



**2022  
POLICY  
MANUAL**

**Rising Stars Academy**

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# BOARD**POLICIES**

2022 POLICY MANUAL

Rising Stars Academy

Spring 2022

ADOPTION RESOLUTION

RESOLVED that the policies printed and codified in the comprehensive document entitled "Board Policies of the Rising Stars Academy Board of Directors" are hereby adopted and that all Board Policies previously adopted by the Rising Stars Academy Board of Directors are hereby rescinded; further be it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 Rising Stars Academy Board of Directors at a public meeting held at Centerline, Michigan on January 14, 2016.

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**Legend:**

LR = Legally Required (if applicable)

LC = Legal Content

BP = Best Practice

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

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

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Adoption Date: **01.16**

Classification:

Revised Dates: **11/10/16; 1/12/17; 8/10/17; 12/14/17; 8/2/18; 1/17/19; 7/18/19; 11/21/19; 6/18/20; 8/20/20; 10/15/20; 8/19/21; 12/16/2021; 04.22**

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## GLOSSARY OF EDUCATIONAL TERMS AND ACRONYMS

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

### ASSESSMENT

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

### ATTITUDE

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

### CONCEPT

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

### CONTENT

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

### COURSE OF STUDY

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

### CRITERION (CRITERIA)

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

### CURRICULUM

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

## DIAGNOSIS

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

## EDUCATIONAL SERVICE PROVIDER

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

## EMPLOYEE

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

## EVALUATION

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

## FACT

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

## GOAL

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

## IDEA

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

## IEP

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

## INSTRUCTION

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

## LEADERSHIP

A five-step process of working with people, using certain knowledge, skills, and attitudes, combined with risk-taking, 1.) to envision a desired or needed outcome; 2.) to communicate to



others so they participate willingly in the necessary tasks; 3.) to monitor progress toward the outcome; 4.) to reinforce and/or remediate actions; 5.) to evaluate the results.

## MANAGEMENT

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

## MEASUREMENT

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

## MISSION

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

## MODEL

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

## NORMS

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

## OBJECTIVE

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

## OUTCOME

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

## PARENT

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

## PILOT

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

## PLACEMENT

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

## PLAN

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

## PRINCIPLE

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

## PROGRAM

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

## PROMOTION

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

## RELIABILITY

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

## RETENTION

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

## SCHOOL LEADER

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

## SCOPE

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

## SECTION 504

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

## SEQUENCE

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

## SKILL

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

## STANDARDIZED TEST

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

## STANINE

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

## TEST

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

## UNDERSTANDING

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

## VALIDITY

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

## ACRONYMS

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

### **A**

ACA – Affordable Care Act

ACH – Automatic Clearing House

ACT – American College Testing

ADA – Americans with Disabilities Act of 1990

AED – Automatic External Defibrillator

AEP – Alternative Education Program

AFS – American Field Service, International/Intercultural Programs

AHERA - Asbestos Hazard Emergency Response Act

AIDS – Acquired Immunodeficiency Syndrome

ARO - Academy Records Officer

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

ASAP - Automated Standard Application for Payment

ATP - Academy Technology Plan

### **B**

### **C**

CD – Certificate of Deposit

CDL – Commercial Driver's License

CEPI – Center for Educational Performance and Information

CFDA - Catalog of Federal Domestic Assistance

C.F.R – Code of Federal Regulations

CHRI – Criminal History Record Information

CIPA - Children's Internet Protection Act

COs – Compliance Officers

COOP - Continuity of Organizational Operations Plan

COPPA - Children's Online Privacy Protection Act

COR – Custodian of Records

CPA – Certified Public Accountant

CPR – Cardiopulmonary Resuscitation

CTE – Career and Technical Education

## **D**

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

DOE –Department of Education (Federal)

## **E**

ECD – Electronic Communication Device

EDP – Education Development Plan

EFTs - Electronic Funds Transfers

EEOC – Equal Employment Opportunity Commission

EIP – Emergency Intervention Plan

EL – English Learners

EMS – Emergency Medical Services

EPA – Environmental Protection Agency

ESEA – Elementary and Secondary Education Act

ESI – Emergency Safety Intervention

ESI - Electronically Stored Information

ESP – Educational Service Provider

ESSA – Every Student Succeeds Act (previously NCLB)

