 2266 – Nondiscrimination on the Basis of Sex in Education Programs or Activities, which is available at: <https://mglva.k12.com> The grievance process specifically addresses how to report or file a complaint of sex discrimination, how to report or file a formal complaint of Sexual Harassment, and how the Academy will respond.

The Head of School and Educational Service Provider shall also prominently display the Title IX Coordinator's(s') contact information – including name(s) and/or title(s), phone number(s), office address(es), and e-mail address(es) – and this policy on the Academy's website and in each handbook or catalog that the Board makes available to applicants for admission and employment, students, parents or legal guardians of elementary and secondary school students, Educational Service Provider employees, and all unions or professional organizations holding collective bargaining or professional agreements.

Grievance Process

The Board is committed to promptly and equitably resolving student and employee complaints alleging Sexual Harassment. The Academy's response to allegations of Sexual Harassment will treat Complainants and Respondents equitably, including providing supportive measures to the Complainant and Respondent, as appropriate, and following this Grievance Process before imposition of any disciplinary sanctions or other actions, other than supportive measures, against the Respondent.

The Title IX Coordinator(s), along with any investigator(s), decision-maker(s), or any person(s) designated to facilitate an informal resolution process, shall not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent.

If a determination of responsibility for Sexual Harassment is made against the Respondent, the Board will provide remedies to the Complainant. The remedies will be designed to restore or preserve equal access to the Academy's education program or activity. Potential remedies include, but are not limited to, individualized services that constitute supportive measures. Remedies may also be disciplinary or punitive in nature and may burden the Respondent.

Report of Sexual Discrimination/Harassment

Any person may report sex discrimination, including Sexual Harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or Sexual Harassment), in person, by mail, by telephone, or by electronic mail, using the Title IX Coordinator's(s') contact information listed above, or by any other means that results in the Title IX Coordinator receiving the person's oral or written report. Reports may be made at any time (including during non-business hours), by using the telephone number(s) or electronic mail address(es), or by mail to the office address(es), listed for the Title IX Coordinator(s).

Students, Board members, and Educational Service Provider employees are required, and other members of the Academy community, and Third Parties) are encouraged, to report allegations of sex discrimination or Sexual Harassment promptly to the/a Title IX Coordinator or to any Educational Service Provider employee, who will in turn notify the/a Title IX Coordinator. Reports can be made orally or in writing and should be as

specific as possible. The person making the report should, to the extent known, identify the alleged victim(s), perpetrator(s), and witness(es), and describe in detail what occurred, including date(s), time(s), and location(s).

If a report involves allegations of Sexual Harassment by or involving the Title IX Coordinator, the person making the report should submit it to the Head of School and Educational Service Provider, or another Educational Service Provider employee who, in turn, will notify the Head of School of the report. The Head of School will then serve in place of the Title IX Coordinator for purposes of addressing that report of Sexual Harassment.

The Board does business with various vendors, contractors, and other third-parties who are not students or employees of the Board. Notwithstanding any rights that a given vendor, contractor, or third-party Respondent may have under this policy, the Board retains the right to limit any vendor's, contractor's, or third-party's access to school grounds for any reason. The Board further retains all rights it enjoys by contract or law to terminate its relationship with any vendor, contractor, or third-party irrespective of any process or outcome under this policy.

A person may file criminal charges simultaneously with filing a Formal Complaint. A person does not need to wait until the Title IX investigation is completed before filing a criminal complaint. Likewise, questions or complaints relating to Title IX may be filed with the U.S. Department of Education's Office for Civil Rights at any time.

Any allegations of Sexual Misconduct/Sexual Activity not involving Sexual Harassment will be addressed through the procedures outlined in Board policies the applicable Student Code of Conduct, applicable collective bargaining agreement, and/or Employee/Administrator Handbook.

Because the Board is considered to have actual knowledge of Sexual Harassment or allegations of Sexual Harassment if any Educational Service Provider employee has such knowledge, and because the Board must take specific actions when it has notice of Sexual Harassment or allegations of Sexual Harassment, a Educational Service Provider employee who has independent knowledge of or receives a report involving allegations of sex discrimination and/or Sexual Harassment must notify the/a Title IX Coordinator within two (2) days of learning the information or receiving the report. The Educational Service Provider employee must also comply with mandatory reporting responsibilities pursuant to M.C.L. 722.623 and Policy 8462 – Student Abuse and Neglect, if applicable. If the Educational Service Provider employee's knowledge is based on another individual bringing the information to the Educational Service Provider employee's attention and the reporting individual submitted a written complaint to the Educational Service Provider employee, the Educational Service Provider employee must provide the written complaint to the Title IX Coordinator.

If a Educational Service Provider employee fails to report an incident of Sexual Harassment of which the Educational Service Provider employee is aware, the Educational Service Provider employee may be subject to disciplinary action, up to and including termination.

When a report of Sexual Harassment is made, the Title IX Coordinator shall promptly (i.e., within two (2) days of the Title IX Coordinator's receipt of the report of Sexual Harassment) contact the Complainant (including the parent/guardian if the Complainant is under 18 years of age or under guardianship) to discuss the availability of supportive measures, consider the Complainant's wishes with respect to supportive measures, inform the Complainant of the availability of supportive measures with or without the filing of a Formal Complaint, and explain to the Complainant the process for filing a Formal Complaint. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures. Any supportive measures provided to the Complainant or Respondent shall be maintained as confidential, to the extent that maintaining such confidentiality will not impair the ability of the Academy to provide the supportive measures.

Emergency Removal: Subject to limitations and/or procedures imposed by State and/or Federal law, the Academy may remove a student Respondent from its education program or activity on an emergency basis after conducting an individualized safety and risk analysis. The purposes of the individualized safety and risk analysis is to determine whether the student Respondent poses an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sexual Harassment that justifies removal. If the Academy determines the student Respondent poses such a threat, it will so notify the student Respondent and the student Respondent will have an opportunity to challenge the decision

immediately following the removal. See Policy 5610 – Emergency Removal, Suspension, and Expulsion of Students and Policy 5611 – Due Process Rights.

If the Respondent is a non-student employee, the Academy may place the Respondent on administrative leave during the pendency of the grievance process.

For all other Respondents, including other members of the Academy community and Third Parties, the Board retains broad discretion to prohibit such persons from entering onto its school grounds and other properties at any time and for any reason, whether after receiving a report of Sexual Harassment or otherwise.

Formal Complaint of Sexual Harassment

A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information set forth above. If a Formal Complaint involves allegations of Sexual Harassment by or involving the Title IX Coordinator, the Complainant should submit the Formal Complaint to the Educational Service Provider, who will designate another person to serve in place of the Title IX Coordinator for the limited purpose of implementing the grievance process with respect to that Formal Complaint.

When the Title IX Coordinator receives a Formal Complaint or signs a Formal Complaint, the Academy will follow its Grievance Process, as set forth herein. Specifically, the Academy will undertake an objective evaluation of all relevant evidence – including both inculpatory and exculpatory evidence – and provide that credibility determinations will not be based on a person’s status as a Complainant, Respondent, or witness.

It is a violation of this policy for a Complainant(s), Respondent(s), and/or witness(es) to knowingly making false statements or knowingly submitting false information during the grievance process, including intentionally making a false report of Sexual Harassment or submitting a false Formal Complaint. The Board will not tolerate such conduct, which is a violation of the Student Code of Conduct () and the Employee/Administrator Handbook.

The Respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

Timeline

The Academy will seek to conclude the grievance process, including resolving any appeals, within sixty (60) days of receipt of the Formal Complaint.

If the Title IX Coordinator offers informal resolution processes, the informal resolution processes may not be used by the Complainant or Respondent to unduly delay the investigation and determination of responsibility. The timeline, however, may be subject to a temporary delay of the grievance process or a limited extension for good cause with written notice to the Complainant and the Respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party’s advisor, or a witness; concurrent law enforcement activity; and the need for language assistance or accommodation of disabilities.

Upon receipt of a Formal Complaint, the Title IX Coordinator will provide written notice of the following to the parties who are known:

- A. Notice of the Board’s grievance process, including any informal resolution processes;
- B. Notice of the allegations of misconduct that potentially constitutes Sexual Harassment as defined in this policy, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting Sexual Harassment, and the date and location of the alleged incident, if known. The written notice must:
 1. include a statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of

the grievance process;

2. inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence.
3. inform the parties of any provision in the Student Code of Conduct and/or this policy that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If, during the course of the investigation, the investigator becomes aware of allegations about the Complainant or Respondent that are not included in the original notice provided to the parties, the investigator will notify the Title IX Coordinator and the Title IX Coordinator will decide whether the investigator should investigate the additional allegations; if the Title IX Coordinator decides to include the new allegations as part of the investigation, the Title IX Coordinator will provide notice of the additional allegations to the parties whose identities are known.

Dismissal of a Formal Complaint

The Academy shall investigate the allegations in a Formal Complaint, *unless* the conduct alleged in the Formal Complaint:

- A. would not constitute Sexual Harassment (as defined in this policy) even if proved;
- B. did not occur in the Academy's education program or activity; or
- C. did not occur against a person in the United States.

If one of the preceding circumstances exist, the Title IX Coordinator *shall* dismiss the Formal Complaint. If the Title IX Coordinator dismisses the Formal Complaint due to one of the preceding reasons, the Academy may still investigate and take action with respect to such alleged misconduct pursuant to another provision of an applicable code of conduct, Board policy, and/or Employee/Administrator Handbook.

The Title IX Coordinator *may* dismiss a Formal Complaint, or any allegations therein, if at any time during the investigation:

- A. a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein;
- B. the Respondent is no longer enrolled in the Academy or employed by the Board; or
- C. specific circumstances prevent the Academy from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

If the Title IX Coordinator dismisses a Formal Complaint or allegations therein, the Title IX Coordinator must promptly send written notice of the dismissal and the reason(s) therefore simultaneously to the parties.

Consolidation of Formal Complaints

The Title IX Coordinator may consolidate Formal Complaints as to allegations of Sexual Harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of Sexual Harassment arise out of the same facts or circumstances.

Where a grievance process involves more than one Complainant or more than one Respondent, references in this policy to the singular "party," "Complainant," or "Respondent" include the plural, as applicable.

Informal Resolution Process

Under no circumstances shall a Complainant be required as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, to waive any right to an investigation and adjudication of a Formal Complaint of Sexual Harassment. Similarly, no party shall be required to participate in an informal resolution process.

If a Formal Complaint is filed, the Title IX Coordinator may offer to the parties an informal resolution process. If the parties mutually agree to participate in the informal resolution process, the Title IX Coordinator shall designate a trained individual to facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication. The informal resolution process may be used at any time prior to the decision-maker(s) reaching a determination regarding responsibility.

If the Title IX Coordinator is going to propose an informal resolution process, the Title IX Coordinator shall provide to the parties a written notice disclosing:

- A. the allegations;
- B. the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a Formal Complaint arising from the same allegations; and
- C. any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

Any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the Formal Complaint.

Before commencing the informal resolution process, the Title IX Coordinator shall obtain from the parties their voluntary, written consent to the informal resolution process.

During the pendency of the informal resolution process, the investigation and adjudication processes that would otherwise occur have stayed and all related deadlines are suspended.

The informal resolution process is not available to resolve allegations that an Educational Service Provider employee or another adult member of the Academy community or Third Party sexually harassed a student.

The informal resolution process is not available to resolve allegations involving a sexual assault involving a student Complainant and a student Respondent.

Investigation of a Formal Complaint of Sexual Harassment

In conducting the investigation of a Formal Complaint and throughout the grievance process, the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility is on the Academy, not the parties.

In making the determination of responsibility, the decision-maker(s) is(are) directed to use the preponderance of the evidence standard. The decision-maker(s) is charged with considering the totality of all available evidence, from all relevant sources.

The Academy is not permitted to access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the party provides the Academy with voluntary, written consent to do so; if a student party is not an Eligible Student, the Academy must obtain the voluntary, written consent of a parent.

Similarly, the investigator(s) and decision-maker(s) may not require, allow, rely upon or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege in writing.

As part of the investigation, the parties have the right to:

- A. present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence; and
- B. have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required

to be, an attorney. The Academy may not limit the choice or presence of an advisor for either the Complainant or Respondent in any meeting or grievance proceeding. Neither party shall be restricted in their ability to discuss the allegations under investigation or to gather and present relevant evidence.

The Academy will provide to a party whose participation is invited or expected written notice of the date, time, location, participants, and purpose of all investigative interviews, or other meetings, with sufficient time for the party to prepare to participate. The investigator(s) and decision-maker(s) must provide a minimum of one (1) days' notice with respect to investigative interviews and other meetings.

Both parties shall have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including the evidence upon which the Academy does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation.

Prior to completion of the investigative report, the investigator or Title IX Coordinator will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have at least ten (10) calendar days to submit a written response, which the investigator will consider prior to completion of the investigative report.

At the conclusion of the investigation, the investigator shall create an investigative report that fairly summarizes relevant evidence and send the report to each party and the party's advisor, if any, for their review and written response. The investigator will send the investigative report in an electronic format or a hard copy, at least ten (10) calendar days prior to the decision-maker(s) issuing a determination regarding responsibility.

Determination of Responsibility

The Title IX Coordinator shall appoint a decision-maker(s) to issue a determination of responsibility. The decision-maker(s) cannot be the same person(s) as the Title IX Coordinator(s) or the investigator(s).

After the investigator sends the investigative report to the parties and the decision-maker(s), and before the decision-maker(s) reaches a determination regarding responsibility, the decision-maker(s) will afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. The decision-maker(s) must explain to the party proposing the questions any decision to exclude a question as not relevant.

Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent. The decision-maker(s) must explain to the party proposing the questions any decision to exclude a question as not relevant.

Determination regarding responsibility: The decision-maker(s) will issue a written determination regarding responsibility. To reach this determination, the decision-maker(s) must apply the preponderance of the evidence standard.

The written determination will include the following content:

- A. identification of the allegations potentially constituting Sexual Harassment pursuant to this policy;
- B. a description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, [and] methods used to gather other evidence;
- C. findings of fact supporting the determination;

D. Conclusions regarding the application of the applicable code of conduct to the facts;

E. a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the decision-maker(s) is recommending that the Academy impose on the Respondent(s), and whether remedies designed to restore or preserve equal access to the Academy's education program or activity should be provided by the Academy to the Complainant(s); and

F. the procedures and permissible bases for the Complainant(s) and Respondent(s) to appeal. The following disciplinary sanctions/consequences may be imposed on a student Respondent who is determined responsible for violating this policy (i.e., engaging in Sexual Harassment):

A. Informal Discipline

1. writing assignments;

B. Formal Discipline

1. suspension of bus riding/transportation privileges;

2. removal from co-curricular and/or extra-curricular activity(ies), including athletics;

3. emergency removal;

4. suspension for up to ten (10) school days;

5. long-term suspension or expulsion;

6. any other sanction authorized by the Student Code of Conduct.

If the decision-maker(s) determines the student Respondent is responsible for violating this policy (i.e., engaging in Sexual Harassment), the decision-maker(s) will recommend appropriate remedies, including disciplinary sanctions/consequences. The Title IX Coordinator will notify the Educational Service Provider of the recommended remedies, so an authorized administrator can consider the recommendation(s) and implement an appropriate remedy(ies) in compliance with Policy 5600 – Student Discipline, Policy 5605 – Suspension/Expulsion of Students with Disabilities, Policy 5610 – Emergency Removal, Suspension, and Expulsion of Students, Policy 5610.02 – In-School Discipline, and Policy 5611 – Due Process Rights. Discipline of a student Respondent must comply with the applicable provisions of the Individuals with Disabilities Education Improvement Act (IDEA) and/or Section 504 of the Rehabilitation Act of 1972, and their respective implementing regulations.

The following disciplinary sanctions/consequences may be imposed on an employee Respondent who is determined responsible for violating this policy (i.e., engaging in Sexual Harassment):

A. oral or written warning;

B. written reprimands;

C. performance improvement plan;

D. required counseling;

E. required training or education;

F. demotion;

G. suspension with pay;

H. suspension without pay;

I. termination, and any other sanction.

If the decision-maker(s) determines the employee Respondent is responsible for violating this policy (i.e., engaging in Sexual Harassment), the decision-maker(s) will recommend appropriate remedies, including disciplinary sanctions/consequences. The Title IX Coordinator will notify the Head of School of the recommended remedies, so an authorized administrator can consider the recommendation(s) and implement an appropriate remedy(ies) in compliance with applicable due process procedures, whether statutory or contractual.

Discipline of an employee will be implemented in accordance with Federal and State law, Board policy, and applicable provisions of any relevant collective bargaining agreement.

The following disciplinary sanctions/consequences may be imposed on a non-student/non-employee member of the Academy community or Third Party who is determined responsible for violating this policy (i.e., engaging in Sexual Harassment):

A. oral or written warning;

B. suspension or termination/cancellation of the Board's contract with the third-party vendor or contractor;

C. mandatory monitoring of the third-party while on academy property and/or while working/interacting with students;

D. restriction/prohibition on the third-party's ability to be on academy property; and

E. any combination of the same.

If the decision-maker(s) determines the third-party Respondent is responsible for violating this policy (i.e., engaging in Sexual Harassment), the decision-maker(s) will recommend appropriate remedies, including imposition of sanctions. The Title IX Coordinator will notify the Head of School of the recommended remedies, so appropriate action can be taken.

The decision-maker(s) will provide the written determination to the Title IX Coordinator who will provide the written determination to the parties simultaneously.

In ultimately, imposing a disciplinary sanction/consequence, the Head of School will consider the severity of the incident, previous disciplinary violations (if any), and any mitigating circumstances.

The Academy's resolution of a Formal Complaint ordinarily will not be impacted by the fact that criminal charges involving the same incident have been filed or that charges have been dismissed or reduced.

At any point in the grievance process, the Head of School may involve local law enforcement and/or file criminal charges related to allegations of Sexual Harassment that involve a sexual assault.

The Title IX Coordinator is responsible for effective implementation of any remedies.

Appeal

Both parties have the right to file an appeal from a determination regarding responsibility, or from the Title IX Coordinator's dismissal of a Formal Complaint or any allegations therein, on the following bases:

A. Procedural irregularity that affected the outcome of the matter (e.g., material deviation from established procedures);

B. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and

C. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant(s) or Respondent(s)

that affected the outcome of the matter.

- D. The recommended remedies (including disciplinary sanctions/consequences) are unreasonable in light of the findings of fact (i.e., the nature and severity of the Sexual Harassment).

Any party wishing to appeal the decision-maker(s)'s determination of responsibility, or the Title IX Coordinator's dismissal of a Formal Complaint or any allegations therein, must submit a written appeal to the Title IX Coordinator within five (5) days after receipt of the decision-maker(s)'s determination of responsibility or the Title IX Coordinator's dismissal of a Formal Complaint or any allegations therein.

Nothing herein shall prevent the Head of School from implementing appropriate remedies, however, excluding disciplinary sanction, while the appeal is pending.