ETO – Electronic Transfer Officer

## **F**

FAIN - Federal Award Identification Number

FAPE – Free and Appropriate Public Education



FBA – Functional Behavioral Assessment

FERPA – Federal Educational Rights and Privacy Act

FICA – Federal Insurance Contributions Act

FLSA - Fair Labor Standards Act

FMLA – Family and Medical Leave Act

FOIA – Freedom of Information Act

FR – Federal Register

FSA – Flexible Spending Accounts (Health Care)

FTE – Full Time Equivalent (Student Attendance)

FVPSA – Family Violence Prevention and Services Act

## **G**

GAA – General Appropriations Act

GAAB – Generally Accepted Accounting Bulletin

GAAP – Generally Accepted Accounting Principles

GAN - Grant Award Notification

GASB - Governmental Accounting Standards Board

GED – General Education Diploma

GINA – Genetic Information Nondiscrimination Act of 2008

GPA – Grade Point Average

## **H**

HACCP – Hazard Analysis Critical Control Point

HAV – Hepatitis A

HBV – Hepatitis B

HCV – Hepatitis C

HHS – United States Department of Health and Human Services

HIPAA – Health Insurance Portability and Accountability Act of 1996

HITECH – Health Information Technology for Economic and Clinical Health Act

HIV – Human Immunodeficiency Virus

HMO – Health Maintenance Organization

HTML – Hyper Text Mark Up Language

HVAC – Heating Ventilating Air Conditioning

**I**

ICHAT – Internet Criminal History Access Tool

IDEA – Individuals with Disabilities Education Act

IEP – Individualized Education Plan

IEPC – Individual Educational Planning Committee

IEPT – Individualized Education Planning Team

IEQ – Indoor Environmental Quality

IHO – Impartial Hearing Officer

IIS – Indentix Identification Services

IPM – Integrated Pest Management

IRS – Internal Revenue Service

ISD – Intermediate School District

**J**

**K**

**L**

LASO - Local Agency Security Officer

LEA – Local Education Agency

LEIN – Law Enforcement Information Network

LEP – Limited English Proficient

LRE – Least Restrictive Environment

**M**

M.C.L – Michigan Compiled Laws

MDCH – Michigan Department of Community Health

MDCIS – Michigan Department of Consumer and Industry Services

MDE – Michigan Department of Education

MDHHS – Michigan Department of Health and Human Services

MEIS – Michigan Educational Information System

MHSAA – Michigan High School Athletic Association

MIOSHA – Michigan Occupational Safety and Health Administration

MMC – Michigan Merit Curriculum

MME – Michigan Merit Examination

MOSHA – Michigan Occupational Safety Health Act

MPG – Michigan Promise Grant

MPSERS – Michigan Public School Employment Retirement System

MRO – Medical Review Officer

MSDS – Material Safety Data Sheets

MSP – Michigan State Police

MSTEP – Michigan Student Test of Educational Progress

## **N**

NAEP – National Assessment of Educational Progress

NASD - National Association of Securities Dealers

NASSP – National Association of Secondary School Principals

NSF - National Science Foundation

NSLP - National School Lunch Program

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

## **O**

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

OCTP – Office of Career and Technical Preparation

OHD - Occupational Health Division

OSHA – Office of Safety and Health Administration

OTC – Over the Counter

OTIS - Offender Tracking Information System

**P**

PAN - Payee Account Number

PBIS - Positive Behavioral Interventions and Supports

PBS – Positive Behavior Support

PBSP – Positive Behavior Support Plan

PCD – Personal Communication Device

PII – Personally Identifiable Information

PMS - Payment Management System

PPE – Personal Protection Equipment

PSA – Public School Academy

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

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

**Q**

**R**

RFP – Request for Proposal

RHO – Records Hearing Officer

**S**

SAP – Substance Abuse Professional

SAT – Scholastic Aptitude Test

SBP – School Breakfast Program

SEA – State Education Agency

SEAB – Sex Education Advisory Board

SEVP – Student Exchange Visitor Program

SOPPA Student Online Personal Protection Act

SOR - Sex Offenders Registry

SRO – School Resource Officer

STD – Sexually Transmitted Disease

**I**

TAF – Trust and Agency Fund

TDP – Deferred Payment (TDP) Plan (MPSERS)