As to all appeals, the Title IX Coordinator will notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties.

The decision-maker(s) for the appeal shall not be the same person(s) as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator(s). The decision-maker(s) for the appeal shall not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant(s) or Respondent(s) and shall receive the same training as required of other decision-makers.

Both parties shall have a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome.

The decision-maker(s) for the appeal shall determine when each party's written statement is due.

The decision-maker(s) for the appeal shall issue a written decision describing the result of the appeal and the rationale for the result. The original decision-maker(s)' determination of responsibility will stand if the appeal request is not filed in a timely manner or the appealing party fails to show clear error and/or a compelling rationale for overturning or modifying the original determination. The written decision will be provided to the Title IX Coordinator who will provide it simultaneously to both parties. The written decision will be issued within five (5) days of when the parties' written statements were submitted.

The determination of responsibility associated with a Formal Complaint, including any recommendations for remedies/disciplinary sanctions, becomes final when the time for filing an appeal has passed or, if an appeal is filed, at the point when the decision-maker(s) for the appeal's decision is delivered to the Complainant and the Respondent. No further review beyond the appeal is permitted.

Retaliation

Neither the Board nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, its implementing regulations, or this policy, or because the individual made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or Sexual Harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or Formal Complaint of Sexual Harassment, for the purpose of interfering with any right or privilege secured by Title IX, its implementing regulations, or this policy, constitutes retaliation. Retaliation against a person for making a report of Sexual Harassment, filing a Formal Complaint, or participating in an investigation, is a serious violation of this policy that can result in imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Complaints alleging retaliation may be filed according to the grievance process set forth above.

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

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy shall not constitute retaliation, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

Confidentiality

The Academy will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a Formal Complaint of Sexual Harassment, any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder (i.e., the Academy's obligation to maintain confidentiality shall not impair or otherwise affect the Complainant's and Respondent's receipt of the information to which they are entitled related to the investigative record and determination of responsibility).

Application of the First Amendment

The Board will construe and apply this policy consistent with the First Amendment to the U.S. Constitution. In no case will a Respondent be found to have committed Sexual Harassment based on expressive conduct that is protected by the First Amendment.

Training

The Academy's Title IX Coordinator, along with any investigator(s), decision-maker(s), or person(s) designated to facilitate an informal resolution process, must receive training on:

- A. the definition of Sexual Harassment (as that term is used in this policy);
- B. the scope of the Academy's education program or activity;
- C. how to conduct an investigation and implement the grievance process appeals and informal resolution processes, as applicable; and
- D. how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interests, and bias.

All Educational Service Provider employees will be trained concerning their legal obligation to report Sexual Harassment to the Title IX Coordinator. This training will include practical information about how to identify and report Sexual Harassment.

Recordkeeping

As part of its response to alleged violations of this policy, the Academy shall create, and maintain for a period of seven (7) calendar years, records of any actions, including any supportive measures, taken in response to a report or Formal Complaint of Sexual Harassment. In each instance, the Academy shall document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the Academy's education program or activity. If the Academy does not provide a Complainant with supportive measures, then the Academy will document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the Academy in the future from providing additional explanations or detailing additional measures taken.

The Academy shall maintain for a period of seven (7) calendar years the following records:

- A. each Sexual Harassment investigation including any determination regarding responsibility, any disciplinary sanctions recommended and/or imposed on the Respondent(s), and any remedies provided to the Complainant(s) designed to restore or preserve equal access to the Academy's education program or activity

B. any appeal and the result therefrom

C. any informal resolution and the result therefrom, and

D. all materials used to train Title IX Coordinators, investigators, decisionmakers, and any person who facilitates an informal resolution process.

The Academy will make its training materials publicly available on its website. If a person is unable to access the Academy's website, the Title IX Coordinator will make the training materials available upon request for inspection by members of the public.

Outside Appointments, Dual Appointments, and Delegations

The Board retains discretion to appoint suitably qualified persons who are not Educational Service Provider employees to fulfill any function of the Board under this policy, including, but not limited to, Title IX Coordinator, investigator, decision-maker, decision-maker for appeals, facilitator of informal resolution processes, and advisor.

The Board also retains discretion to appoint two or more persons to jointly fulfill the role of Title IX Coordinator, investigator, decision-maker, decision-maker for appeals, facilitator of informal resolution processes, and advisor.

The Head of School may delegate functions assigned to a specific Board employee under this policy, including but not limited to the functions assigned to the Title IX Coordinator, investigator, decision-maker, decision-maker for appeals, facilitator of informal resolution processes, and advisor, to any suitably qualified individual and such delegation may be rescinded by the Head of School at any time.

Discretion in Application

The Board retains discretion to interpret and apply this policy in a manner that is not clearly unreasonable, even if the Board's interpretation or application differs from the interpretation of any specific Complainant and/or Respondent.

Despite the Board's reasonable efforts to anticipate all eventualities in drafting this policy, it is possible unanticipated or extraordinary circumstances may not be specifically or reasonably addressed by the express policy language, in which case the Board retains discretion to respond to the unanticipated or extraordinary circumstance in a way that is not clearly unreasonable.

The provisions of this policy are not contractual in nature, whether in their own right, or as part of any other express or implied contract. Accordingly, the Board retains discretion to revise this policy at any time, and for any reason. The Board may apply policy revisions to an active case provided that doing so is not clearly unreasonable.

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Adoption Date: **09.20**

Classification: **Legally Required**

Revised Dates: ; **06.21**

POSTSECONDARY (DUAL) ENROLLMENT OPTION PROGRAM

Reference: MCL 380.1279g, 380.1473, 380.1481, 388.1621(b), 388.513, 388.513a, 388.514, 388.1930a

The Board of Directors recognizes the value to students and to the Academy for students to participate in courses offered by accredited and degree-granting colleges and universities. Eligible postsecondary institutions shall include state universities, community colleges, and independent nonprofit degree-granting colleges or universities located in Michigan and that choose to comply with the Postsecondary Enrollment Options Act and out-of-state colleges satisfying the requirements of M.C.L. 388.513 that choose to comply with the Postsecondary Enrollment Options Act.

The Board will allow eligible high school students who meet the criteria established in guidelines/procedures to enroll in eligible postsecondary courses while in attendance at the Academy. The Head of School shall allow a student, upon written request of his/her parent to take approved readiness assessment(s) in order to establish eligibility for postsecondary enrollment. Any tests are to be administered free of charge in accordance with the Academy's testing schedule. Students will be eligible to receive appropriate credit for completing any of these courses providing they meet all requirements for the type of credit they wish to earn.

The Educational Service Provider shall establish the necessary administrative procedures to ensure that such courses are in accord with State law and are properly communicated to both the students and their parents. The Educational Service Provider shall also establish procedures/guidelines for the awarding of credit and the proper entry on a student's transcript and other records of his/her participation in a postsecondary program.

Upon receipt of a bill from the postsecondary institution itemizing the charges for a student's participation in a particular course, the Academy shall either pay the bill or the prorated percentage of the State portion of the foundation allowance for that student, whichever is lower. If charges exceed such payment, the student and his/her parents are responsible for the remaining charges.

If a student participating in the postsecondary (dual) enrollment program fails to successfully complete an eligible course, the student and his/her parents are responsible for reimbursing the Academy for such charges incurred by the Academy for such enrollment. In the event reimbursement is not made in a reasonable period of time, the Educational Service Provider is authorized to file claim against the student and/or his/her parents in Small Claims Court for collection.

The Educational Service Provider is to submit annually to the Board the following information:

- A. the amount of money paid to postsecondary institutions for this program
- B. the number of students in the high school and the number who participated in at least one (1) postsecondary program and received payment for all or part of the eligible charges under this program both in the aggregate and by grade level
- C. the percentage of the Academy's enrollment represented by eligible students both in the aggregate and by grade level

- D. the total number of postsecondary courses for which the Academy made payment, the number of courses for which postsecondary credit was granted, the number of courses for which high school credit was granted, and the number of courses that were not completed by eligible students

Adopted 4/27/17
Revised 3/21/19

FIELD AND OTHER ACADEMY-SPONSORED TRIPS

Reference:

MCL 380.502, 380.503

The Board of Directors recognizes that field trips, when used for teaching and learning integral to the curriculum, are an educationally sound and important ingredient in the instructional program of the Academy. Properly planned and executed field trips should accomplish the following:

- A. supplement and enrich classroom procedures by providing learning experiences in an environment outside the classroom;
- B. arouse new interests among students;
- C. help students relate classroom experiences to the reality of the world outside of school;
- D. bring the resources of the community - natural, artistic, industrial, commercial, governmental, and educational - within the student's learning experience;
- E. afford students the opportunity to study real things and real processes in their actual environment.

For purposes of this policy, a field trip shall be defined as any planned journey by one or more students away from the Academy premises that is under the supervision of a staff member and is an integral part of a course of study. Other Academy-sponsored trips shall be defined as any planned, student travel activity that is approved as part of the Academy's total educational program.

The Board shall approve those field trips and other Academy-sponsored trips which are planned to keep students out of the Academy overnight or longer or out of the State.

All other trips must be approved by the School Leader.

The Board shall assume the costs of field trips; no regularly enrolled student shall be charged a fee for participation in field trips. Students may be charged fees, however, for other Academy-sponsored trips not part of a course of study.

Students may be charged fees for Academy-sponsored trips, but no student shall be denied participation for financial inability. Nonparticipation shall not be penalized academically.

Students on all Academy-sponsored trips remain under the supervision of this Board and are subject to the Administrative Procedures.

The Board does not endorse, support, or assume liability in any way for any staff member, volunteer, or parent of the Academy who takes students on trips not approved by the Board or the School Leader. No staff member may solicit students of this Academy for such trips within the facilities or on the school grounds of the Academy without permission from the School Leader. Permission to solicit neither grants nor implies approval of the trip. Such approval must be obtained in accordance with the Administrative Procedures for Extended Trips.

The School Leader shall prepare Administrative Procedures for the operation of both field and other Academy-sponsored trips, including athletic trips, which shall ensure the following:

- A. the safety and well-being of students is secure;
- B. parental permission is sought and obtained before any student leaves the Academy on a trip;
- C. each trip is properly planned and, if a field trip, is integrated with the curriculum, evaluated, and followed up by appropriate activities to enhance its usefulness;
- D. the effectiveness of field trip activities is judged in terms of demonstrated learning outcomes;
- E. each trip is properly monitored;
- F. student behavior while on all field trips complies with the Student Code of Conduct and on all other trips complies with an approved code of conduct for the trip;
- G. a copy of each student's Emergency Medical Authorization Form is in the possession of the staff member in charge.

A professional staff member shall not change a planned itinerary while the trip is in progress, except where the health, safety, or welfare of the students in his/her charge is imperiled or where changes or substitutions beyond his/her control have frustrated the purpose of the trip.

In any instance in which the itinerary of a trip is altered, the professional staff member in charge shall notify the administrative superior immediately.

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Adoption Date: **04.22**
Classification: **Best Practice**
Revised Dates: ; **05.22**

PROHIBITION OF REFERRAL OR ASSISTANCE

Reference: M.C.L. 388.1766

In accordance with Michigan statute, any academy official, member of the Board of Directors, or employee of the Board who is not the parent or the legal guardian of the student involved is prohibited from referring a student for an abortion or assisting a student in obtaining an abortion. Any academy official, member of the Board, or employee of the Board who violates this policy is subject to disciplinary action.

Any alleged violation of this policy shall be reported to the Educational Service Provider, who shall follow the procedures set out in Policy 1439 or the current negotiated bargaining agreement, whichever is applicable, to investigate the allegation. If the allegation relates to an academy official, member of the Board, or employee of the Board to whom Policy 1439 or a current negotiated bargaining agreement does not apply, the Educational Service Provider shall conduct an investigation, as appropriate to the situation, including providing the person with reasonable notice and the opportunity to respond. All disciplinary measures available under Board Policy 1439 may be utilized, as appropriate, if the Educational Service Provider determines that a violation of this policy occurred.

Adopted 1/18/18
Revised 11/21/19

REPRODUCTIVE HEALTH AND FAMILY PLANNING

Reference: MCL 380.1169, 380.1507, 388.1766
AC Rule 388.273 et seq.

The Board of Directors directs that instruction be provided on the principal modes by which dangerous communicable diseases, including HIV and AIDS, are spread and the best methods for the restriction and prevention of these diseases. The instruction shall stress that abstinence from sex is the only protection that is 100% effective against unplanned pregnancy and sexually transmitted diseases, including HIV and AIDS, and that abstinence is a positive lifestyle for unmarried young people.

No person shall dispense or otherwise distribute in an Academy or on Academy property a family planning drug or device. Additionally, any academy official, member of the Board, or employee of the Board who is not the parent or the legal guardian of the student involved is prohibited from referring a student for an abortion.

Each person who teaches K to 12 students about human immunodeficiency virus infection and acquired immunodeficiency syndrome shall have training in human immunodeficiency virus infection and acquired immunodeficiency syndrome education for young people. Licensed health care professionals who have received training on human immunodeficiency virus infection and acquired immunodeficiency syndrome are exempt from this requirement.

The Academy shall notify parents, in advance of the instruction, about the content of the instruction, give the parents an opportunity, prior to instruction, to review the materials to be used (other than tests), and observe the instruction. The Academy shall further advise the parents of their right to have their child excused from the instruction.

Before any revisions to the curriculum on the subjects taught pursuant to M.C.L. 380.1169 are implemented, the Board shall hold at least two (2) public hearings on the proposed revisions. The hearings shall be held at least one (1) week apart and public notice of the hearings shall be given in the manner required for board meetings. A public hearing held pursuant to this section may be held in conjunction with a public hearing held pursuant to M.C.L. 380.1507.

Adopted 1/18/18
Revised 6/20/19; 11/21/19

PROGRAM ACCOUNTABILITY AND EVALUATION

The Board of Directors believes that effective education includes proper evaluation of the results produced from the educational resources provided by the community and the government. As the governing body of the Academy, the Board has the responsibility for assessing and evaluating the academic growth of its students. The Board shall fulfill this responsibility by establishing a means for the continued evaluation of results, which shall be systematic and specific.

The following elements shall be included in its accountability program:

- A. Achievement status to measure how well the Academy is educating all students.
- B. Achievement changes to measure if student achievement is improving or declining.
- C. Achievement growth to measure whether students are receiving at least one year of academic growth for each year of instruction.

The Educational Service Provider shall maintain a calendar of assessment activities and make periodic evaluation reports to the Board regarding the above categories within all curriculum content areas and grade levels. Findings of the assessment program may be used to evaluate the progress of students.

The Educational Service Provider shall recommend improvements in the educational program annually, based on the evaluation of the Academy's program. Such improvements shall reflect the plans for improvement of the educational program. The School Improvement Plan shall be based on staff's findings from program evaluations at each level and on the evaluations provided by the School improvement team (see Policy 2120).

The Board reserves the right to employ experts from outside the Academy to serve in the evaluation process.

Annually the Board will make available to the public the progress of the student body toward the educational goals of the Academy.

Assessment results obtained under this policy shall not be used for comparison purposes except as required by statute and Michigan Department of Education regulations or for internal evaluation, as authorized by the Educational Service Provider or Board.

Adopted 4/27/17

STUDENT ASSESSMENT

Reference: MCL 380.1279, 380.1279g, 390.1451 et seq., 380.1280b, 380.1280f
A.C. Rule 340.1101 et seq.

The Board of Directors shall, in compliance with law, assess student achievement and needs in designated subject areas in order to determine the progress of students and to assist them in attaining Academy goals.

Each student's proficiencies and needs will be assessed by staff members upon his/her entrance into the Academy and annually or more frequently, as required by law or Charter contract, thereafter. Procedures for such assessments will include, but need not be limited to, teacher observation techniques, cumulative student records, student performance data collected through standard testing programs and/or diagnostic reading assessment systems, student portfolios, and physical examinations.

The Educational Service Provider shall develop and the Board shall approve a program of testing and assessment that is in compliance with the Charter Contract and applicable law.

The Board requires that:

- A. any assessment tests used shall not be a psychiatric examination, testing, or treatment; or a psychological examination, testing, or treatment in which the primary purpose is to reveal information concerning:
 - 1. political affiliations;
 - 2. mental and psychological problems potentially embarrassing to the student or his/her family;
 - 3. sexual behavior and attitude;
 - 4. illegal, anti-social, self-incriminating, and demeaning behavior;
 - 5. critical appraisals of other individuals with whom respondents have close family relationships;
 - 6. legally-recognized, privileged and analogous relationships, such as those of lawyers, physicians, and ministers;
 - 7. income without the prior consent of the adult student or without the prior written consent of the parent;
- B. any personality testing complies with Department of Education guidelines.

The Board also requires that:

- A. tests be administered by persons who are qualified under State law and regulation;
- B. parents be informed of the testing program of the schools and of the special tests that are to be administered to their children;

- C. data regarding individual test scores be entered on the student's cumulative record, where it will be subject to the policy of this Board regarding student records;
- D. the results of each school-wide and program-wide test be made part of the public record.

All eleventh grade students shall participate in the Michigan Merit Examination, unless excluded under the guidelines established by the State Department of Education.

A student who wants to repeat a State approved readiness assessment (other than the Michigan Merit Examination and any ACT component) may repeat the assessment in the next school year or after graduation on a date when the Academy is administering the assessment. Only this type of repeat assessment testing will be without charge to the student.

The Academy shall administer the complete Michigan Merit Examination to a student only once and shall not administer the complete Michigan Merit Examination to the same student more than once if the student has valid scores in some or all Michigan Merit Examination components. If a student does not take the complete Michigan Merit Examination in grade 11, the Academy shall administer the complete Michigan Merit Examination to the student in grade 12. If a student chooses to retake the college entrance examination component of the Michigan Merit Examination, the student may do so through the provider of the college entrance examination component and the cost of the retake is the responsibility of the student unless all of the following are met:

- A. the student has taken the complete Michigan Merit Examination
- B. the student did not qualify for a Michigan Promise Grant based on the student's performance on the complete Michigan Merit Examination
- C. the student meets the Federal income eligibility criteria for free breakfast, lunch, or milk
- D. the student has applied to the provider of the college entrance examination component for a scholarship or fee waiver to cover the cost of the retake and that application has been denied
- E. after taking the complete Michigan Merit Examination, the student has not already received a free retake of the college entrance examination component paid for either by the State of Michigan, or through a scholarship or fee waiver by the provider

Adopted 4/27/17
Revised 8/17/17

STATE AID INCENTIVES

Reference: State School-Aid Act

The Board of Directors, in its efforts to provide a quality education for the students of this Academy, shall review annually the State School Aid Act to determine any programs or incentives that offer additional revenues.

The Educational Service Provider shall examine the requirements for each of the programs or incentives to determine which are feasible for this Academy and provide the Board with the necessary resolutions for those selected.

At Risk Funding

The State School Aid Act provides Section 31a funding for instructional and pupil support services who meet the at-risk identification characteristics specified in Section 31a(20).

At-risk characteristics include low achievement on State- or local-administered assessments in mathematics, English language arts, social studies or science; failure to meet proficiency standards in reading by the end of 3rd grade or career and college readiness for high school students at the end of 12th grade; a victim of child abuse or neglect; is a pregnant teenager or teenage parent; has a family history of school failure, incarceration or substance abuse; is economically disadvantaged; is an English learner (EL); is chronically absent as defined and reported to the Center for Educational Performance and Information (CEPI); is an immigrant who has immigrated within the immediately-preceding three (3) years; and in the absence of State or local assessment data, meets at least two or more identified risk factors.

Section 31a funds are limited to instructional services, and direct non-instructional services to pupils. They may not be used for administration or other related costs. The Academy shall implement multi-tiered systems of support, as required, in order to access such funding.

Annually, the Educational Service Provider shall allocate such funding to appropriate programs and services based on Academy priorities. Section 31a funds may be used to provide an anti-bullying or crisis intervention program.

Adopted 4/27/17
Revised 11/21/19

P.A. 25 ANNUAL REPORT

Reference: MCL 380.1204a(1)

The Academy must prepare and publicly disseminate the P.A. 25 Annual Report no later than the beginning of each school year to all parents of all students. Required information for the Academy and each individual building includes the following:

Assessment Data

- A. Aggregate student achievement at each proficiency level on state assessments.
- B. Student achievement at each proficiency level disaggregated by race, ethnicity, gender, disability status, migrant status, English proficiency, and economic status. The federal requirement is to report this data only when it is statistically sound. The Michigan Department of Education recommends reporting on subgroups if the size is more than thirty (30) students in the Academy or thirty students across each grade level tested.
- C. Percentage of students not tested, disaggregated by each group (if statistically sound).
- D. Most recent 2-year trend in achievement for each subject area and grade level.
- E. Report of the Academy's results of locally administered student competency tests and/or nationally normed achievement tests. This should include data from the assessments for students in grades 1-5, as required by section 1280b of the School Code (PA 25).

Academy Programs

- A. Accreditation status. Public Act 25 (PA 25) requires schools to report on state accreditation status, accreditation by the North Central Association Commission on Accreditation and School Improvement, or another specialized accreditation authority approved by the US Department of Education (PA 25).
- B. Academy pupil retention data, in addition to the data on graduation rate referenced earlier. (PA 25)
- C. Number and percentage of pupils enrolled in post-secondary programs and/or college level equivalent courses, if the Academy has a high school (dual enrollment) (PA 25).
- D. The status of the core curriculum and the School Improvement Plan (PA 25).

Staff

- A. The professional qualifications of teachers, the percentage of teachers teaching with emergency or provisional credentials, and the percentage of

classes not taught by highly qualified teachers (disaggregated by high-poverty compared to low-poverty schools).

- B. The annual progress toward meeting state objectives for percentage of highly qualified teachers.

Parents

- A. Information on parent-teacher conference attendance rates, a requirement of PA 25.
- B. Dissemination of the Academy's parent and family engagement policy.

The Academy may include additional data if it chooses.

The Educational Service Provider shall insure the full implementation of this policy as required by P.A. 25.

Adopted 4/27/17
Revised 3/21/19

3000 **STAFF**

3000 Educational Service Provider Statement

3121 Criminal History Record Check **LR**

3220 Teacher Evaluation **LC**

3419.03 Patient Protection and Affordable Care Act **LR**

Adopted 4/27/17

Revised 1/18/18; 9/20/18; 11/21/19

3000 STAFF

All staff of the Michigan Great Lakes Virtual Academy are employees of K12, Inc., the employer of record, as per the contractual agreement between the Michigan Great Lakes Virtual Academy Board of Directors and K12, Inc. All employees, therefore, are subject to all personnel policies and regulations established by K12, Inc.

It shall be the responsibility of K12, Inc. to ensure that all Federal and State employment regulations are in full compliance. Further, K12, Inc. shall respond to any inquiries or complaints promptly in full accordance with law.

Adopted 4/27/17

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").¹ 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.

¹ 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 Schools/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, 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 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 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 Head of School 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 Head of School may confirm with the Department of Education from results it maintains that the current regular substitute teacher does not have a criminal history.

The Head of School 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 by the Head of School 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 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.

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

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

Adopted 1/18/18
Revised 9/20/18

TEACHER EVALUATION

Reference: MCL 380.1249 (as amended)

The Board of Directors shall ensure that its Educational Service Provider establishes and implements a rigorous, transparent, and fair performance evaluation system that does all of the following:

- A. Evaluates the employee's job performance at least annually in a year-end evaluation, while providing timely and constructive feedback. Teachers rated highly effective on three (3) consecutive year-end evaluations may be evaluated every other year, at the Board's discretion.
- B. Establishes clear approaches to measuring student growth and provides staff with relevant data on student growth based on the most recent three (3) consecutive school years of student growth data, or all available student growth data if less than three (3) years is available.
- C. Evaluates an employee's job performance, using rating categories of highly effective, effective, minimally effective and ineffective, which take into account data on student growth as a significant factor in the evaluation in accordance with State law student growth and assessment data. For the 2018-2019 school year twenty five (25) percent of the annual year-end evaluation shall be based on student growth and assessment data. Beginning with the 2019-2020 school year, forty (40) percent of the annual year-end evaluation shall be based on student growth and assessment data.

Evaluations must also comply with the following:

- 1. The portion of a teacher's annual year-end evaluation that is not based on student growth and assessment data shall be based primarily on a teacher's performance as measured by the Educational Service Provider as described below.
- 2. Beginning with the 2018 - 2019 school year, for core content areas in grades and subjects in which state assessments are administered, fifty (50) percent of student growth must be measured using the state assessments, and the portion of student growth not measured using state assessments must be measured using multiple research-based growth measures or alternative assessments that are rigorous. Student growth also may be measured by student learning objectives or nationally normed or locally adopted assessments that are aligned to state standards, or based on achievement of individualized education program goals.
- 3. The portion of a teacher's evaluation that is not measured using student growth and assessment data or using the evaluation tool developed or adopted by the Educational Service Provider shall incorporate criteria enumerated in section M.C.L. 380.1248(1)(b)(i) to (iii) that are not otherwise evaluated under the tool.
- 4. If there are student growth and assessment data available for a teacher for at least three (3) school years, the annual year-end evaluation shall

be based on the student growth and assessment data for the most recent three (3) consecutive-school-year period. If there are not student growth and assessment data available for a teacher for at least three (3) school years, the annual year-end evaluation shall be based on all student growth and assessment data that are available for the teacher.

- D. uses the evaluations, at a minimum, to inform decisions regarding all of the following:
1. the effectiveness of employees, so that they are given ample opportunities for improvement
 2. promotion, retention, and development of employees, including providing relevant coaching, instruction support, or professional development
 3. removing ineffective employees after they have had ample opportunities to improve, and providing that these decisions are made using rigorous standards and streamlined, transparent, and fair procedures
- E. provides a mid-year progress report for every certificated teacher who has received a rating of minimally effective or ineffective on the last most recent annual year-end evaluation

This mid-year report shall not replace the annual year-end evaluation. The mid-year report shall:

1. be based, at least in part, on student achievement;
 2. be aligned with the teacher's individualized development plan;
 3. include specific performance goals and any recommended training for the remainder of the school year, as well as written improvement plan developed in consultation with the teacher that incorporates the goals and training.
- F. includes classroom observations in accordance with the following:
1. must include review of the lesson plan, State curriculum standards being taught and student engagement in the lesson
 2. must include multiple observations unless the teacher has received an effective or higher rating on the last two (2) year-end evaluations
 3. observations need not be for an entire class period
 4. at least one (1) observation must be unscheduled;
 5. the school administrator responsible for the teacher's performance evaluation shall conduct at least one (1) of the observations;

Other observations may be conducted by other observers who are trained in the use of the evaluation tool as described below. These other observers may be teacher leaders.

6. the Educational Service Provider shall ensure that, within thirty (30) days after each observation, the teacher is provided with feedback from the observation.
- G. For the purposes of conducting annual year-end evaluations under the performance evaluation system, the Educational Service Provider will adopt and implement one (1) or more of the evaluation tools for teachers that are included on the list established and maintained by the Michigan Department of Education ("MDE").
- H. The Board will post on its public website all of the following information about the measures it uses for its performance evaluation system for teachers:
 1. The research base for the evaluation framework, instrument, and process or, if the Educational Service Provider adapts or modifies an evaluation tool from the MDE list, the research base for the listed evaluation tool and an assurance that the adaptations or modifications do not compromise the validity of that research base.
 2. The identity and qualifications of the author or authors or, if the Educational Service Provider adapts or modifies an evaluation tool from the MDE list, the identity and qualifications of a person with expertise in teacher evaluations who has reviewed the adapted or modified evaluation tool.
 3. Either evidence of reliability, validity, and efficacy or a plan for developing that evidence or, if the Educational Service Provider adapts or modifies an evaluation tool from the MDE list, an assurance that the adaptations or modifications do not compromise the reliability, validity, or efficacy of the evaluation tool or the evaluation process.
 4. The evaluation frameworks and rubrics with detailed descriptors for each performance level on key summative indicators.
 5. A description of the processes for conducting classroom observations, collecting evidence, conducting evaluation conferences, developing performance ratings, and developing performance improvement plans.
 6. A description of the plan for providing evaluators and observers with training.
- I. The Educational Service Provider shall also:

Provide training to teachers on the evaluation tool(s) used by the Educational Service Provider in its performance evaluation system and how each evaluation tool is used. This training may be provided by the Educational Service Provider or by a consortium consisting of 2 or more public school academies.

Ensure that training is provided to all evaluators and observers. The training shall be provided by an individual who has expertise in the evaluation tool or tools used by the Educational Service Provider, which may include either a consultant on that evaluation tool or framework or an individual who has been trained to train others in the use of the evaluation tool or tools. The Educational

Service Provider may provide the training in the use of the evaluation tool or tools if the trainer has expertise in the evaluation tool or tools.

The staff evaluation program shall aim at the early identification of specific areas in which the individual professional staff member needs help so that appropriate assistance may be provided or arranged for. A supervisor offering suggestions for improvement to a professional staff member shall not release that professional staff member from the responsibility to improve. If a professional staff member, after receiving a reasonable degree of assistance, fails to perform his/her assigned responsibilities in a satisfactory manner, dismissal, or non-renewal procedures may be invoked. A teacher rated as "ineffective" on three (3) consecutive year-end evaluations must be dismissed from employment as a teacher with the Board. In such an instance, all relevant evaluation documents may be used in the proceedings.

The Board shall not assign a student to be taught in the same subject area for two (2) consecutive years by a teacher who has been rated as ineffective on his/her two (2) most recent annual year-end evaluations. If the Board is unable to comply with this and plans to assign a student to be taught in the same subject area for two (2) consecutive years by a teacher who has been rated as ineffective on his/her two (2) most recent annual year-end evaluations, the Board will notify the student's parent or legal guardian in writing not later than July 15 immediately preceding the beginning of the school year for which the student is assigned to the teacher, that the Board is unable to comply and that the student has been assigned to be taught in the same subject area for a second consecutive year by a teacher who has been rated as ineffective on his/her two (2) most recent annual year-end evaluations. The notification shall include an explanation of why the Board is unable to comply.

Adopted 4/27/17
Revised 11/21/19

PATIENT PROTECTION AND AFFORDABLE CARE ACT

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

The Board of Directors acknowledges that the Patient Protection and Affordable Care Act ("ACA") imposes certain obligations upon the Academy. Such obligations may include the following:

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

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

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

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

Adopted 4/27/17

5000 STUDENTS

5111.01	Homeless Students	LR
5111.02	Educational Opportunity for Military Children	LR
5111.03	Children and Youth in Foster Care	LR
5112	Entrance Age	LC
5114	Foreign and Foreign-Exchange Students	LR
5320	Immunization	LC
5330	Use of Medications	LR
5330.01	Epinephrine Auto-Injectors	LR
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
5516	Student Hazing	LC
5517	Anti-Harassment	LR
5517.01	Bullying	LR
5517.02	Sexual Violence	LR
5610	Emergency Removal, Suspension and Expulsion of Nondisabled Students	LR
5611	Due Process Rights	LR
5630.01	Student Seclusion and Restraint	LR
** Academy's Admission Policies and Criteria		

Adopted 4/27/17

Revised 8/17/17; 1/18/18; 9/20/18; 3/21/19

HOMELESS STUDENTS

References: 42 U.S.C. 11431 et seq. (McKinney - Vento Homeless Act)

Definitions

Children who are identified as meeting the Federal definition of "homeless" will be provided a free appropriate public education (FAPE) in the same manner as all other students of the 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 housing¹, 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.

¹ 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 Head of School. 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. The following procedures also apply subject to a determination of the student's best interest:

- A. If the homeless student moves but continues to live within the area covered by the Academy's charter the Academy is considered the school of origin and the school of residence and, therefore, transportation will be provided or arranged for the student's transportation to or from the school of origin by the Academy.
- B. If the homeless student moves to an area outside of the Academy's charter, though continuing his/her education at the school of origin, the Academy and the public school district in which the student resides must agree upon a method to apportion responsibility and costs for transportation to the school of origin. If the Academy and the public school district cannot agree upon such a method, the responsibility and costs will be shared equally.
- C. When the student obtains permanent housing, transportation shall be provided to and from the school of origin until the end of the school year.

The 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 preschool age specific factors, such as 1) the child's attachment to preschool teachers and staff; 2) the impact of school climate on the child, including school safety; the quality and availability of services to meet the child's needs, including health, developmental, and social-emotional needs; and 3) travel time to and from school.

The 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.

Adopted 4/27/17
Revised 8/17/17; 1/18/18

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 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.

Adopted 4/27/17

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 Head of School shall designate and make public a local point of contact who will perform the duties as assigned by the Head of School. 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, 388.1606, 388.1705 & 1705c
IDEA, Part B; 34 CFR Part 300
Dear Colleague Letter, Feb. 29, 2012, U.S.D.O.E., Office of Special Education
and Rehabilitative Services
A.C. Rule 340.1754

The Board shall establish student entrance age requirements which are consistent with Michigan Law and sound educational practices which ensure equitable treatment.

A child who turns six (6) years of age before December 1st must be enrolled on the first school day of the school year in which the child's sixth birthday occurs, and a child who turns six (6) years of age on or after December 1st must be enrolled on the first school day of the school year following the school year in which the child's sixth birthday occurs.

A. Kindergarten

A child who is at least five (5) years of age on or before the September 1st, of the school year of enrollment 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.

B. Early Entrance

A child who is not yet five (5) years of age on or before September 1st 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;
2. the parent or guardian provides written notice to the Academy of intent to enroll the child for that school year.

Adopted 4/27/17

ACADEMY CHOICE OPTIONS PROVIDED BY THE NO CHILD LEFT BEHIND ACT

Reference: Title I, Section 1116(b)(1)(E) of the No Child Left Behind Act of 2001
Title I, Section 1116(e) of the No Child Left Behind Act of 2001
Title IX, Section 9532 of the No Child Left Behind Act of 2001

The Board of Directors acknowledges that the Federal *No Child Left Behind Act of 2001 (NCLBA)* provides that the parents/guardians of students enrolled in a Title I school that has been listed for "School Improvement" for two (2) or more years, have the right to transfer their children to another school in the Local Educational Agency, if there is a school that provides instruction at the students' grade level(s) and such school has not been identified as being in the process of school improvement, corrective action, or restructuring. If the parent/guardian requests a transfer, but there is not a qualifying school in the Local Educational Agency, the School Leader shall contact neighboring Local Educational Agencies and request that they permit students to transfer to a school in one of those Local Educational Agencies. The School Leader shall also offer Supplemental Educational Services if a transfer within the Local Educational Agency is not possible.

Students attending a "persistently dangerous" school, as defined by State law have the right to transfer to another "safe" school in the Local Educational Agency. If the parent/guardian requests a transfer, but there is not another "safe" school in the Local Educational Agency that provides instruction at the students' grade level(s), the School Leader shall contact neighboring Local Educational Agencies and request permission for students to transfer to a school in one of those Local Educational Agencies.

Furthermore, a student who is a victim of a "violent crime" on school property also has the right to transfer to another school. If the parent/guardian requests a transfer, but there is not another school in the attendance area providing instruction at the student's grade level, the School Leader shall contact neighboring Local Educational Agencies and request that they request permission for that student to transfer to a school in one of those Local Educational Agencies providing instruction at the student's grade level. The Board of Directors authorizes such transfers in accordance with procedures.

Children who transfer in accordance with this policy will be permitted to remain at the school of transfer until completing the highest grade at the school.

Adopted 4/27/17

FOREIGN AND FOREIGN-EXCHANGE STUDENTS

Reference: M.C.L. 380.504(3)
8 C.F.R. 214 et seq.
8 U.S.C. 1101 (Immigration Reform and Control Act)
M.C.L. 380.1147
1985 O.A.G. 6316
Plyler v Doe, 457 U.S. 202 (1982)

The Board of Directors recognizes the positive cultural benefits to the students, staff, and the community in meeting students from other countries and in having foreign students as members of the student body of this Academy.

In accordance with other admissions policies, the Board will permit the admission of foreign students and foreign-exchange students (from recognized and approved student exchange programs) who are either deemed legal residents of the State of Michigan under applicable law or are permitted under MCL 380.504(3).

Student and Exchange Visitor Program for Nonimmigrant Students with F-1 Visas

Provided such petition is not prohibited by the Academy's authorizer, the Board authorizes the Academy to petition for approval to provide a Student and Exchange Visitor Program (SEVP). As an authorized SEVP provider, the Academy will issue the certificate of eligibility to nonimmigrant students who complete the application process successfully, which will enable them to apply for an F-1 Visa. All students entering under this section must be deemed residents of the State of Michigan or be permitted under MCL 380.504(3).

Participation by nonimmigrant students in this program will be consistent with Federal law that requires the following:

- A. the student possess sufficient English language proficiency to participate in the high school curriculum
- B. the student's participation does not exceed an academic year
- C. the student pays to the Board the full amount of tuition prior to the commencement of the academic term of attendance
- D. the student otherwise maintains his/her lawful temporary immigration status

Other Nonimmigrant Students

This policy does not apply to nonimmigrant students with citizenship in countries other than the United States who are not participating in an approved exchange visitor program.

All other nonimmigrant students with citizenship in countries other than the United States who seek to enroll in the Academy are subject to State law and the Academy's policies regarding enrollment and, if applicable, tuition. All such students must be deemed to be residents of the State of Michigan under applicable law or be permitted under MCL 380.504(3).