THP – Toxic Hazard Preparedness

**U**

USAS – Uniform School Accounting System

U.S.C – United States Code

USDA – United States Department of Agriculture

USERRA – Uniformed Services Employment and Reemployment Rights Act of 1994

USIA – United States Information Agency

**V**

VAWA – Violence Against Women Act

**W**

WCAG - Web Content Accessibility Guidelines

**X**

**Y**

**Z**



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

<b>0100</b>	<b>Definitions</b>	<b>LR</b>
0110	<b>Official Description</b>	
0111	Name	BP <sup>1</sup>
0112	Purpose	BP
0115	Address	BP
0120	<b>Powers and Philosophy</b>	
0121	Authority	BP
0122	Board Powers	LC
0130	<b>Functions</b>	
0131.1	Charter Contract Bylaws and Board Operating Policies	BP
0140	<b>Membership</b>	BP
0141	Number	BP
0141.1	Student-Body Representatives	BP
0142	Appointment	BP
0142.1	Term	BP
0142.2	Oath	BP
0142.3	Vacancies	BP
0142.31	Filling a Board Vacancy	BP
0142.4	Orientation	BP
0143	Authority	BP
<b>0143.1</b>	<b>Public Expression of Board Members</b>	<b>LR</b>
0144	Operations	BP
<b>0144.11</b>	<b>Reimbursement of Expenses</b>	<b>LR</b>
0144.2	Board Member Ethics	BP
0144.3	Conflict of Interest	LC
0145	Discriminatory Harassment	LC
0150	<b>Organization</b>	
0151	Annual Organizational Meeting	<b>LR</b>
0152	Officers	BP
0154	Annual Organizational Meeting Agenda (Motions)	BP
0155	Committees	BP
0160	<b>Meetings</b>	
0161	Parliamentary Authority	BP
0162	Quorum	LC
0163	Presiding Officer	BP
0164	Call	BP
0164.1	Regular Meetings	LC
0164.2	Special Meetings	LC
0164.3	Emergency Meetings	LC

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

0165.6	Cancellation	LC
0166	Agenda	LC
0167	Conduct	
<b>0167.2</b>	<b>Closed Session</b>	<b>LR</b>
<b>0167.3</b>	<b>Public Participation at Board Meetings</b>	<b>LR</b>
0167.5	Use of Electronic Mail	BP
0167.6	Use of Social Media	BP
0168	Minutes	BP
<b>0168.01</b>	<b>Open Meetings</b>	<b>LR</b>
0170	<b>Duties</b>	
0171	Officers	
0171.1	President	LC
0171.2	Vice-President	LC
0171.3	Secretary	LC
0171.4	Treasurer	LC
0175	Association Memberships	BP
0175.1	Board Conferences, Conventions, and Workshops	BP

Adopted 1/14/16

Revised 11/10/16; 1/12/17; 8/10/17; 8/2/18; 1/17/19; 7/18/19; 12/16/21

## DEFINITIONS

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

### Academy

The Public School Academy

### Administrative Guideline

A policy-based statement, usually written, outlining and/or describing the means by which a policy should be implemented and providing for the management cycle of planning, acting, and assessing or evaluating.

### 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 Michigan Revised School Code (RSC) designates the authorizer or authorizing body.

### Board

The Board. (See Charter Contract Bylaws)

### Board Operating Policy

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

### Charter Contract

The executive act taken by an authorizer or authorizing body, establishing a public school academy. Subject to the constitutional powers of the State Board of Education (BOE) 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 (PSA).

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.

Global Educational Management Organization

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

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. 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.

### Policy

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

### Personal Communication Devices

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

### Policy

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

### President

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

### Relative

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

### School

The Academy or individual building of the Academy.

### School Leader

The administrator employed by the Board (or Educational Service Provider) and responsible for the daily operations of the PSA and the implementation of the policies of the Board. The school leader may delegate appropriate duties assigned by the Board (or Educational Service



Provider). The School Leader must hold an appropriate school administrator certificate or permit.

### Secretary

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

### Shall

This word appears when an action by the Board or its designee is required; the words *will* and *must* also signifies a required action.

### Social Media

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

### Student

A person officially enrolled in the Academy.

### Support Employee

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

### Technology Resources

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

### Treasurer

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

### Vice-President

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

Voting

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

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

Adopted 1/14/16

Revised 11/10/16; 8/2/18; 1/17/19; 7/18/19; 12/16/21

## **OFFICIAL DESCRIPTION**

### **0111 Name**

The Board of this school shall be known officially as the Board.