Adopted 4/27/17

IMMUNIZATION

Reference: MCL 333.9201 et seq., 380.1177, 380.1177a
AC 325.176

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

However, students who do not meet the immunization requirements shall be admitted in accordance with Administrative 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 parent(s)/guardian(s) hold religious or philosophical beliefs against receiving a vaccination. Any parent or guardian who wants to claim a nonmedical waiver must receive education regarding the benefits of vaccination and the risks of disease from a county health department before obtaining the certified nonmedical waiver form through the Local Health Department, and present same to the appropriate Academy personnel.
- C. The child has received at least one (1) dose of each immunizing agent and the next dose(s) are not due yet.

When the 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.

Adopted 4/27/17

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 Head of School shall be responsible for the diagnosis and treatment of student illness. The administration of prescribed medication and/or medically-prescribed treatments to a student during school hours will be permitted only when failure to do so would jeopardize the health of the student, the student would not be able to attend school if the medication or treatment were not made available during school hours, or the child is disabled and requires medication to benefit from his/her educational program.

For purposes of this policy, *medication* shall include all medicines including those prescribed by a physician and any non-prescribed (over-the-counter) drugs, preparations, and/or remedies and performance-enhancing drugs as defined in AG 2431C. *Treatment* refers both to the manner in which a medication is administered and to health-care procedures that require special training, such as catheterization.

Before any medication or treatment may be administered to any student during school hours, the Board shall require the written prescription from the child's physician, accompanied by the written authorization of the parent. These documents shall be kept on file in the administrative offices. No student is allowed to provide or sell any type of over-the-counter medication to another student. Violations of this rule will be considered violations of Policy 5530 - Drug Free Environment and of the Student Discipline Code/Code of Conduct.

Only medication in its original container that is labeled with the date (if a prescription), the student's name, and exact dosage may be administered. Parents, or students authorized in writing by their physician and parents, may administer medication or treatment.

Staff members are to administer medication or treatment only in the presence of another adult, except in the case of an emergency that threatens the life or health of the student. Staff licensed as professional registered nurses are exempt from this requirement.

All staff authorized to administer medication or treatment will receive training on appropriate procedures for administering the medication or treatment. This training shall be provided by qualified individuals with knowledge of the 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.

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 Head of School 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 Head of School or other chief administrator of the student's academy.

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 Head of School shall prepare Administrative Procedures to ensure the proper implementation of this policy.

Adopted 4/27/17
Revised 3/21/19

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 Head of School or designee to be sure that the supply of Epi-Pens is maintained at the appropriate level and they have not expired. The Head of School or designee 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, who shall be responsible for promptly notifying the student's parent/guardian that an injection has been administered.

All Epi-Pen injections by employees to students shall be reported in writing to Head of School or 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 Head of School or 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.

Adopted 4/27/17

EMERGENCY MEDICAL AUTHORIZATION

The Head of School 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.

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Adoption Date: **06.21**
Classification: **Legal Content**
Revised Dates: ;

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 Head of School, the administrator shall immediately provide the Head of School with the DNR Order.

The Head of School 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 Head of School, 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 Head of School, 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 Head of School, 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 Head of School and the Head of School, or his/her designee shall immediately place the revocation in the file created per the instruction and provide actual notice of the revocation to each teacher or other academy employee who provides instructional or noninstructional service directly to the student.

The Board shall ensure that timely and appropriate training regarding compliance with the DNR Order is provided to each teacher or other academy employee who provides services to a student with a DNR Order, according to his/her level of responsibility.

An individual who determines that a minor student, while located at the academy, is wearing a do-not-resuscitate identification bracelet or an individual who has actual notice of valid DNR Order related to the minor student shall not attempt to resuscitate the minor student before an appropriate health professional arrives to assist.

Adoption Date: **06.21**
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Revised Dates: ;

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 Head of School.

- A. The Head of School 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 Head of School 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 Head of School, 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 Head of School, 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 Head of School and the Head of School or his/her designee shall immediately place the revocation in the file described under subsection (1)(a) and shall provide actual notice of the revocation to each teacher or other academy employee who provides instructional or noninstructional services directly to the student, regardless of whether the revocation pertains to a student with an individualized education program.
- C. The Board shall ensure that timely and appropriate training regarding compliance with the POST form is provided to each teacher or other academy employee who provides services to a student with a POST form, according to his/her level of responsibility.

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Classification: **Legally Required**
Revised Dates: ;

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 Head of School the final responsibility for determining the promotion, placement, or retention of each student.

Adopted 4/27/17

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/or 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).

Adopted 4/27/17

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. 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 Head of School.

Adopted 4/27/17

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 grades 9-12.

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 provision for students completing graduation requirements before their class;
- B. a system for fairly averaging makeup courses;
- C. 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;
- D. recognition of the heavier burden of certain work, classes, and courses.

Adopted 4/27/17

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 Head of School to develop a plan for recognizing outstanding student achievement based on well-defined, consistent criteria and standards.

Adopted 4/27/17

GRADUATION REQUIREMENTS

Reference: MCL 380.1166, 380.1278a(1), 380.1278a(2), 380.1278a(4)(c), 380.1279b
M.C.L. 380.1278d, 380.1279h
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 (see AG 5460), the Michigan Department of Education (MDE), and as provided by State law.

The Board shall annually notify each of its students and a parent or legal guardian of each of its high school students that all students are entitled to a personal curriculum. The annual notice shall include an explanation of what a personal curriculum is and state that if a personal curriculum is requested, the Academy will grant that request. The Academy shall provide this annual notice to parent and legal guardians by sending a written notice to each high school student's home or by including the notice in a newsletter, student handbook, or similar communication that is sent to a student's home, and also shall post the notice on the Academy's website.

Credit towards a high school diploma 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. Michigan Department of Education (MDE)-approved formal career and technical (CTE) program or curriculum.
- K. on-line class.

High school 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 high school 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 high school 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.

Such credit shall be counted toward the required number of credits needed for high school 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 Educational Service Provider.

A high school student shall be granted credit for completion of an internship or work experience that meets all of the requirements of MCL 380.1279h, subject to the Board's right to deny credit for the reasons and in the manner set out in MCL 380.1279h. The appeal rights set out in this statute apply in the event of a denial.

Many high school credit requirements may be fulfilled through state approved career and technical education programs (see AG 5460.01). The career and technical education credits may include work-based learning by a student working at a business or other work setting with appropriate oversight by the Academy over the student's experience and learning in the work setting in which the work-based learning occurs.

Commencement exercises will include only those students who have successfully completed requirements as certified by the Educational Service Provider. 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.

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

Adopted 4/27/17

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 Head of School 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.

Adopted 4/27/17

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 Head of School. 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 Head of School 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.

Adopted 4/27/17

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, videotapes, 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 a 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)"):

Special Programs Manager
1309 Madison Rd
Manistee, MI 49660
231-794-5999 ext. 3112

Title 9 Coordinator
1309 Madison Rd
Manistee, MI 49660
231-794-5999 ext. 3112

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

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 Head of School 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 Head of School 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 Head of School 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 Educational Service Provider and Head of School informed of the status of the 3362 investigation and provide the Educational Service Provider and Head of School with a copy of the resulting written report. Likewise, the Title IX Coordinator will provide the Educational Service Provider and Head of School 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.

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.

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Adoption Date: **04.17**

Classification: **Legally Required**

Revised Dates: **03/21/2019; 06.21**

EMERGENCY REMOVAL, SUSPENSION AND EXPULSION OF STUDENTS

Reference:

M.C.L. 380.1301, 380.1309, 380.1310d, 380.1311
20 U.S.C. 3351
State Board of Education, Resolution to Address School Discipline Issues
Impacting Student Outcomes, Adopted June 12, 2012

The Board of Directors is continually concerned about the safety and welfare of Academy students and staff and, therefore, will not tolerate behavior that creates an unsafe environment, a threat to safety or undue disruption of the educational environment.

Factors to be Considered Before Suspending or Expelling a Student

The Board of Directors also recognizes that exclusion from the educational program of the academy's is a severe sanction that should only be imposed after careful and appropriate consideration. Except as otherwise noted below with respect to possession of a firearm in a weapon free school zone, if suspension or expulsion of a student is considered, the Board 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 Head of School 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 Head of School 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 Head of School will still consider these factors in making the determination.

Restorative Practices

The Head of School 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 Head of School 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 Special Programs Manager 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 Head of School 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 Head of School. A student so removed may be allowed to attend other classes taught by other teachers during the term of the one (1) day removal. A student removed from the same class for ten (10) days will be entitled to the process for short-term suspensions outlined in AG 5610. A student removed from the same class for more than ten (10) days will be entitled to the process for long-term suspensions outlined in AG 5610. The Board designates the Head of School 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 Head of School may act as the hearing officer. The Board may suspend a student for a period longer than ten (10) days or expel a student. An appeal may be made to the Board if there is a claimed violation of substantive or procedural due process rights.

In all cases resulting in short-term suspension, long-term suspension, or expulsion, appropriate due process rights must be observed. In determining whether a student is to be suspended or expelled, the Head of School shall use a preponderance of evidence standard.

The Head of School 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 Head of School 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.

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 Head of School or the police.

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

The Head of School is to establish procedures for the proper operation of such a program and to ensure appropriate due-process procedures are followed as applicable. (See Policy 5630.01)

Due Process Rights

The Board recognizes the importance of safeguarding a student's constitutional rights, particularly when subject to the Academy's disciplinary procedures.

To better ensure appropriate due-process is provided a student, the Board establishes the following:

A. Students Subject to Short-Term Suspension

Except when emergency removal is warranted, a student must be given at least oral notice of the charges against him/her and the opportunity to respond prior to the implementation of a suspension. When emergency removal has been implemented, notice and opportunity to respond shall occur as soon as reasonably possible. The Head of School 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 Head of School 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 Head of School shall develop procedures to ensure all members of the staff use the above

guidelines when dealing with students. In addition, this statement of due process rights shall be placed in all student handbooks, in a manner that facilitates understanding by students and their parents.

Corporal Punishment

While recognizing that students may require disciplinary action in various forms, the Board does not condone the use of unreasonable force and fear as an appropriate procedure in student discipline.

Staff shall not use physical force or violence to compel obedience. If all other means fail, staff members may always resort to the removal of the student from the classroom or Academy through suspension or expulsion procedures.

Within the scope of their employment, all staff may use reasonable force and apply restraint to accomplish the following:

- A. restrain or remove a student who refuses to comply with a request to behave or report to the office;
- B. quell a disturbance threatening physical injury to self or others;
- C. obtain possession of weapons or other dangerous objects within the control of the student, for either self-defense; or
- D. the protection of persons or property.

In accordance with State law, corporal punishment shall not be permitted. If any staff member (full-time, part-time, or substitute) deliberately inflicts, or causes to be inflicted, physical pain upon the student (by hitting, paddling, spanking, slapping or any other kind of physical force) as a means of discipline, the staff member may be subject to discipline and possibly criminal assault charges. This prohibition also applies to volunteers and those with whom the Academy contracts for services.

The Head of School shall provide guidelines, including a list of alternatives to corporal punishment.

Removal, Suspension, and Expulsion of Students with Disabilities

The Academy shall abide by Federal and State laws in matters relating to discipline, suspension, and expulsion of disabled students.

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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 Head of School 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 Head of School 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 Head of School 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 Head of School 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.

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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 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 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

Adopted 8/17/17
Revised 3/21/19

SCHEDULE 7-5
ACADEMY'S ADMISSION POLICIES AND
CRITERIA

Purpose

As required by Section 6.7 of the Terms and Conditions, this Schedule 7-5 contains the Academy's Admission Policies and Criteria. The purpose of this policy is to outline the Academy's enrollment policy and process for students enrolling in the Academy.

Requirements

The Academy's admission policy, criteria and process shall comply with sections 552 and 556 of Part 6e of the Code, MCL 380.552 and 380.556. A copy of the Academy's policy is attached and the Academy Board must submit a copy of the Academy's public notice of the admission policy, criteria and process policy annually to the MAPS Charter Schools Office in accordance with the Master Calendar of Reporting Requirements.

Admission Policies and Criteria

The Academy serves full-time students in grades K-12 who meet the age eligibility requirements for enrolling in a Michigan public school, the requirements of this policy and who are residents of the state of Michigan or are eligible foreign exchange students.

The Academy does not charge tuition and does not discriminate in its pupil admissions policies or practices on the basis of intellectual or athletic ability, measures of achievement or aptitude, status as a student with a disability, or any other basis that would be illegal if used by a school district.

Admissions Process

Information sessions about the Academy will be advertised in local media-newspapers, mass mailings, and web blasts. Information sessions will be held via web sessions and at physical locations to be determined around the state.

Information about applying to the Academy's K-12 program, including all enrollment documentation will be provide on the Academy's website, which is hosted on the K12 corporate website. Although information about the Academy will be available through other portions of the K12 corporate website, individuals who inquire about admission to the Academy by way of these portions of the K12 corporate website, will be directed to the Academy's website as will inquiries received by telephone calls to K12.

Enrollment information may be completed on-line by the parent/guardian/ eligible student or the parent/ guardian/ eligible student may print the enrollment form and mail to the Admissions office at K12's corporate headquarters.

The Academy shall make a reasonable effort to advertise its enrollment openings. In addition, the

Academy will make the following additional efforts to recruit students who are eligible for special education programs and services or English as a second language services to apply for admission:

- (1) Reasonable efforts to advertise all enrollment openings to organizations and media that regularly serve and advocate for individuals with disabilities or children with limited English-speaking ability within the boundaries of the Manistee County Intermediate School District where the Academy's administrative offices are located.
- (2) Inclusion in all student recruitment materials of a statement that appropriate special education services and English as a second language services will be made available to students attending the school as required by law.

The Academy's open enrollment period will be for a duration of at least 2 weeks and the open enrollment period times will include some evening and weekend times.

In the event that there are more applications to enroll in the Academy than there are spaces available in a particular grade level, students shall be placed on a waiting list and admitted using a random selection process. The Academy shall allow any student who was enrolled in the Academy in the immediately preceding school year to enroll in the Academy in the appropriate grade unless the appropriate grade is not offered at that Academy.

As permitted under the Code, the Academy may give enrollment priority to 1 or more of the following:

- (1) A sibling of a student enrolled in the Academy.
- (2) A student who transfers to the Academy from another public school pursuant to a matriculation agreement between the Academy and another public school that provides for this enrollment priority, if all of the following requirements are met:
 - (i) The Academy and the other public school that enters into the matriculation agreement remains a separate and independent public school.
 - (ii) The Academy that gives the enrollment priority selects at least 5% of its students for enrollment using a random selection process.
 - (iii) The matriculation agreement allows any student who was enrolled at any time during elementary school in a public school that is party to the matriculation agreement and who was not expelled from the public school to enroll in the Academy giving enrollment priority under the matriculation agreement.
- (3) A child of a person who is employed by or at Academy or who is on the Academy Board. As used in this subdivision, "child" includes an adopted child or a legal ward.
- (4) Because the Academy is a cyber school and its authorizing body is a school district, the Academy shall give enrollment priority to students who reside within the boundaries of the MAPS.

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

Admission to the Academy

Students who qualify for admission to the Academy, in accordance with the above Board Admissions Policy, shall be accepted when the following documents have been submitted:

- A. Proof of residency
- B. A certified copy of or original birth certificate or other appropriate form of student identification
- C. Immunization records signed by a physician or proper documentation for students with religious, medical or other conditions exempting the student from this requirement.
- D. Health appraisal and vision screening, if applicable
- E. Release of records form in order to request records from the student's previous school, if applicable
- F. Foreign exchange students who provide documentation of their status as a foreign exchange student may enroll.
- G. Affirmation of discipline from the student's prior school, if applicable.
- H. Court orders or placement papers, if applicable

If a birth certificate is not available, the parent or legal guardian is to complete Form 511 F1 and submit the documentary evidence required. If custody has been established by the courts, a copy of the court order must be submitted. If verification is not received within thirty (30) days or the document(s) appear to be inaccurate or suspicious, the Educational Service Provider/ School Leader shall notify the Manistee County Sheriff's office.

Students without appropriate records will be admitted under temporary enrollment for a period of thirty (30) days, unless extended by the Educational Service Provider/ School Leader. Parents or legal guardians are to be so informed at the time of admission.

A student's sending school, if any, shall be contacted within one week of the student's entry into the Academy and requested to send all appropriate records.

If the student's sending school indicates no record of the student's performance, or the records are not received within fourteen (14) days of the date of request, or if the student does not present a certification of birth or other documentary evidence, the School Leader shall immediately notify the law enforcement agency where the student resided and the Manistee County Sheriff's Office that he/ she may be a missing child.

Immunization requirements are to be in accordance with AG 5320. The staff member enrolling the student is to check the immunization record the parent submits against the requirements listed in AG 5320 to determine if there are any discrepancies or missing inoculations. If so, the parent or legal guardian is to be informed that the needed inoculations must be completed within the next two calendar weeks or as soon thereafter as the schedule for the missing inoculations permits. A list is to be kept of all students who have not met the immunization requirements and the dates by which missing inoculations are to be completed.

Students transferring from another school must submit an official transcript from the sending school in order for the student to receive credit for course work. Report cards will not be considered sufficient evidence for granting credit toward graduation.

Appeals Process

Students who are not enrolled at the Academy and who have submitted an application may appeal to the Academy Board. The Academy Board shall determine whether the enrollment procedures set forth in this Policy have been followed. If the procedures have been followed, the enrollment determination shall stand. If the enrollment procedures have not been followed, the Academy Board will consult with relevant parties to ascertain an appropriate remedy.

This Board Policy 5111 shall replace the policy previously adopted by the Academy Board at its April 27, 2017 regular meeting.

6000 FINANCES

6107	Authorization to Accept and Distribute Electronic Records and to Use Electronic Signatures	LC
6110	Grant Funds	LR
6144	Investments	LR
6210	Fiscal Planning	BP
6220	Budget Preparation	LC
6230	Budget Hearing	LC
6231	Budget Implementation	BP
6325	Procurement – Federal Grants/Funds	LR
6420	Conflict of Interest – Legal Counsel, Advisors, or Consultants	LC
6550	Travel Payment and Reimbursement	LR
6850	Public Disclosure and Reporting	LR

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Adoption Date: **04.17**

Classification:

Revised Dates: **3/21/19; 6/20/19; 06/18/2020; 06/17/2021; 05.22**

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 Head of School 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 Head of School 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 Head of School may specify the following:

- A. The manner and format in which the electronic records must be created, generated, sent, communicated, received, and stored, and the systems established for those purposes.
- B. If electronic records must be signed by electronic means, the type of electronic signature that is required, the manner and format in which the electronic signature must be affixed to the electronic record, and the identity of, or criteria that must be met by any third party used by a person filing a document to facilitate the process.
- C. Control processes and procedures as appropriate to provide for adequate preservation, disposition, integrity, security, confidentiality, and auditability of electronic records.
- D. Any other required attributes for electronic records that are specified for nonelectronic records or reasonably necessary under the circumstances.

Adopted 6/18/20

GRANT FUNDS

Reference:

2 CFR 200.112, 200.302, 200.310, 200.403, 200.404 and 200.406
Compliance Supplement for Single Audits of State and Local Governments
20 U.S.C. 7906

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 deemed to 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, public school academies, and communities as a public trust. It forbids the use of Federal monies for partisan political activities and for any use that would not be in accordance with Federal regulations and guidelines.

No Federal funds received by the 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.
- C. Each grant proposal shall be reviewed and approved by the Educational Service Provider prior to submission to the funding source.

Grant Administration

- A. The administration of grants will adhere to all applicable Federal, State, local, and grantor rules and regulations, including the terms and conditions of the Federal awards, as well as 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, applicable statutes, regulations, and program objectives, and the terms and conditions of the grant award.

- D. The Educational Service Provider, in recognition of its unique combination of staff, facilities, and experience, shall employ internal controls and the organizational and management strategies necessary to assure proper and efficient administration of grant awards.
- E. All Federal funds received by the Academy will be used in accordance with the applicable Federal law and regulations and the terms and conditions of the Federal award. The Educational Service Provider shall require that each draw of Federal monies be aligned with the Academy's payment process (whether reimbursement, cash advance or a combination). If funds are permitted to be drawn in advance, all draws will be as close as administratively feasible to the related program expenditures and that, when restricted, such monies are used to supplement programs and funding and not to supplant or replace existing programming or current funding.

Maintenance of Effort (MOE) and Maintenance of Equity (MOEquity) requirements of the Federal program will be met in accordance with the requirements of the specific funded program. The Academy shall maintain appropriate documentation and records to substantiate compliance or to justify allowable exceptions, exemptions, or waivers.
- F. The School Leader is authorized to sign related documents for grant administration, including documents required for submittal of grant proposals.
- G. Employee positions established through the use of grant funding may terminate if and when the related grant funding ceases.
- H. Program reports including but not limited to audit, site visits, and final reports may be submitted to the School Leader for review and distribution to the Board and other appropriate parties.

Financial Management

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

At a minimum, the Academy shall provide for the following:

- A. Identification, in Academy accounts, of all grant awards received and expended and the programs under which they were received. For Federal programs and awards, identification shall include the Catalog of Federal Domestic Assistance (CFDA) title and number, Federal award identification number and year, name of the Federal agency and name of the pass-through entity, as applicable.
- B. The Academy shall develop a procurement policy (or revise its current procurement policy) to comply with all grants which it is awarded. Further, to the extent applicable, the Academy shall adhere to the requirements of the Education Department General Administrative Regulations.
- C. Accurate, current, and complete disclosure of the financial results of each Federal award or program in accordance with the reporting requirements of the grant.
- D. Records that adequately identify the source and application of funds provided for Federally-funded activities. These records must contain information pertaining to Federal awards, authorizations, obligations, unobligated balances, assets, expenditures, income and interest and be supported by source documentation.
- E. Effective control over, and accountability for, all funds, property, and other assets. The Academy must adequately safeguard all assets and assure that they are used solely for authorized purposes.

Further, the Academy must:

- 1. establish and maintain effective internal control over the Federal award that provides reasonable assurance that the Academy is managing the Federal award in compliance with

Federal statutes, regulations, and the terms and conditions of the Federal award;

2. comply with Federal statutes, regulations and the terms and conditions of the Federal award;
 3. evaluate and monitor the Academy's compliance with statutes, regulations and the terms and conditions of the Federal award;
 4. take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings;
 5. take reasonable measures to safeguard protected personally identifiable information and other information the Federal awarding agency or pass-through entity designates as sensitive consistent with applicable Federal, State, local, and tribal laws regarding privacy and obligations of confidentiality.
- F. Comparison of expenditures with budget amounts for each Federal award.
- G. Recordkeeping and written procedures to the extent required by Federal, State, local, and grantor rules and regulations pertaining to the grant award and accountability, including but not limited to, the following areas:
1. cash management
 2. allowability
 3. conflict of interest
 4. procurement
 5. equipment management
 6. conducting technical evaluations of proposals and selecting recipients
 7. compensation and fringe benefits
 8. travel
- H. Disclosure of any potential conflict of interest and all mandatory violation disclosures potentially affecting the Federal award/grant to the Federal awarding agency or pass-through agency in accordance with applicable Federal policy.
- I. Insurance coverage for real property and equipment, if applicable, equivalent to such property owned by the Academy.

Program Income

Program income means gross income earned by a grant recipient that is directly generated by a supported activity or earned as a result of the Federal award during the grant's period of performance.

It includes, but is not limited to, income from fees for services performed, the use or rental of real or personal property acquired under Federal awards, the sale of commodities or items fabricated under a Federal award, license fees and royalties on patents and copyrights, and principal and interest on loans made with Federal award funds. Interest earned on advances of Federal funds is not program income. Except as otherwise provided in Federal statutes, regulations, or the terms and conditions of the Federal award, program income does not include rebates, credits, discounts, and interest earned on any of them. Additionally, taxes, special assessments, levies, fines, and other such revenues raised by a recipient are not

program income unless the revenues are specifically identified in the Federal award or Federal awarding agency regulations as program income. Finally, proceeds from the sale of real property, equipment, or supplies are not program income.

Unless it has received prior approval to use a different method or the terms and conditions of the grant authorize a different method, the Academy uses the deduction method of accounting for program income. Under the deduction method, program income is deducted from total allowable costs to determine the net allowable costs. Program income will only be used for current costs unless the Academy is otherwise directed by the Federal awarding agency or pass-through entity.

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Adoption Date: **04.17**
Classification: **Legally Required**
Revised Dates: ; **05.22**

COST PRINCIPLES - SPENDING FEDERAL FUNDS

Reference:

2 CFR. 200.216, 2 CFR. 200.344(b), 2 CFR. 200.403-.407, 200.413(a)-(c), 200.430(a),
200.431(a), 200.439(b) (2), 200.458, 2 CFR 200.474(b)
34 CFR 76.707-.708(a), 75.703

The School Leader is responsible for the efficient and effective administration of grant funds through the application of sound management practices. Such funds shall be administered in a manner consistent with all applicable Federal, State and local laws, the associated agreements/assurances, program objectives and the specific terms and conditions of the grant award.

Cost Principles

Except where otherwise authorized by statute, costs shall meet the following general criteria in order to be allowable under Federal awards:

- A. Be necessary and reasonable for proper and efficient performance and administration of the Federal award and be allocable thereto under these principles.

To determine whether a cost is reasonable, consideration shall be given to:

1. whether a cost is a type generally recognized as ordinary and necessary for the operation of the 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 whether:

1. the cost is needed for the proper and efficient performance of the grant program;
2. whether the cost is identified in the approved budget or application;
3. whether there is an educational benefit associated with the cost;

4. whether the cost aligns with identified needs based on results and findings from a needs assessment;
5. whether the cost addresses program goals and objectives and is based on program data.

A cost is allocable to the Federal award if the goods or services involved are chargeable or assignable to the Federal award in accordance with the relative benefit received. This standard is met if the cost: is incurred specifically for the Federal award; benefits both the Federal award and other work of the 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, including prohibitions regarding costs incurred for telecommunications and video surveillance services or equipment.
- C. Be consistent with policies and procedures that apply uniformly to both Federally-financed and other activities of the 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 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, 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.

The following rules of allowability must apply to equipment and other capital expenditures:

- A. Capital expenditures for general purpose equipment, buildings, and land are unallowable as direct charges, except with the prior written approval of the Federal awarding agency or pass-through entity.
- B. Capital expenditures for special purpose equipment are allowable as direct costs, provided that items with a unit cost of \$5,000 or more have the prior written approval of the Federal awarding agency or pass-through entity.
- C. Capital expenditures for improvements to land, buildings, or equipment that materially increase their value or useful life are unallowable as a direct cost except with the prior written approval of the Federal awarding agency, or pass-through entity.
- D. All Federally-funded contracts in excess of \$2,000 related to construction, alterations, repairs, painting, decorating, etc. must comply with Davis-Bacon prevailing wage requirements.
- E. Allowability of depreciation on buildings, capital improvements, and equipment shall be in accordance with 2 CFR 200.436 and 2 CFR 200.465.
- F. When approved as a direct cost by the Federal awarding agency or pass-through entity under Sections A-C, capital expenditures will be charged in the period in which the expenditure is incurred, or as otherwise determined appropriate and negotiated with the Federal awarding agency.
- G. If the Academy is instructed by the Federal awarding agency to otherwise dispose of or transfer the equipment, the costs of such disposal or transfer are allowable.

Cost Compliance

The School Leader shall require that grant program funds are expended and are accounted for consistent with the requirements of the specific program and as identified in the grant application. Compliance monitoring includes accounting for direct or indirect costs and reporting them as permitted or required by each grant. Costs incurred for the same purpose in like circumstances shall be treated consistently as either direct or indirect costs, but may not be double charged or inconsistently charged as both.

Determining Whether a Cost is Direct or Indirect:

- A. Direct costs are those costs that can be identified specifically with a particular final cost objective, such as a Federal award, or other internally or externally funded activity, or that can be directly assigned to such activities relatively easily with a high degree of accuracy.

These costs may include: salaries and fringe benefits of employees working directly on a grant-funded project; purchased services contracted for performance under the grant; travel of employees working directly on a grant-funded project; materials, supplies, and equipment purchased for use on a specific grant; program evaluation costs or other institutional service operations; and infrastructure costs directly attributable to the program (such as long distance telephone calls specific to the program, etc.). Direct costs may also include capital expenditures if approved by the Federal awarding agency or pass-through entity, as well as capital expenditures for special purpose equipment with a unit cost of less than \$5,000.

- B. Indirect costs are those that have been incurred for a common or joint purpose benefitting more than one cost objective, and not readily assignable to the cost objectives specifically benefitted, without effort disproportionate to the results achieved. Costs incurred for the same purpose in like

circumstances shall be treated consistently as either direct or indirect costs.

These costs may include: general data processing, human resources, utility costs, maintenance, accounting, etc.

Federal education programs with supplement not supplant provisions must use a restricted indirect cost rate. In a restricted rate, indirect costs are limited to general management costs. General management costs do not include divisional administration that is limited to one component of the 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).

Equipment and other capital expenditures are unallowable as indirect costs.

Timely Obligation of Funds

Financial obligations are orders placed for property and services, contracts and subawards made, and similar transactions that require payment. This term is used when referencing a recipient's or subrecipient's use of funds under a Federal award.

The following list illustrates when funds are determined to be obligated under the U.S. Department of Education ("USDOE") regulations:

If the obligation is for:

- A. Acquisition of property - on the date which the 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 Academy shall closely monitor grant spending throughout the grant cycle.

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Adoption Date: **05.22**
Classification: **Legal Content**
Revised Dates: ;

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 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.

Adopted 4/27/17

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 General 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 strive to be 5%, but not fall below 0% 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.

Adopted 4/27/17

BUDGET HEARING

Reference: MCL 141.411 et. seq.

The annual budget adopted by the Board of Directors represents the Board's position on the allocation of resources required to operate an appropriate system of education. All reasonable means shall be employed by the Board to present and explain that position to all interested parties. The public budget hearing will be conducted in accordance with law.

Each member of the Board and/or 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.

Adopted 4/27/17

BUDGET IMPLEMENTATION

Reference: MCL 141.436 et. seq.

The Board of Directors places the responsibility of administering the budget, once adopted, with the Head of School. As the budget is being implemented, the Head of School 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.

Adopted 4/27/17

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 Educational Service Provider 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 Educational Service Provider 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 Federally-funded contracts in excess of \$2,000 related to construction, alteration, repairs, painting, decorating, etc. must comply with Davis-Bacon prevailing wage requirements.

All 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 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 of the competitive threshold. 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 Educational Service Provider 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 Educational Service Provider 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; 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 Educational Service Provider within seventy-two (72) hours of the opening of the bids in protest.

Within five (5) days of receipt of a protest, the Educational Service Provider 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).

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Adoption Date: **04.17**

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Revised Dates: **3/21/19; 06/20/2019; 06/17/2021; 05.22**

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

Adopted 4/27/17

TRAVEL PAYMENT & REIMBURSEMENT

Reference: 2 CFR 200.474

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

Payment and reimbursement rates for per diem meals, lodging, and mileage shall be approved by the Board annually. The Board shall utilize the Federal IRS prescribed mileage rate.

Employees are expected to exercise the same care incurring travel expenses that a prudent person would exercise if traveling on personal business and expending personal funds. Unauthorized costs and additional expenses incurred for personal preference or convenience will not be reimbursed.

Unauthorized expenses include but are not limited to alcohol, movies, fines for traffic violations, and the entertainment/meals/lodging of spouses or guests.

Travel payment and reimbursement provided from Federal funds must be authorized in advance by the Federal awarding agency or pass-through entity and must be reasonable and consistent with the Academy's travel policy and administrative guidelines. For travel authorized by and paid for with Federal funds, the travel authorization must include documentation that demonstrates that (1) the participation in the event by the individual traveling is necessary to the Federal award; and (2) the costs are reasonable and consistent with the Academy's travel policy.

All costs incurred with Federal funds must meet the Academy's cost allowability standards.

To the extent that the Academy's policy does not establish the allowability of a particular type of travel cost, the rates and amounts established under 5 U.S.C. 5701-11, ("Travel and Subsistence Expenses; Mileage Allowances"), or by the Administrator of General Services, or by the President (or his/her designee), must apply to travel under Federal awards.

Adopted 4/27/17

PUBLIC DISCLOSURE AND REPORTING

Reference: MCL 4.415, 388.1617a, 388.1618, 388.1619, 388.1651a, 15.231 to 15.246, 380.1204a(1), 380.1219
20 USC 6311

Within fifteen (15) days after the Board of Directors adopts its annual operating budget for the following school fiscal year, or adopts a subsequent revision to that budget, the Academy shall make all of the following available through a link on its website homepage in a form and manner prescribed by the State Department of Education ("Department"):

- A. the annual operating budget and subsequent budget revisions
- B. using data that have already been collected and submitted to the Department, a summary of 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 audit report of the audit for the most recent fiscal year for which it is available
 - b. the Academy's written policy governing procurement of supplies, materials and equipment
 - c. the Academy's written policy establishing specific categories of reimbursable expenses for a Board member
 - d. the Academy's accounts payable check register for the most recent school fiscal year or a statement of the total amount of

- expenses incurred by Board members or employees of the Academy that were reimbursed by the Academy for the most recent Academy fiscal year
- e. the annual amount spent on dues paid to associations
 - f. the annual amount spent on lobbying or lobbying services
 - g. any required deficit elimination plan or enhanced deficit elimination plan
 - h. identification of all credit cards maintained by the Academy as Academy credit cards, including the identity of all persons authorized to use the cards, the credit limit on each card and the dollar limit, if any, for each person's authorized use of the card
 - i. costs incurred for out-of-state travel by the school administrator that is fully or partially paid for by the Academy and the details of each instance of such travel, including the identification of each individual on the trip, the destination and the purpose

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 Board shall retain these records for the current fiscal year and from at least the three (3) immediately preceding fiscal years.

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 Department.

Not later than November 1st of each 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 1st 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 Department posts this financial information.

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

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

The Academy shall comply with the reporting requirements under State and Federal law, including reports to CEPI, as set forth by State law and as directed by CEPI. This shall include by:

- A. June 30th of each year, providing CEPI with information related to safety practices and criminal incidents;
- B. the first business day in December and June 30th of each year, providing CEPI with requested information related to educational personnel;
- C. not later than five (5) weeks after the student membership count day, providing CEPI in a manner prescribed by the CEPI, the information necessary for the preparation of the high school graduation report;
- D. October 7th of each year, providing CEPI with the transportation expenditure report.
- E. Before July 7th of each school fiscal year, providing to CEPI the budgetary assumptions used when adopting the annual budget pursuant to the Uniform Budgeting and Accounting Act if the Academy had a general fund balance of less than five percent (5%) of total general fund revenues for each of the two (2) most recently completed fiscal years.

Adopted 4/27/17

7000 **PROPERTY**

7310	Disposition of Surplus Property	LR
7450	Property Inventory	LR
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
7540.03	Student Technology Acceptable Use and Safety	LR
7540.04	Staff Technology Acceptable Use and Safety	LR
7540.05	Academy-Issued Staff E-mail Account	BP
7540.06	Academy-Issued Student E-mail Account	BP
7540.07	Personal Internet Account Privacy – Students	LC
7540.08	Personal Internet Account Privacy – Staff	LC
7541	Electronic Data Processing/Information System Disaster Recovery Plan	BP
7542	Access to Academy Technology Resources Information Resources from Personal Communication Devices	BP
7543	Utilization of the Academy's Website and Remote Access to the Academy's Network	BP
7544	Use of Social Media	LC
7545	Electronic Communications	BP

Adopted 4/27/17

Revised 8/17/17; 1/18/18; 9/20/18

DISPOSITION OF SURPLUS PROPERTY

Reference: 2 CFR 200.312, 200.313

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. When original or replacement equipment acquired under a Federal award is no longer needed for the original project or program or for other activities currently or previously supported by a Federal awarding agency, the 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 will then be made in accordance with disposition instructions of the Federal awarding agency.

If permitted by applicable law, items of equipment with a current per unit fair market value of \$5,000 or less may be retained, sold or otherwise disposed of with no further obligation to the Federal awarding agency.

Except as provided by applicable regulations or if the Federal awarding agency fails to provide requested disposition instructions within 120 days, items of equipment with a current per-unit fair-market value in excess of \$5,000 may be retained by the Academy or sold. The Federal awarding agency is entitled to an amount calculated by multiplying the current market value or proceeds from sale by the Federal awarding agency's percentage of participation in the cost of the original purchase. If the equipment is sold, the Academy may deduct and retain from the Federal share \$500 or ten percent of the proceeds, whichever is less, for its selling and handling expenses.

The Academy may transfer title to the property to the Federal Government or to an eligible third party provided that, in such cases, the Academy shall be entitled to compensation for its attributable percentage of the current fair market value of the property.

Adopted 4/27/17

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 conduct and 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 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 Educational Service Provider 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.

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.

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Adoption Date: **04.17**
Classification: **Legally Required**
Revised Dates: ; **06.21**

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.

Adopted 4/27/17

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 Academy operations.

The Educational Service Provider shall develop and implement a written Academy Technology Plan (ATP). One (1) of the primary purposes of the ATP is to evaluate new and emerging technologies and how they will play a role in student achievement and success and/or efficient and effective Academy operations.

The ATP shall set forth procedures for the proper acquisition of technology. The ATP shall also provide guidance to staff and students about making safe, appropriate and ethical use of Academy Technology Resources, as well as inform both staff and students about disciplinary actions that will be taken if its Technology Resources are abused in any way or used in an inappropriate, illegal, or unethical manner. See Policy 7540.03 and AG 7540.03 - Student Technology Acceptable Use and Safety, and Policy 7540.04 and AG 7540.04 – Staff Technology Acceptable Use and Safety.