### **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 23855 Lawrence, Centerline, Michigan, 48015 and the official name of the Academy shall be Rising Stars Academy.

Adopted 1/14/16

## POWERS AND PHILOSOPHY

Reference: MCL 380.503, 380.504a, 380.1225, 423.217

### 0122 Board Powers

The Academy shall operate as a public school academy, pursuant to the provisions of the Charter Contract and applicable laws. The Board 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, 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 ESP 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 in accordance with its Charter Contract and applicable law.

The Academy is a corporate body governed by a Board. 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 ESP, regarding the following subjects:

1. The policyholder of an employee group insurance benefit (if the Board employs staff.)

2. The starting day for the school year and the amount of student contact time to receive full State school aid.
3. Use of volunteers.

Adopted 1/14/16  
Revised 1/17/19

## **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.

Adopted 1/17/19

## 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 Board Policies Manual;
- C. the current budget statement, audit report, and related fiscal materials;
- D. the student handbook;
- E. the Open Meetings Act;
- F. materials concerning the conduct of meetings (standard agenda, recording minutes, handling of a motion); and



- G. other materials, as deemed appropriate by the Board.

Each new Board member shall be invited to meet with the Board President, School Leader (employed by the Board), and Business Manager (employed by the Board) 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**

Reference: MCL 15.261 et seq.

Individual members of the Board do not possess the powers that reside in the Board. The Board speaks through approval of actions reflected in its minutes, not through 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 her/his 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**

0144.11 **Reimbursement of Expenses**

Reference: MCL 380.1254; MCL 388.1764b

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 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:

- A. Mileage for Board-related activities and meetings, not to exceed the then-current rate established by the Internal Revenue Service;
- B. Expenses of attending a Board-approved conference, including fees, parking, mileage, meals and housing;
- C. Expenses related to purchase of printed or other materials relating to Board membership; and
- D. 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:

- A. Expenses of attending a community or Academy-related event, if the individual attends as a private citizen;
- B. Entertainment expenses; and
- C. 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 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 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 the Board position 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**

Reference: MCL 15.32; 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 public 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 her/his 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.

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.

#### 0145 **Discriminatory Harassment**

Reference: MCL 37.1101 et seq., 37.2101 et seq.

The intent of the Board 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 1/14/16  
Revised 1/12/17; 8/2/18; 1/17/19

## **ORGANIZATION**

### **0151 Annual Organizational Meeting**

Each year the Board shall conduct an organizational meeting to elect officers. (See Provision of the Charter Contract Bylaws.)

### **0152 Officers**

(See Provision of the Charter Contract Bylaws.)

### **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
- 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
- M. Appointment of Electronic Transfer Officer (ETO), in accordance with Policy 6144

Adopted 1/14/16

## **MEETINGS**

### **0161 Parliamentary Authority**

The parliamentary authority governing the Board 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, or the rules of order of this Board.

### **0162 Quorum**

3 (3) members present at a meeting shall constitute a quorum, and no business shall be conducted in the absence of a quorum.

### **0163 Presiding Officer**

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

### **0164 Call**

#### **0164.1 Regular Meetings**

The Board shall hold a meeting at least once each month on a date and at a time and place 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 these 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**

#### **0165.6 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 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 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 ten (10) days prior to the meeting and include:

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

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

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

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 twenty-four (24) 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 at any meeting by a majority vote of the members present.

## **0167 Conduct**

### **0167.1 Voting**

Reference: MCLA 380.1201

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.

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 shall be conducted by 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 by means of a roll call vote meet in a closed session, one closed to the public, for the following purposes:

- A. to consider the dismissal, suspension, or disciplining of, or to hear complaints or charges brought against, or to consider a periodic evaluation of a public officer, the Educational Service Provider, staff member, or individual agent, if the named person requests a closed hearing (a majority vote is required)
- B. to consider the dismissal, suspension, or disciplining of a student only if the student or student's parents/guardians 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, but only if an open meeting would have a detrimental financial effect on the litigating or settlement position of the public body (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**

Reference: MCL 15.267, 15.268  
MCL 15.263(4)(5)(6), 380.1808

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

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

The Board 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. Each statement made by a participant shall be limited to three (3) minutes duration.
- F. During the portion of the meeting designated for public participation, no participant may speak more than once on the same topic.