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

This policy, along with the Student and Staff Technology Acceptable Use and Safety policies, and the Student Code of Conduct, further govern students' and staff members' use of their personal communication devices (see Policy 5136 and Policy 7530.02). Users have no right or expectation of privacy when using Academy technology resources (including, but not limited to, privacy in the content of their personal files, e-mails and records of their online activity when using the Academy's computer network and/or Internet connection).

Further safeguards shall be established so that the Board's investment in both hardware and software achieves the benefits of technology and inhibits negative side effects. Accordingly, students shall be educated about appropriate online behavior including, but not limited to, using social media, which is defined in Bylaw 0100, to interact with others online; interacting with other individuals in chat rooms or on blogs; and, recognizing what constitutes cyberbullying, understanding cyberbullying is a violation of Board policy, and learning appropriate responses if they experience cyberbullying.

Staff use of Academy-approved social media platforms/sites shall be consistent with Policy 7544.

Students must comply with Policy 7540.03 and Policy 5136 when using Academy Technology Resources to access and/or use Academy-approved social media.

Similarly, staff must comply with Policy 7544, Policy 7540.04, and Policy 7530.02 when using Academy technology resources to access and/or use Academy-approved social media platforms/sites.

Adopted 4/27/17
Revised 9/20/18

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 Academy Technology Resources (as defined in Bylaw 0100) are the Board's property and are intended to be used primarily for business purposes. The Board retains the right to access and review all Information Resources (as defined in Bylaw 0100), including but not limited to electronic and voice mail, computer files, data bases, and any other electronic transmissions contained within, or used in conjunction with, the Board's computer system/network, telephone system, electronic mail system, and voice mail system. Staff members shall be notified that they have should have no expectation that any personal information/data maintained, stored, or transmitted contained on or through such systems is confidential or private.

Review of such information may be done by the Board with or without the staff member's knowledge. The use of passwords does not guarantee confidentiality, and the Board retains the right to access information in spite of a password. A staff member's refusal to permit such access may be grounds for discipline up to, and including, discharge.

Academy Technology Resources are to be used only for the Academy's business and educational purposes.

Personal messages via Board-owned technology should be limited in accordance with the Educational Service Provider's guidelines. Staff members are encouraged to keep their personal records and personal business at home. Because Academy Technology Resources are to be used primarily for business and educational purposes, staff members are prohibited from sending offensive, discriminatory, or harassing computer, electronic, or voice mail messages.

Academy Technology Resources must be used properly. Review of computer files, electronic mail, and voice mail will be conducted only in the ordinary course of business and will be motivated by a legitimate business reason. If a staff member's personal information is discovered, the contents of such discovery will be limited to those who have a specific need to know that information. The discovered contents will not be reviewed by the Board, except to the extent necessary to determine if the files/e-mail/voice mail constitute a public record or if the Board's interests have been compromised. The administrators and supervisory staff members authorized by the Educational Service Provider have the authority to search and access information electronically.

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

Adopted 4/27/17

WEB ACCESSIBILITY, CONTENT, APPS AND SERVICES

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

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

The creation of content, apps and services by students must be done under the supervision of a professional staff member.

B. Purpose of Content of 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., 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 Educational Service Provider shall prepare administrative guidelines defining the rules and standards applicable to the use of the Board's website and the creation of web content, apps and web services by staff and students.

The Board retains all proprietary rights related to the design of web content, apps and web services that are hosted on Board-owned or 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. Technical Standards

The Academy will adhere to the technical standards of compliance identified at www.mglva.k12.com. The Academy measures the accessibility of online content and functionality according to the World Wide Web Consortium's Web Content Accessibility Guidelines ([WCAG](#)) [2.0](#) Level AA, and the Web Accessibility Initiative - Accessible Rich Internet Applications Suite ([WAI-ARIA 1.1](#)) for web content.

2. Web Accessibility Coordinator

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

See Board Policy 2260.01 for the Section 504/ADA Compliance Coordinator(s)' contact information.

3. Third Party Content

Links included on the Board's website(s) or web services and apps that pertain to its programs, benefits and/or services must also meet the above criteria and comply with State and Federal law (e.g. copyright laws, CIPA, Section 504, ADA, SOPPA and COPPA). While the 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.

A teacher who elects to supplement and enhance student learning through the use of apps and/or web services is responsible for verifying/certifying to the Head of School that the app and/or web service has a FERPA-compliant privacy policy, and it complies 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).

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 Educational Service Provider 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.

Adopted 4/27/17
Revised 8/17/17; 9/20/18

STUDENT TECHNOLOGY 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

Technology has fundamentally altered the ways in which information is accessed, communicated, and transferred in society. As a result, educators are continually adapting their means and methods of instruction, and the way they approach student learning, to incorporate the vast, diverse, and unique resources available through the Internet. The Board of Directors provides Technology Resources (as defined by Bylaw 0100) to support the educational and professional needs of its students and staff. With respect to students, Academy Technology Resources afford them the opportunity to acquire the skills and knowledge to learn effectively and live productively in a digital world. The Board of Directors provides students with access to the Internet for limited educational purposes only and utilizes online educational services/apps to enhance the instruction delivered to its students. The 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 Resources by principles consistent with applicable local, State, and Federal laws, the Academy's educational mission, and articulated expectations of student conduct as delineated in the Student Code of Conduct. This policy and its related administrative guidelines and the Student Code of Conduct govern students' use of Academy Technology Resources and students' personal communication devices when they are connected to the Academy computer network, Internet connection, and/or online educational services/apps, or when used while the student is on Board-owned property or a Board-sponsored activity (see Policy 5136).

Users are required to refrain from actions that are illegal (such as libel, slander, vandalism, harassment, theft, plagiarism, inappropriate access, and the like) or unkind (such as personal attacks, invasion of privacy, injurious comment, and the like). Because its Technology Resources are not unlimited, the Board has also instituted restrictions aimed at preserving these resources, such as placing limits on use of bandwidth, storage space, and printers.

Users have no right or expectation to privacy when using Academy Technology Resources (including, but not limited to, privacy in the content of their personal files, e-mails, and records of their online activity when using the Academy's computer network and/or Internet connection).

First, the Board may not be able to technologically limit access through its Technology Resources to only those services and resources that have been authorized for the purpose of instruction, study and research related to the curriculum. Unlike in the past when educators and community members had the opportunity to review and screen materials to assess their appropriateness for supporting and enriching the curriculum according to adopted 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 the Head of School, the technology protection measures may be configured to protect against access to other material considered inappropriate for students to access. The Academy also utilizes software and/or hardware to monitor online activity of students to restrict access to child pornography and other material that is obscene, objectionable, inappropriate and/or harmful to minors. However, the Board is cognizant of the fact that such software and/or hardware is not perfect and relies on students to self-police (and immediately cease viewing) online activity that would otherwise be in conflict with these policies and to immediately report such to the Head of School. The technology protection measures may not be disabled at any time that students may be using 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 student who attempts to disable the technology protection measures will be subject to discipline.

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.

Parents are advised that a determined user may be able to gain access to services and/or resources on the Internet that the Board has not authorized for educational purposes. In fact, it is impossible to guarantee students will not gain access through the Internet to information and communications that they and/or their parents may find inappropriate, offensive, objectionable or controversial. Parents of minors are responsible for setting and conveying the standards that their children should follow when using the Internet.

The 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", "harvesting", "digital piracy", "data mining", etc.), cyberbullying and other unlawful or inappropriate activities by students online, and
- D. unauthorized disclosure, use, and dissemination of personally-identifiable information regarding minors.

The Board directs staff members to provide instruction for their students, the Educational Service Provider to implement procedures regarding the appropriate use of technology and online safety and security as specified above. Furthermore, staff members will monitor and/or the 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 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 (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 will be assigned a school email account that they are required to utilize for all Academy-related electronic communications, including those to staff members, peers, and individuals and/or organizations outside the Academy with whom they are communicating for Academy-related projects and assignments. Further, as directed and authorized by their teachers, they shall use their Academy-assigned email account when signing up/registering for access to various online educational services, including mobile applications/apps that will be utilized by the student for educational purposes.

Students are responsible for good behavior when using Academy Technology Resources – i.e., behavior comparable to that expected of students when they are in classrooms, school hallways, and other school premises and school sponsored events. Communications on the Internet are often public in nature. General school rules for behavior and communication apply. The Board does not approve any use of its Technology Resources that is not authorized by or conducted strictly in compliance with this policy and its accompanying procedures.

Students may only use Academy Technology Resources to access or use social media if it is done for educational purposes in accordance with their teacher's approved plan for such use.

Users who disregard this policy and its accompanying procedures may have their use privileges suspended or revoked, and disciplinary action taken against them. Users are personally responsible and liable, both civilly and criminally, for uses of Academy Technology Resources that are not authorized by this policy and its accompanying procedures.

The Board designates the Educational Service Provider as the persons responsible for initiating, implementing, and enforcing this policy and its accompanying procedures as they apply to students' use of Academy Technology Resources.

Adopted 4/27/17
Revised 1/18/18

STAFF TECHNOLOGY 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 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 AG 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 Academy Technology and Information Resources to promote educational excellence in our schools by providing students with the opportunity to develop the resource sharing, innovation, and communication skills and tools that are essential to both life and work. The Board encourages the faculty to develop the appropriate skills necessary to effectively access, analyze, evaluate, and utilize these resources in enriching educational activities. The instructional use of the Internet and online educational services will be guided by Board Policy 2521 – Selection of Instructional Materials and Equipment.

The Internet is a global information and communication network that brings incredible education and information resources to our students. The Internet connects computers and users in the 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 Head of School. 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. Educational Service Provider may also disable the technology protection measures to enable access for bona fide research or other lawful purposes.

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 staff members to provide instruction for their students and/or 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, and staff members will monitor and/or the 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 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.

With prior approval from the Educational Service Provider, staff may direct students who have been issued Academy-assigned e-mail accounts to use those accounts when signing up/registering for access to various online educational services including mobile applications/apps that will be utilized by the students for educational purposes under the teacher's supervision.

The Board expects all Academy personnel to be responsible for good behavior on 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 and its accompanying procedure.

Staff members may only use Academy Technology Resources to access or use 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 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.

Adopted 4/27/17
Revised 1/18/18; 9/20/18

ACADEMY-ISSUED STAFF E-MAIL ACCOUNT

Staff

The Board of Directors is committed to the effective use of electronic mail ("e-mail") by all school staff and Board members in the conduct of their official duties. This policy and any corresponding procedures are intended to establish a framework for the proper use of e-mail for conducting official business and communicating with colleagues, students, parents and community members.

When available, the Academy's e-mail system must be used by Educational Service Provider employees 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 if concerns for network security, SPAM, or virus protection arise. Furthermore, school staff are expected to exercise reasonable judgment and prudence and take appropriate precautions to prevent viruses from entering the Academy's network when opening or forwarding any e-mails or attachments to e-mails that originate from unknown sources.

School staff may join list serves or other e-mail services (e.g. RSS feeds) that pertain to their responsibilities in the Academy. The Head of School 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 five (5) megabytes.

Staff members are encouraged to keep their inbox and folders organized by regularly reviewing e-mail messages, appropriately saving e-mails that constitute a public record or student record and e-mails that are subject to a litigation hold (see Policy 8315 – Information Management), and purging all other e-mails that have been read. If the staff member is concerned that his/her e-mail storage allotment is not sufficient, s/he should contact the Academy's IT staff.

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 must be maintained pursuant to Policy 8330 – Student Records. Finally e-mails may constitute electronically stored information ("ESI") that may be subject to a litigation hold pursuant to Policy 8315 – Information Management.

State and Federal law exempt certain documents and information within documents from disclosure, no matter what their form. Therefore, certain e-mails may be exempt from disclosure or it may be necessary to redact certain content in the e-mails before the e-mails are released pursuant to a public records request, the request of a parent or eligible student to review education records, or a duly served discovery request involving ESI.

E-mails written by or sent to school staff and Board members by means of their private e-mail account may be public records if the content of the e-mails concerns 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.

The Academy maintains archives of all e-mails sent and/or received by users of the Academy's e-mail service. Staff members are required to forward copies of any e-mails received in their personal e-mail account(s) not affiliated with the Academy server to their Academy e-mail account so that these records are also archived for future retrieval, if necessary.

Unauthorized E-mail

The Board does not authorize the use of its Technology Resources, including its computer network ("network") to accept, transmit, or distribute unsolicited bulk e-mail sent through the Internet to network e-mail accounts. In addition, Internet e-mail sent, or caused to be sent, to or through the network that makes use of or contains invalid or forged headers, invalid or non-existent domain names, or other means of deceptive addressing will be deemed to be counterfeit. Any attempt to send or cause such counterfeit e-mail to be sent to or through the network is unauthorized. Similarly, e-mail that is relayed from any third party's e-mail servers without the permission of that third party, or which employs similar techniques to hide or obscure the source of the e-mail, is also an unauthorized use of the network. The Board does not authorize the harvesting or collection of network e-mail addresses for the purposes of sending unsolicited e-mail. The Board reserves the right to take all legal and technical steps available to prevent unsolicited bulk e-mail or other unauthorized e-mail from entering, utilizing, or remaining within the network. Nothing in this policy is intended to grant any right to transmit or send e-mail to, or through, the network. The Board's failure to enforce this policy in every instance in which it might have application does not amount to a waiver of its rights.

Unauthorized use of the network in connection with the transmission of unsolicited bulk e-mail, including the transmission of counterfeit e-mail, may result in civil and criminal penalties against the sender and/or possible disciplinary action.

Authorized Use and Training

Pursuant to Policy 7540.04, staff and Board members using the Academy's e-mail system shall acknowledge their review of, and intent to comply with, the Academy's policy on acceptable use and safety.

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

Adopted 4/27/17
Revised 1/18/18

ACADEMY-ISSUED STUDENT E-MAIL ACCOUNT

Students assigned an academy e-mail account are required to utilize it for all academy-related electronic communications, including those to staff members and individuals and/or organizations outside the Academy with whom they are communicating for academy-related projects and assignments. Further, as directed and authorized by their teachers, they shall use their academy-assigned e-mail account when signing-up/registering for access to various online educational services, including mobile applications/apps that will be utilized by the student for educational purposes.

This policy and any corresponding guidelines serve to establish a framework for student's proper use of e-mail as an educational tool.

Personal e-mail accounts on providers other than the Academy's e-mail system may be blocked at any time if concerns for network security, SPAM, or virus protection arise. Students are expected to exercise reasonable judgment and prudence and take appropriate precautions to prevent viruses from entering the Academy's network when opening or forwarding any e-mails or attachments to e-mails that originate from unknown sources.

Students shall not send or forward mass e-mails, even if educationally-related, without prior approval of their classroom teacher.

Students may join list serves or other e-mail services (e.g. RSS feeds) that pertain to academic work, provided the e-mails received from the list serves or other e-mail services do not become excessive. If a student is unsure whether s/he has adequate storage or should subscribe to a list serv or RSS feed, s/he should discuss the issue with his/her classroom teacher, the building principal or the Academy's IT staff. The Head of School is authorized to block e-mail from list serves or e-mail services if the e-mails received by the student becomes excessive.

Students are encouraged to keep their inbox and folders organized by regularly reviewing e-mail messages and purging e-mails once they are read and no longer needed for school.

Unauthorized E-mail

The Board does not authorize the use of its Technology Resources, including its computer network ("network"), to accept, transmit, or distribute unsolicited bulk e-mail sent through the Internet to network e-mail accounts. In addition, Internet e-mail sent, or caused to be sent, to or through the network that makes use of or contains invalid or forged headers, invalid or non-existent domain names, or other means of deceptive addressing will be deemed to be counterfeit. Any attempt to send or cause such counterfeit e-mail to be sent to or through the network is unauthorized. Similarly, e-mail that is relayed from any third party's e-mail servers without the permission of that third party, or which employs similar techniques to hide or obscure the source of the e-mail, is also an unauthorized use of the network. The Board does not authorize the harvesting or collection of network e-mail addresses for the purposes of sending unsolicited e-mail. The Board reserves the right to take all legal and technical steps available to prevent unsolicited bulk e-mail or other unauthorized e-mail from entering, utilizing, or remaining within the network. Nothing in this policy is intended to grant any right to transmit or send e-mail to, or through, the network. The Board's failure to enforce this policy in every instance in which it might have application does not amount to a waiver of its rights.

Unauthorized use of the network in connection with the transmission of unsolicited bulk e-mail, including the transmission of counterfeit e-mail, may result in civil and criminal penalties against the sender and/or possible disciplinary action.

Authorized Use and Training

Pursuant to Policy 7540.03, students using the 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 7540.03 F1 annually.

Furthermore, students using the Academy's e-mail system shall satisfactorily complete training, pursuant to Policy 7540.03, regarding the proper use of e-mail annually.

Adopted 1/18/18

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.

Adopted 4/27/17

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.

Adopted 4/27/17

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. procedures and personnel used to backup all programs and data on a daily, monthly, quarterly, and year-end basis;
- C. backup storage off-site;
- D. maintenance agreements for hardware and software (including, but not limited to the operating system);
- E. a list of vendor contacts to be called for immediate replacement of disabled equipment or corrupted software;

Adopted 4/27/17

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.), and/or other web-enabled devices of any type.

The Board permits employees, students, Board members and guests 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 Educational Service Provider to verify it meets the established standards for equipment used to access the network.

The Educational Service Provider 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 Academy'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.

Adopted 4/27/17
Revised 9/20/18

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 www.mglva.k12.com.

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

- A. the Academy's calendar of events
- B. (grade book program)
- C. (required State report)
- D. Board agendas and minutes

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, staff members, students, as well as contractors, vendors, and agents of the Academy, are permitted to use their personally-owned or Academy-owned computer or workstation and/or other 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 and completing assigned coursework.

Each individual granted remote access privileges pursuant to this policy must adhere to the following standards and regulations:

- A. his/her computer/device must have active on it, an anti-virus program with the latest updates from the manufacturer
- B. the individual may only access the network using his/her assigned user name and password

The individual is prohibited from allowing other persons, including friends and family members, to use his/her user name and password to login into the network. The user may not go beyond his/her authorized access.

- C. his/her device may not be connected to any other network at the same time s/he is connected to the Network, with the exception of personal networks that are under the complete control of the user

- D. his/her device may not, at any time while the individual is using remote access to connect to the network, be reconfigured for the purpose of connecting to another (an additional) network
- E. use of the network, whether connected directly or remotely, is contingent upon the individual abiding by the terms and conditions of the Board's Technology Acceptable Use and Safety policies and 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, vendor, or agent 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.

Adopted 4/27/17
Revised 9/20/18

USE OF SOCIAL MEDIA

Reference: 20 U.S.C. 1232g
34 C.F.R. Part 99
Protecting Children in the 21st Century Act, Pub. L. No. 110-385, Title II, Stat. 4096 (2008)
Children's Internet Protection Act (CIPA), Pub. L. No. 106-554 (2001)

Technology is a powerful tool to enhance education, communication, and learning.

The Board of Directors authorizes the use of social media to promote community involvement and facilitate effective communication with students, parents/guardians, staff, and the general public. Social media is defined in Bylaw 0100.

The Head of School is charged with designating the Academy-approved social media platforms/sites, which shall be listed on the Academy's website.

In designating Academy-approved social media platforms/sites, the Head of School shall specify which platforms/sites are appropriate for use at the Academy-level, the building or department level, for extra-curricular activities, and at the individual level by employees for professional purposes.

It is critical that students be taught how to use social media platforms safely and responsibly. Social media (as defined in Bylaw 0100) are a powerful and pervasive technology that affords students and employees the opportunity to communicate for school and work purposes, and to collaborate in the delivery of a comprehensive education. Federal law mandates that the Academy provide for the education of students regarding appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms, and regarding cyberbullying awareness and response. See School Board Policy 7540.03 – Student Technology Acceptable Use and Safety.

The Academy recognizes that employees may use social media for personal, as well as professional reasons. The Academy neither encourages nor discourages employees' use of social media for personal purposes. The Academy regulates employees' use of social media for purposes related to their Academy assignment to the same extent as it regulates any other form of employee communication in that regard.

The Academy uses approved social media platforms/sites as interactive forms of communication and accepts public comments. The Academy-approved social media platforms/sites are considered limited public forums. As such, the Academy will monitor posted comments to verify they are on-topic, consistent with the posted rules for use of the forum, and in compliance with the platform/site's applicable terms of service. The Board's review of posted comments will be conducted in a viewpoint neutral manner, and consistent with State and Federal law. Employees' personal posts on the public platforms/sites are limited/restricted to matters of general public interest that are not related to the employee's specific employment and wholly unrelated to the employee's job responsibilities (i.e., matters where it is clear the individual is posting not in an official capacity, but simply as a member of the public). Employees in administrative positions are ordinarily not permitted to post personal comments on matters of general public interest because to do so could be misconstrued as Board-sponsored speech.

Each Academy-approved social media account/site must contain a statement that specifies its purpose(s) and limits those who access the social media account/site to use of the account/site only for that/those purpose(s), and in accordance with any specified procedures,

and applicable terms of service. Users are personally responsible for the content of their posts.

Social Media for Instructional and School-Sponsored Activities

Staff (including Academy-approved volunteers) may, with prior approval/authorization from the Head of School, use social media platforms/sites for classroom instruction or school-sponsored activities. When a staff member uses a Academy-approved social media platform/site for an educational purpose, it will be considered an educational activity and will not be considered a limited public forum. Students' use of Academy-approved social media platforms/sites must be consistent with the Student Code of Conduct, Policy 5722 -School-Sponsored Student Publications and Productions/AG 5722 – School-Student Publications and Productions, Policy 7540.03/AG 7540.03 – Student Technology Acceptable Use and Safety, the instructor's directions/procedures, and the platform/site's applicable terms of service. Students are prohibited from posting or releasing personally identifiable information about students, employees, and volunteers through Academy-approved social media without appropriate consent.

Expected Standards of Conduct on Academy-Approved Social Media

Employees who access Academy-approved social media platforms are expected to conduct themselves in a respectful, courteous, and professional manner. Students, parents, and members of the general public who access Academy-approved social media platforms are similarly expected to conduct themselves in a respectful, courteous, and civil manner.

Academy-approved social media sites shall not contain content that is obscene; is vulgar and lewd such that it undermines the school's basic educational mission; is libelous or defamatory; constitutes hate speech; promotes illegal drug use; is aimed at inciting an individual to engage in unlawful acts or to cause a substantial disruption or material interference with Academy operations; or interferes with the rights of others. The Academy may exercise editorial control over the style and content of student speech on Academy-approved social media, if reasonably related to legitimate pedagogical concerns. Staff or students who post prohibited content shall be subject to appropriate disciplinary action.

The Academy is committed to protecting the privacy rights of students, parents/guardians, staff, volunteers, Board members, and other individuals on Academy-approved social media sites. Academy employees are prohibited from posting or releasing confidential information about students, employees, volunteers, or Academy operations through social media, without appropriate consent (i.e., express written consent from the parent of a student, the affected employee or volunteer, or the Head of School concerning Academy operations).

Retention of Public/Student Records

Academy communications that occur through the use of Academy-approved social media platforms/sites – including staff members' use of social media with school-sponsored activities, and comments, replies, and messages received from the general public – may constitute public records or student records, and all such communications will be maintained (i.e., electronically archived) in accordance with the Board's adopted record retention schedule and all applicable State statutes. Records that are not part of the performance of an official function do not become public records by mere retention by the Academy under this policy. (See AG 8310A – Requests for Public Records)

If a staff member uses Academy-approved social media platforms/sites in the classroom for educational purposes (i.e., classroom instruction), the staff member must consult with the Principal concerning whether such use may result in the creation of public and/or education records that must be maintained (i.e., electronically archived) for a specific period of time.

Employees' Use of Academy Technology Resources to Access Social Media for Personal Use

Employees are permitted to use Academy Technology Resources (as defined in Bylaw 0100) to access social media for personal use during breaks, mealtimes, and before and after scheduled work hours.

They are reminded that the Academy may monitor their use of Academy technology resource.

Employees' Use of Personal Communication Devices at Work to Access Social Media for Personal Use

Employees are permitted to use personal communication devices to access social media for personal use during breaks and mealtimes.

Employees are prohibited from posting or engaging in communication that violates State or Federal law, Board policies, or administrative procedures. If an employee/volunteer's communication interferes with his/her ability to effectively perform his/her job, or violates State or Federal law, Board policies, or administrative procedures, the Academy may impose disciplinary action and/or refer the matter to appropriate law enforcement authorities.

This policy and its corresponding administrative procedure will be reviewed and updated as necessary.

Adopted 9/20/18

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 employees. Given the nature of the communications, there is a significant potential both for inappropriate use and for alleged inappropriate use. To protect staff and students, the following restrictions are established:

- A. Electronic communications with students should be appropriate in tone, content, and quantity. Stalking, harassment, or other unwelcome behaviors are prohibited, including any type of sexually suggestive comments, photos, or graphics.
- B. Electronic communications with other employees should be appropriate in tone, content, and quantity. Stalking, harassment, or other unwelcome behaviors are prohibited.
- C. Electronic communications during work time shall only be allowed for work-related matters or personal emergencies. Work time is defined as all paid work time that is not a designated break or meal period.

The 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.

Adopted 4/27/17

8000 OPERATIONS

8120	Iran Economic Sanctions Act Compliance	LR
8142	Criminal History Record Check	LR
8310	Public Records	LR
8330	Student Records	LR
8340	Letters of Reference	LR
8400	Academy Safety Information	LR
8402	Emergency Operations Plan	LR
8462	Student Abuse and Neglect	LC
8510	Wellness	LR
MGLVA	Noncriminal Criminal Justice Agency (NJCA) Criminal History Record Information (CHRI)	

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Adoption Date: **04.17**

Classification:

Revised Dates: **8/17/17; 1/18/18; 9/20/18; 6/20/19; 11/21/19;
06/18/2020;06/17/2021; 05.22**

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.

"Iran" means any agency or instrumentality of Iran.

"Energy Sector of Iran" means activities to develop petroleum or natural gas resources or nuclear power in Iran.

"Investment" means one (1) or more of the following:

- A. A commitment or contribution of funds or property.
- B. A loan or other extension of credit.
- C. The entry into or renewal of a contract for goods or services.

"Investment activity" means one (1) or more of the following:

- A. A person who has an investment of \$20,000,000.00 or more in the energy sector of Iran.
- B. A financial institution that extends \$20,000,000.00 or more in credit to another person, for forty-five (45) days or more, if that person will use the credit for investment in the energy sector of Iran.

Adopted 4/27/17

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").¹ 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 Head of School 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 Head of School may use a report

¹ 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.

received from the State Police by such school to confirm the individual has no criminal history. Absent such confirmation, a criminal history record check shall be performed.

Individuals working in multiple districts or Academies may authorize the release of a prior criminal history records check with another district or 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 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 Head of School 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 Head of School 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 Head of School 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 Head of School 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, they 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 who have not been given access to the CHRI by the Head of School or the Board. Records involving misdemeanor convictions for sexual or physical abuse or any felony are not subject to these restrictions. Violation of confidentiality is considered a misdemeanor punishable by a fine up to \$10,000.

Any notification received from the Michigan Department of Education or Michigan State Police regarding 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.

Implementation with the Educational Service Provider

The State Police require, with the limited exception set forth in footnote 1, that the Head of School, if he/she meets the criteria of footnote 1, shall be empowered to administer this policy as the Designee of the Academy Board.

Adopted 4/27/17
Revised 1/18/18

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, subject to certain exemptions according to the Michigan Freedom of Information Act (FOIA). The Academy shall not disclose the confidential address of a student or of an employee who has provided proper notice of a participation card issued by the department of the attorney general under the Address Confidentiality Program Act.

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 chooses not to provide for enhanced access to any of its public records.

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 Manistee 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.

Adoption Date: **04.17**
Classification: **Legally Required**
Revised Dates: ; **05.22**

STUDENT RECORDS

Reference:

MCL 380.1135
Letter, April 6, 2004 Jeremy Hughes, Deputy Supt. Department of Education
34 CFR 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.

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 Head of School, or his or her designee, shall develop a process to ensure that a student's participation in the address confidentiality program act is appropriately noted to avoid disclosure of this information to any person or entity.

Student "personally identifiable information" ("PII") includes, but is not limited to: the student's name; the name of the student's parent or other family members; the address of the student or student's family; a personal identifier, such as the student's social security number, student number, or biometric record; other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name; other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or other information requested by a person who the Academy reasonably believes knows the identity of the student to whom the education record relate.

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. vocational preference inventories
 - 2. achievement tests
- D. authenticated information provided by a parent or eligible student concerning achievements and other school activities which the parent or student wants to make a part of the record

- E. verified reports of serious or recurrent behavior patterns
- F. rank in class and academic honors earned
- G. psychological tests
- H. attendance records
- I. health records
- J. 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 students, parents will be allowed access to the records without the student's consent, provided the student is considered a dependent under section 152 of the Internal Revenue Code.

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); and a person serving on the Board. The Board further designates the following individuals as entities as "school officials" for the purpose of FERPA:

- A. persons or companies with whom the Board has contracted to perform a specific task (such as an attorney, auditor, insurance representative, or medical consultant);
- B. contractors, consultants, volunteers or other parties to whom the Board has outsourced a service or function otherwise performed by the Board employees (e.g. a therapist, authorized information technology (IT) staff, and approved online Educational Service Providers).

The above-identified outside parties must (a) perform institutional services or functions for which the Board would otherwise use its employees, (b) be under the direct control of the Board with respect to the use and maintenance of education records, and (c) be subject to the requirements of 34 CFR 99.33(a) governing the use and re-disclosure of PII from education records.

Finally, a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his/her tasks (including volunteers) is also considered an "Academy official" for purposes of FERPA provided s/he meets the above-referenced criteria applicable to other outside parties.

"Legitimate educational interest" shall be defined as a "direct or delegated responsibility for helping the student achieve one (1) or more of the educational goals of the 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 instructions;

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.) Further, the following personally identifiable information will not be disclosed to any entity: a student or his/her family member's social security number(s); religion; political party affiliation; voting history; or biometric information.

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.

The Educational Service Provider 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 ten (10) 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, Academy-assigned email addresses (if available) (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 Head of School 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 ten (10) business days of the principal receiving the request.

The Educational Service Provider 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 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), 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 ten (10) business days of the principal receiving the request.

The Educational Service Provider 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.

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Adoption Date: **04.17**

Classification: **Legally Required**

Revised Dates: **08/17/2017; 06/17/2021; 05.22**

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 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 Head of School 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

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) or threat, and 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. 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 Head of School 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 Head of School, members of the Board of Directors, the County Prosecutor or his/her designee, and representatives from the local law enforcement agencies. The following may also be invited to participate in the meeting;

- A. Chief Judge of Circuit and/or District Courts or his/her designee, including a representative of the family division;
- B. representative from the Intermediate School District (ISD);
- C. representative(s) from the local child protection agency;
- D. building administrators;
- E. teachers;
- F. parents;
- G. students;

- H. Fire Marshal or his/her designee;
- I. representative(s) from emergency medical services;
- J. representative(s) from county emergency management service agency;
- K. Academy Resource Officer;
- L. representatives from other school districts

The Head of School 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 Head of School 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 Head of School shall be provided to the Michigan State Police in the manner and frequency required by law.

The Academy contact person shall notify the Head of School 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 Head of School 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 Head of School 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 Head of School 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 Head of School 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 Head of School 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 Head of School 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 Head of School shall discuss this problem 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 Head of School shall make a report to the Board about this plan of corrective action and shall recommend approval and adoption of it.

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Adoption Date: **06.19**

Classification: **Legally Required**

Revised Dates: **11/21/19; 06/18/2020; 06.21**

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 6/20/19

STUDENT ABUSE AND NEGLECT

Reference: MCL 380.1505, 722.621 et. seq.

The Board of Directors is concerned with the physical and mental well-being of the students in this 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.

Adopted 4/27/17
Revised 11/21/19; 6/18/20

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 Head of School as the individual(s) charged with operational responsibility for verifying that the Academy meets the goals established in this policy.

The Head of School shall appoint an Academy wellness committee that 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 Head of School 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 Head of School 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 Head of School 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 Head of School shall 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.

The Academy shall assess the Wellness Policy at least once every three (3) years on the extent to which Academies are in compliance with the Academy policy, the extent to which the Academy policy compares to model wellness policies, and the progress made in attaining the goals of the Academy Wellness Policy. The assessment shall be made available to the public in the parent and staff handbooks.

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Adoption Date: **06.21**

Classification: **Legally Required**

Revised Dates: ;

**NONCRIMINAL CRIMINAL JUSTICE AGENCY (NCJA)
CRIMINAL HISTORY RECORD INFORMATION (CHRI)**

Requirement

Pursuant to federal requirements, a Noncriminal Justice Agency (NCJA) with access to Criminal History Record Information (CHRI) is required to have an information security policy and procedure in place. Access to CHRI is directed through a series of memoranda, policies, regulations, and federal laws. Agencies that have access and use of CHRI share a responsibility in creating appropriate administrative, technical, and physical safeguards to ensure the security, confidentiality, and integrity of CHRI in all its forms.

Date policy was put in place: 8/24/2016

Agency Name: Michigan Great Lakes Virtual Academy

NCJA means – A noncriminal justice governmental agency authorized by federal statute, executive order, or state statute and approved by the U.S. Attorney General to be able to receive state and federal fingerprint based CHRI, directly or indirectly from the Michigan State Police (MSP). Examples of services include, but are not limited to, employment suitability, licensing determinations, immigration and naturalization matters, and national security clearances.

POLICY: MICHIGAN GREAT LAKES VIRTUAL ACADEMY INFORMATION SECURITY POLICY
SUBJECT: CRIMINAL HISTORY RECORD INFORMATION (CHRI)
DATE: 8/24/16

Pursuant to Michigan Compiled Law (MCL) 380.1230a, Michigan Great Lakes Virtual Academy is considered a Noncriminal Justice Agency (NCJA) and is an Authorized Recipient (AR), wherein certain Authorized Personnel are able to request and receive fingerprint-based Criminal History Record Information (CHRI) checks. Authorization for ARs to receive CHRI is for the purpose of employment or volunteer determinations. Therefore, Michigan Great Lakes Virtual Academy is to ensure compliance with applicable state and federal laws, applicable rules and regulations, the most current version of the Federal Bureau of Investigation (FBI) Criminal Justice Information Services (CJIS) Security Policy, in addition to Michigan Great Lakes Virtual Academy's policies, procedures, and processes. This Information Security Policy provides the appropriate access, maintenance, security, confidentiality, dissemination, integrity, and audit requirements of CHRI in all its forms, whether at rest or in transit.

A reasonable requirement shall prevail if conflict(s) is/are found between agency policies, state or federal laws, with the most current version of the FBI CJIS Security Policy, and corresponding rules, or regulations.

As used in this policy:

- (a) Authorized Recipients - (1) A criminal justice agency or federal agency authorized to receive CHRI pursuant to federal statute or executive order; (2) A nongovernmental entity authorized by federal statute or executive order to receive CHRI for noncriminal justice purposes; or (3) A government agency authorized by federal statute or executive order, or state statute which has been approved by the United States Attorney General to receive CHRI for noncriminal justice purposes.
- (b) Authorized User/Personnel - An individual, or group of individuals, who have been appropriately vetted through a national fingerprint-based background check, where required, and have been granted access to CJI data, wherein access is only for the purpose of evaluating an individual's qualifications for employment or assignment.

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USER AGREEMENT

Michigan Great Lakes Virtual Academy shall complete and maintain a Noncriminal Justice Agency User Agreement for Release of Criminal History Record Information (RI-087) provided by the Michigan State Police (MSP). Agreements are in place to provide for data ownership, individual roles, responsibilities, etc. When changes in contact information (address, e-mail address, contact name, etc.) occur, MGLVA shall complete and return a new user agreement. The most current copy of this user agreement will be maintained on file at the agency indefinitely.

LOCAL AGENCY SECURITY OFFICER (LASO)

The MGLVA Board of Directors will designate a LASO by means of completing and returning to the MSP, Security & Access Section (SAS), a Noncriminal Justice Agency Local Agency Security Officer Appointment (CJIS-015). An individual designated as LASO is:

- An “authorized user/personnel.”
- An individual that has completed a fingerprint-based background check, where required, and found appropriate to have access to CHRI.
- If a school, the LASO is an employee directly involved in evaluating an individual’s qualifications for employment or assignment.

A LASO is responsible for the following:

- Identifying who is using or accessing CHRI and/or systems with access to CHRI.
- Identifying and documenting any equipment connected to the state system.
- Ensuring personnel security screening procedures are being followed as stated in this policy.
- Confirming the approved and appropriate security measures are in place and working as expected.
- Supporting policy compliance and ensuring the MSP Information Security Officer (ISO) is promptly informed of security incidents.

When changes in the LASO appointment occur, MGLVA shall complete and return a new LASO appointment form. The most current copy of the LASO appointment form will be kept on file indefinitely by the agency (CJIS-015).

All MSP fingerprint account changes are to be made by the LASO.

PERSONNEL SECURITY

ALL PERSONNEL

All personnel requiring access to CHRI must first be deemed “Authorized Personnel.” Prior to access of CHRI, such individuals shall complete a fingerprint-based CHRI background check. The LASO or authorized designee will review and determine if access is appropriate. Access is denied if:

- a. The law prohibits the individual from working in or with Michigan Great Lakes Virtual Academy.
- b. The individual has ever had a felony, of any kind, no matter when it occurred.

If a record of any other kind is found, the LASO or authorized designee will review if access is appropriate. Persons believed to be a fugitive, or having an arrest history without conviction must be

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reviewed to determine if access to CHRI is appropriate. The LASO or authorized designee may ask for a review by the CJIS Systems Officer (CSO) of the MSP in extenuating circumstances where the severity of the offense and the time that has passed would support a possible variance.