The presiding officer may 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).

The Board may permit individuals to attend meetings remotely through live broadcast; however, public participation will be limited to those who are in attendance at the meeting site only. The Board is not responsible for any technology failures that prevent or disrupt any individual from attending remotely.

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

1. No obstructions are created between the Board and the audience.
2. No interviews are conducted in the meeting room while the Board is in session.
3. 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.

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

#### **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 the Educational Service Provider which do not involve deliberating or rendering a decision on matters pending before the Board;
- B. possible agenda items between the Educational Service Provider and the Board President;
- C. times, dates, and places of regular or special Board meetings; and
- D. meeting agenda or public record information concerning items on the agenda.

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 Meetings**

The Secretary, or a temporary secretary appointed by the presiding officer, shall designate a person to keep minutes of each meeting showing the date, time, place, members present, members absent, any decisions made at a meeting open to the public, and the purpose or purposes for which a closed session is called. These minutes must be approved by the Board and endorsed by the Secretary at the next meeting. The minutes shall include all roll-call votes taken at the meeting. Proposed minutes shall be available for public inspection not later than eight (8) business days after the meeting to which the minutes refer. Approved minutes shall be available for public inspection not later than five (5) business days after the meeting at which the minutes are approved. The minutes shall be available for inspection at the School Leader's office and shall be available for purchase at a fee estimated by the business office to cover the cost of printing and copying.

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

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

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

MCL 15.269, 380.1201

**0168.2 Closed Meeting**

The Board shall designate a person to keep separate minutes of each closed meeting of the Board. These minutes shall be retained by the Secretary of the Board, but shall not be available to the public. These minutes may be destroyed one (1) year and one (1) day after approval of the minutes of the regular meeting at which the closed session was approved.

MCL 15.267, 15.269, 15.270-71, 15.273

**0168.3 Committee Meetings**

Any Board committee, whether standing or appointed ad hoc, which exercises governmental or proprietary authority must comply with the Open Meetings provisions in 0168.1 and 0168.2, and Public Participation

provisions in 0167.3. Committees that are empowered to take action, make recommendations or otherwise deliberate in place of the Board are subject to this requirement.

Adopted 1/14/16

Revised 8/10/17; 1/17/19; 7/18/19; 12/16/21

## 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.)

### 0175 **Association Memberships**

The Board 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/School Leader 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 recognizes the value of membership and attendance at conferences and meetings at the local, county, state, and national levels. Attendance at local, county, and state 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 (includes up to twenty percent (20%) gratuity and official conference banquets)
- G. Phone calls for Academy business and reasonable calls home.

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

Adopted 1/14/16



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Adoption Date: **01.16**

Classification:

Revised Dates: **11/10/16; 1/12/17; 12/14/17; 8/2/18; 1/17/19; 7/18/19; 11/21/19; 08/19/2021; 04.22**

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## CONFLICT OF INTEREST

Reference: 2 CFR 200.318

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

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

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

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

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

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

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

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

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

Adopted 1/12/17

## ACADEMY ADMINISTRATOR AND SCHOOL LEADER EVALUATION

Reference: MCL 380.1249(3)

The Board of Directors is responsible for the employment and discharge of all personnel. To carry out this responsibility, it shall establish and implement a rigorous, transparent, and fair performance evaluation system that does all of the following:

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

The School Leader shall perform the academy administrator's evaluations. The Board shall perform the School Leader's evaluation. A School Leader 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 School Leader or academy administrators with relevant data on student growth.
- C. Evaluates a School Leader 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 School Leader or academy administrators, so that they are given ample opportunities for improvement;
  - 2. Promotion, retention, and development of the School Leader or academy administrators, including providing relevant coaching, instruction support, or professional development.
  - 3. Removing ineffective School Leaders 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 School Leader 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 Board 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 Board 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 School Leaders 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 Board 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 Board 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 Board 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 Board 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 Board 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 Board, 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 Board 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 School Leader or academy administrator is rated as minimally effective or ineffective, the person(s) conducting the evaluation shall develop and require the School Leader 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 School Leader or academy administrator on his/her next annual year-end evaluation. A School Leader 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 School Leader 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 1/14/16  
Revised 11/10/16; 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").<sup>1</sup> Where the Academy will contract with a Private Contractor for the services of an individual, the Academy will notify the Private Contractor(s), after review of the MSP report, whether the individual has been approved to work within the Academy. The Academy may not give any details, including the fact that a criminal history check was run. Notice for approval to work in the Academy should use the Affidavit of Assignment or similar "red light/green light" procedure.

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

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

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

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

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

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

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

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

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

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

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

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

### Confidentiality

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



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

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

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

Adopted 12/14/17  
Revised 8/2/18

## **NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY**

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

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

### Definitions:

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

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).

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

Academy Compliance Officers

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

Male Compliance Officer  
23855 Lawrence  
Centerline, MI 48015  
(586) 806-6455

Female Compliance Officer  
23855 Lawrence  
Centerline, MI 48015  
(586) 806-6455

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 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 Title VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973 (as amended), and the Age Discrimination in Employment Act of 1975 is provided to staff members and the general public. A copy of each of the Acts and regulations on which this notice is available upon request from the CO.

Reports and Complaints of Unlawful Discrimination and Retaliation

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

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

The COs will be available during regular school/work hours to discuss concerns related to unlawful discrimination/retaliation. COs shall accept reports of unlawful discrimination/retaliation directly from any member of the Academy community or a Third Party, or received reports that are initially filed with another Board and 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) business days of learning of the incident/conduct.

Any Board and Educational Service Provider employee who directly observes unlawful discrimination/retaliation is obligated, in accordance with this policy, to report such

observations to one of the COs within two (2) business days. Additionally, any Board and 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 Board and Educational Service Provider employees and/or local law enforcement officials, as necessary, to stop the misconduct. Thereafter, the CO or designee must contact the Complainant within two (2) business days to advise of the Board's intent to investigate the wrongdoing.

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

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

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

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

#### Informal Complaint Procedure

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

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

All complaints involving an 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 building administrator; (2) directly to one of the COs; and/or (3) to the Educational Service Provider or other Academy official.

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

The 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 wishes of the Complainant informal resolution may involve, but not be limited to, one or more of the following:

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

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

#### Formal Complaint Procedure

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

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

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

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

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

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

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

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

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

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

At the conclusion of the investigation, the CO/ designee shall prepare and deliver a written report to the 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 harassment/retaliation of the Complainant. The CO's recommendations must be based upon the totality of the circumstances. In determining if discrimination or retaliation occurred, a preponderance of evidence standard will be used. The CO may consult with the Board's legal counsel before finalizing the report to the Educational Service Provider.

Absent extenuating circumstances, within five (5) business days of receiving the report of the CO or the 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) business days. At the conclusion of the additional investigation, the Educational Service Provider must 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.

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

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

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

The 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. 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. In those cases where unlawful discrimination/retaliation is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of the relevant collective bargaining agreement(s).

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

### Retaliation

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

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

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

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

### Education and Training

In support of this policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The 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.

### 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 the Complainant and/or Respondent, including no contact orders issued to both parties, the dates the no contact orders were issued, and the dates the parties acknowledged receipt of the no contact orders;
- K. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects;
- L. copies of the Board policy and/or procedures/guidelines used by the 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 Codes of Conduct and/or Employee Handbooks);

- M. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment;
- N. documentation of any training provided to 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.

Adopted 1/14/16  
Revised 1/17/19; 8/19/21

## **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 Educational Service Provider 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 7/18/19

## **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 School Leader 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.

Adopted 12/14/17

## USE OF TOBACCO BY ADMINISTRATORS

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

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

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

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

- A. academy grounds,
- B. any academy-related event, and
- C. on or off Board premises.

For purposes of this policy:

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

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

The Board shall require the posting of signs as required.

Advertising/Promotion

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

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

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

Adopted 11/21/19

## **STAFF DRESS AND GROOMING**

The Board of Directors believes that administrators set an example in dress and grooming for their students to follow. An administrator who understands this precept and adheres to it enlarges the importance of his/her task, presents an image of dignity, and encourages respect for authority. These factors act in a positive manner toward the maintenance of discipline.

The Board retains the authority to specify the following dress and grooming guidelines for staff that will prevent such matters from having an adverse impact on the educational process. When assigned to Academy duty, all staff members shall:

- A. be physically clean, neat, and well-groomed;
- B. dress in a manner consistent with their professional responsibilities;
- C. dress in a manner that communicates to students a pride in personal appearance;
- D. dress in a manner that does not cause damage to Academy property;
- E. be groomed in such a way that their hairstyle or dress does not disrupt the educational process nor cause a health or safety hazard.