Access will be granted upon determination by the LASO or authorized designee, so long as providing such access would not be detrimental to the agency or the individual for which the record pertains.

Persons with access to CHRI and are subsequently arrested and/or convicted of a crime will:

- a. Have their access to CHRI suspended until the outcome of an arrest is determined and reviewed by the LASO or authorized designee in order to determine if continued access is appropriate.
- b. Have their access suspended indefinitely if a conviction results in a felony of any kind.
- c. Have their access denied by the LASO or authorized designee where she/he determines that access to CHRI by the person would not be in the public's best interest.

Whenever possible, access to CHRI by support personnel, contractors, and custodial workers will be denied. If a need should arise for such individuals to be in an area(s) where CHRI is maintained or processed (at rest or in transit); persons will be escorted by or under the supervision of authorized personnel at all times while in these area(s).

NCJAs that do not have passed and federally approved legislation authorizing or requiring the civil fingerprint-based background checks are exempt from this requirement until such a time as appropriate legislation has been written into law.

PERSONNEL SCREENING FOR CONTRACTORS AND VENDORS

In addition to the screening requirements provided in the immediate preceding areas, contractors and vendors (persons with access to agency system hardware or software) shall meet the following requirements:

- a. Have completed a state and federal fingerprint-based CHRI background check.
- b. If a record of any kind is found, delay access until the LASO or authorized designee can review the record and determine such access to CHRI is appropriate.
- c. If a felony record of any kind is found, access will be denied.
- d. If a confirmed outstanding arrest warrant is found, access will be denied.

Michigan Great Lakes Virtual Academy will retain and keep current a list of personnel who have been given authorized access to CHRI, and make this list available to the MSP upon request.

NCJAs that do not have passed and federally approved legislation authorizing or requiring the civil fingerprint-based background checks are exempt from this requirement until such a time as appropriate legislation has been written into law.

PERSONNEL TERMINATION

The LASO or authorized designee shall terminate access to CHRI immediately, which is within 24 hours of a notification that an individual's termination of employment has occurred.

Michigan Great Lakes Virtual Academy will take the following steps when terminating the LASO or authorized designee:

NCJA means – A noncriminal justice governmental agency authorized by federal statute, executive order, or state statute and approved by the U.S. Attorney General to be able to receive state and federal fingerprint based CHRI, directly or indirectly from the Michigan State Police (MSP). Examples of services include, but are not limited to, employment suitability, licensing determinations, immigration and naturalization matters, and national security clearances.

- a. The LASO is the only person who has access to the CHRI. If the LASO is being terminated, the Board of Directors will notify the Head of School via the official school email.
- b. Within a 24 hour period, the LASO will no longer have access to CHRI and will relinquish keys to the Operations Manager at MGLVA.
- c. The LASO will return all keys to the Operations Manager at Michigan Great Lakes Virtual Academy of Michigan. The LASO will turn over all keys to the building, office, desk, and/or file drawers.
- d. The LASO's email account will be deactivated by the Operations Manager through K12's ServiceNow. The Operations Manager will submit a ticket via ServiceNow requesting immediate deactivation from all K12 accounts.

PERSONNEL TRANSFER

Individuals with access to CHRI, and where the individual has been reassigned or transferred, shall have his or her access reviewed by the LASO or authorized designee to ensure access is still appropriate. Only one individual has access to CHRI at Michigan Great Lakes Virtual Academy of Michigan: the LASO. If access is determined to be suspended, the individual shall be restricted from access to CHRI within the immediate 24 hours of transfer or reassignment and the following steps shall be taken by Michigan Great Lakes Virtual Academy immediately:

- a. The LASO is the only person that has access to CHRI. If the LASO accepts a new personnel transfer, the newly appointed Board Member will receive access to CHRI upon appropriate training.
- b. The Board President and the HOS will have the new LASO complete the paperwork and submit it to the Board President within 24 hours of position assignment.
- c. The former LASO will turn in their keys to Operation Manager's file drawer. Keys will be returned to the Board and HOS who will lock the keys in the Operations Desk with the Administrative Assistant as a witness. The Board President and HOS will then release the keys to the new Board Member upon arrival.
- d. The Operations Manager will disable the outgoing LASO's email accounts by submitting a ticket to ServiceNow requesting that their email account is deactivated when appropriate.

SANCTIONS

Persons found noncompliant with state or federal laws, current FBI CJIS Security Policy, rules or regulations, including Michigan Great Lakes Virtual Academy Information Security Policy, will be formally disciplined. Discipline can be, but not limited to, counseling, the reassignment of CHRI responsibilities, dismissal, or prosecution. Discipline will be based on the severity of the infraction and at the discretion of Michigan Great Lakes Virtual Academy.

MEDIA PROTECTION

CHRI media is to be protected and secured at all times. The following is established and is to be implemented to ensure the appropriate security, handling, transporting, and storing of CHRI media in all its forms.

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MEDIA STORAGE & ACCESS

Digital and physical CHRI media shall be securely stored within physically secured locations or controlled areas, and within the agency's facility unless otherwise permitted. Access to such media is restricted to authorized personnel only and secured at all times when not in use or under the supervision of an authorized individual.

Physical CHRI media:

- a. Is to be maintained within a lockable filing cabinet drawer located in the locked MGLVA Storage unit.

Digital CHRI media:

- a. All Digital communications sent via email will be sent directly to the LASO's secured email address on the computer solely designated for CHRI and Board information.

MEDIA TRANSPORT (DIGITAL AND/OR PHYSICAL)

Should the need arise to move CHRI media outside of the secured location or controlled area, the LASO and Head of School shall establish and implement appropriate security controls to prevent compromise of the data while transporting. The transport of CHRI media will be conducted by authorized personnel. CHRI media includes:

- Physical CHRI media such as paper/hard copies.
 - Digital CHRI media such as laptops and computer hard drives and any removable, transportable digital memory media, such as magnetic tape or disk, optical disk, flash drives, external hard drives, or digital memory card(s).
- a. If Michigan Great Lakes Virtual Academy needs to transport CHRI, the following procedures will occur: The LASO will handle and transport all CHRI media.
 - b. The LASO will transport all materials from one office directly to the new location during the work hours of 8:00 am to 5:00 pm. Transportation will occur only upon justification and approval by the Board.
 - c. The LASO will transfer the CHRI in a locked rolling container. The container has a built in lock that only the LASO has access to by key.
 - d. CHRI is to remain in the physical possession of the LASO until CHRI media is delivered to its intended destination.

DIGITAL MEDIA SANITIZATION AND DISPOSAL

Without ensuring the proper disposal of installed and removable digital storage, information security risks can be created by reassigning, surplus, transferring, trading-in, disposing of computers, or replacing digital storage media and computer software. Therefore, once digital CHRI media devices are determined no longer needed by the agency, devices shall be sanitized and disposed of according to the most current FBI CJIS Security Policy. Due to the presence of temporary files (data remanence), devices where digital media was once stored, processed, and/or used for dissemination (fax, scanners, computers, laptops, etc) shall be sanitized in a manner that gives assurance that the information cannot be recovered prior to disposal of or upon the reassigning or recycling of such devices. An "erase"

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feature (e.g., putting a document in a “trash can” icon) or deleting a file is not sufficient for sensitive information, because the information is still be recoverable. The agency will provide steps for the sanitization and disposal of devices where CHRI media was once stored, processed, and/or used. Michigan Great Lakes Virtual Academy will consult with its information technology professionals to sanitize the device(s), and clear (wipe) the data. This process will be witnessed by the authorized user, or the LASO .

Michigan Great Lakes Virtual Academy will take the following steps for digital sanitization:

- a. Michigan Great Lakes Virtual Academy will seek the expertise of its information technology professionals to sanitize devices
- b. Sanitization of digital media devices shall be conducted or witnessed by an authorized user.
- c. Michigan Great Lakes Virtual Academy may use any of the following methods of sanitization:
 1. When clearing data (wiping) use three passes with a disk wiping utility using the DoD 5220.22-M (E) method
 - i. Writes zero bytes (0x00)
 - ii. Writes high bytes (0xFF)
 - iii. Writes pseudo-random bytes
 2. When purging the data, use a National Security Agency/Central Security Service (NSA/CSS)-approved degausser except for optical media such as CDs/DVDs where it must be physically destroyed.
 3. Physical destruction includes shredding, disintegrating, cutting, drilling, or grinding.
 4. Any other reasonable method.

DISPOSAL OF PHYSICAL MEDIA

Once physical CHRI media (paper copies) is / are determined no longer needed by the agency, media shall be destroyed and disposed of according to the FBI CJIS Security Policy. Formal procedures for the secure disposal or destruction of physical media:

Michigan Great Lakes Virtual Academy will take the following steps to dispose of physical media:

- a. The LASO shall immediately shred the CHRI on the premises.
- b. CHRI results will not be placed in a shredding bin or recycling bin for shredding or disposal by another individual, or organization.
- c. Michigan Great Lakes Virtual Academy will follow Michigan Public School CHRI record retention policies. CHRI will be maintained for the duration of employment plus 10years.

PHYSICAL PROTECTION

Michigan Great Lakes Virtual Academy shall document and implement a physical protection policy and procedures to ensure CHRI and information system hardware, software, and media are physically protected through access control measures.

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PHYSICALLY SECURE LOCATION

Michigan Great Lakes Virtual Academy will ensure both sufficient physical and personnel security controls exist for the protection of CHRI and associated information systems. A physically secure location is a facility, an area, a room, or a group of rooms within a facility. Michigan Great Lakes Virtual Academy of Michigan will:

- a. Prominently post the perimeter of the physically secured location and keep separate from non-secure locations by physical controls.
- b. Keep a current list of personnel with authorized access to the physically secure location or use a method of credentials to keep track of authorized personnel.
- c. Ensure all physical areas where CHRI or information systems are stored and/or used for processing shall be controlled. Individuals requiring access to such locations will be verified before granting access. Physical access to information system distribution and transmission lines within the physically secure location will be controlled and safeguarded.
- d. Position information system devices that display CHRI in such a way as to prevent unauthorized individuals from accessing and viewing CHRI.
- e. Ensure methods are in place to monitor, detect and respond to information system incidents for individuals attaining physical access to secured areas.
- f. Validate all visitors before admittance to the physically secure locations, and visitors will be escorted and monitored at all times.
- g. Authorize and control information system-related items entering and exiting the physically secure location.

CONTROLLED AREA

If an agency cannot meet all of the controls required for establishing a physically secure location, but has an operational need to access or store CHRI, the agency shall designate an area, a room, or a storage container, as a controlled area for the purpose of day-to-day CHRI access or storage. At a minimum:

- a. Access is limited to controlled area during CHRI processing times and to authorized personnel, approved by the agency to access or view CHRI.
- b. CHRI will be locked and secured to prevent unauthorized access when unattended.
- c. Information system devices and documents containing CHRI will be positioned in such a way as to prevent an unauthorized individual from access or view.
- d. Encryption requirements will be implemented for digital storage (i.e. data “at rest”) of CHRI.

INCIDENT RESPONSE

Michigan Great Lakes Virtual Academy shall establish operational incident handling procedures for instances of an information security breach. Information security incidents are major incidents that significantly endanger the security or integrity of CHRI. The agency will identify responsibilities for information security incidents and include how and who to report such incidents to. The agency will ensure appropriate security incident capabilities exist, and should incorporate the lessons learned from ongoing incident handling activities. The agency will ensure procedures exist and are implemented for a follow-up action of a security breach and for the collection of evidence in cases of legal action. All

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individuals with direct or indirect access to CHRI shall be trained on how to handle an information security incident, and such training is to be included within the agency's Security Awareness Training. (See section on Security Awareness Training at the end of this document.) Procedures shall be in place to track and document information security incidents, whether physical or digital, on an ongoing basis. When an incident has been determined a breach having to do with CHRI, the agency will report the security breach to the MSP ISO through the use of a "Information Security Officer (ISO) Computer Security Incident Response Capability Reporting," form (CJIS-016).

Michigan Great Lakes Virtual Academy of Michigan's steps are as follows:

- a. The LASO is the only individual with access to CHRI.
 - i. Should the LASO suspect a breach, said employee shall notify the Board within 24 hours.
 - ii. Should the HOS suspect a breach, the HOS shall notify the Board within 24 hours.,
 - iii. Should a manager suspect a breach, the manager shall notify his / her director, the HOS or the Board within 24 hours.
 - iv. Should an employee or contractor suspect a breach, the individual shall notify a manager at Michigan Great Lakes Virtual Academy of Michigan, the HOS, or the Board within 24 hours.
 - v. At any point, an individual may also report the suspected breach anonymously to Michigan Great Lakes Virtual Academy of Michigan's confidential Board Email dohman@mglva.org
- b. If any person suspects that a CHRI information security breach has occurred, that person must confer with the Board and the HOS regarding the suspected incident. The HOS may confer with various school departments such as Operations, Special Programs, Administrative Assistants, or Counseling to discover whether any individual accessed or received CHRI information. The HOS will report results to the LASO. The HOS may counsel, or remind individuals that the LASO is the only person permitted to receive CHRI documentation. This counseling may occur even when there is no or limited evidence to support the suspected breach.
- c. Michigan Great Lakes Virtual Academy utilizes the following digital and physical safeguard procedures: -
 - 1) Michigan Great Lakes Virtual Academy follows its Information Security Policy to maintain software and / or hardware to prevent unauthorized access or the intrusion of agency information systems (firewalls, virus detection, malware/spyware detection). Further, Michigan Great Lakes Virtual Academy maintains locked doors and / or cabinets to prevent unauthorized physical access to CHRI media.
 - 2) Michigan Great Lakes Virtual Academy uses information security protocols to monitor, and detect unauthorized access to electronic media. Michigan Great Lakes Virtual Academy maintains CHRI media in a locked filing cabinet, and provides access to only the LASO. The building is monitored by alarms and access can only be granted with electronic access and office keys.
 - 3) Analysis – If a suspected incident occurs, authorized representatives such as the LASO, the Board, or the HOS shall conduct an investigation to identify whether an incident occurred, how the suspected incident occurred and what systems or data were compromised and affected.
 - 4) Containment – The LASO, Board, or HOS may take action to stop the spread of suspected intrusion, prevent further disclosure, or contain the suspected breach.
 - 5) Eradication – When necessary, the LASO, Board, or HOS may create a plan of the intrusion before the system is restored and the steps taken to prevent reoccurrence.

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- 6) Recovery – The LASO will take steps to recover the missing, or disclosed CHRI files or documents and then store them according to Michigan Great Lakes Virtual Academy of Michigan’s CHRI storage protocols.
- d. The LASO, Board, or HOS may contact law enforcement to take a report or contact legal counsel.
- e. Reporting – The Michigan State Police (MSP) has established an “Information Security Officer (ISO) Computer Security Incident Response Capability Reporting,” form (CJIS-016), and is the required method of reporting security incidents to the MSP. Therefore, the LASO will complete CJIS-016 and provide it to the MSP. The CJIS-016 can be located at the SAS website: www.michigan.gov/cjicats.
- f. The Board will retain completed any CJIS-016 form(s) in the same locked filing cabinet that stores at Michigan Great Lakes Virtual Academy of Michigan’s CHRI results.

MOBILE DEVICE INCIDENT RESPONSE

In order to reduce the risk of unauthorized access to stored or viewed CHRI on a mobile device (including smartphones and tablets), Michigan Great Lakes Virtual Academy shall, *in addition to the above reporting requirements for incident response*, establish and implement additional or enhanced incident reporting and handling procedures for mobile devices.

The agency will document and indicate, for a lost or compromised device, how long the device has been lost. Special reporting of such instances shall apply for the following situations:

- a. For a lost device the agency will report if the owner:
 - 1. Believed the device was locked.
 - 2. Believed the device was unlocked.
 - 3. Could not validate the device locked state.
- b. For a total loss of a device (unrecoverable) the agency will report if:
 - 1. CHRI was stored on the device.
 - 2. The device was locked or unlocked.
 - 3. The agency was capable of remote tracking or wiping of the device.
- c. The agency will report any compromise of a device when the intrusion occurs while still in the owner’s possession
- d. The agency will report any compromise of a device when the intrusion occurs while still in the owner’s possession outside of the United States.

Michigan Great Lakes Virtual Academy shall establish and implement the following incident handling procedures:

- a. If at any time the LASO loses or believes there to be a breach of security, he/she will report to the HOS as well as report via the CJIS-016 document.

As the CJIS-016 is the required method used for the reporting of security incidents, including mobile devices, the agency will use and retain completed forms on an ongoing basis in order to meet policy requirement for tracking.

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SECONDARY DISSEMINATION

When permitted by law, and Michigan Great Lakes Virtual Academy releases a CHRI response to another authorized recipient pursuant to authorized sharing provisions, a log of such release(s) shall be established, implemented, and kept current. The log will be maintained indefinitely and be made available upon request to a MSP representative for audit purposes. Fields required for the log are:

- The date the record was shared.
- Record disseminated.
- Requesting agency (whom the response was shared with).
- Method of sharing; either by U.S. Mail or landline fax. (No emailing).
- Agency personnel that shared the CHRI.

SECURITY AWARENESS TRAINING

Michigan Great Lakes Virtual Academy will establish, implement, and administer basic Security Awareness Training (SAT) that meets the minimum standards provided within the most current version of the FBI CJIS Security Policy. The LASO will, every two years and starting from date of adopting agency SAT, review the FBI CJIS Security Policy to ensure agency implemented SAT meets the most current requirement(s). All individuals having access to CHRI, whether digital or physical, shall complete SAT provided by the agency within six (6) months of assignment and every two (2) years thereafter. The agency will also include any or all Information Technology (IT) personnel having access to digital systems used to process CHRI. The agency will document and keep current completed SAT records, past and current.

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9000 **RELATIONS**

9160	Public Attendance at Academy Events	LC
9211	Academy Support Organizations	BP
9250	Parent/Legal Guardian Review of Instructional Materials and Observation of Instructional Activities	LR

Adopted 4/27/17

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, 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.

Raffles and similar forms of fund-raising by school-related organizations may be permitted by the Head of School in accordance with Policy 9211 - School Support Organizations and Policy 9700 - Relations with Special Interest Groups.

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 in designated areas as defined in statute and by Michigan's Smoke Free Workplace Program.

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 Head of School.

The Head of School shall ensure that all notices, signs, schedules, and other communications about school events contain the following statement:

"Upon request to the Head of School, the Academy shall make reasonable accommodation for a disabled person to be able to participate in this activity."

Adopted 4/27/17

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.

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.

No organization may hold itself out as affiliated in any manner with the Academy unless directly approved to do so by the Academy Board of Directors, and then only as a “booster” or PTA/PTO organization for support purposes. No support organization shall be, or hold itself out as, an agent of the Academy for any purpose whatsoever.

Adopted 4/27/17

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.

Adopted 4/27/17