The Board recognizes employees' right to dress in accordance with their gender identity, within the constraints of the preceding dress and grooming guidelines.

© **National Charter Schools Institute**

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

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

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

It is the expectation of the Board that all Educational Service Provider personnel fully comply with all provisions of the 504/ADA Prohibition Against Disability Discrimination in Employment.

Adopted 1/14/16



## ANTI-HARASSMENT

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

### General Policy Statement

It is the policy of the Board of Directors to maintain an education and work environment that is free from all forms of unlawful harassment, including sexual harassment. This commitment applies to all 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, 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 or cause to be investigated all allegations of harassment and in those cases where unlawful harassment is substantiated, the Board will take or cause to be taken immediate steps to end the harassment, prevent its reoccurrence, and remedy its effects. Individuals who are found to have engaged in unlawful harassment will be subject to appropriate disciplinary action either from the Board or by recommendation of the Board to the Educational Service Provider.

The Academy will offer counseling services to any person found to have been subjected to unlawful harassment, and, where appropriate, the person(s) who committed the unlawful harassment.

### Other Violations of the Anti-Harassment Policy

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

- A. Retaliating against a person who has made a report or filed a complaint alleging unlawful harassment, or who has participated as a witness in a harassment investigation.
- B. Filing a malicious or knowingly false report or complaint of unlawful

harassment.

- C. Disregarding, failing to investigate adequately, or delaying investigation of allegations of harassment, when responsibility for reporting and/or investigating unlawful harassment charges comprises part of one's supervisory duties.

### Definitions

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

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

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

### Sexual Harassment

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

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

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

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

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

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

- A. Unwelcome sexual propositions, invitations, solicitations, and flirtations.
- B. Unwanted physical and/or sexual contact.
- C. Threats or insinuations that a person's employment, wages, academic grade, promotion, classroom work or assignments, academic status, participation in athletics or extra-curricular programs, activities, or events, or other conditions of employment or education may be adversely affected by not submitting to sexual advances.
- D. Unwelcome verbal expressions, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, profanity, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls.
- E. Sexually suggestive objects, pictures, graffiti, videos, posters, audio recordings or literature, placed in the work or educational environment, that may reasonably embarrass or offend individuals.
- F. Unwelcome and inappropriate touching, patting, or pinching; obscene gestures.
- G. Asking about, or telling about, sexual fantasies, sexual preferences, or sexual activities;
- H. Speculations about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history;
- I. Giving unwelcome personal gifts such as lingerie that suggest the desire for a romantic relationship;
- J. Leering or staring at someone in a sexual way, such as staring at a person's breasts, buttocks, or groin;
- K. A pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliation to another.
- L. In the context of employees, consensual sexual relationships where such relationship leads to favoritism of a subordinate employee with whom the superior is sexually involved and where such favoritism adversely affects other employees or otherwise creates a hostile work environment.
- M. Inappropriate boundary invasions by an Academy employee or other adult

member of the Academy community into a student's personal space and personal life.

- N. Verbal, nonverbal or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature.

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

#### Race/Color Harassment

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

#### Religious (Creed) Harassment

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

#### National Origin/Ancestry Harassment

Prohibited national origin/ancestry harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's national origin or ancestry and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's national origin or ancestry, such as negative comments regarding customs, manner of speaking, language, surnames, or ethnic slurs.

#### Disability Harassment

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

impairments or defects/appearances, or the like. Such harassment may further occur where conduct is directed at or pertains to a person's genetic information.

Anti-Harassment Compliance Officers

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

Male Compliance Officer  
23855 Lawrence  
Centerline, MI 48015  
(586) 806-6455

Female Compliance Officer  
23855 Lawrence  
Centerline, MI 48015  
(586) 806-6455

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 Board and 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 Board and 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 Board and 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 Board and 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 Educational Service Provider believes that the reported misconduct may have created a hostile work environment and may have constituted unlawful discriminatory harassment based on a Protected Class, the Educational Service Provider will report the act of bullying, aggressive behavior and/or harassment to 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 Educational Service Provider 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 informed of the status of the 1662 investigation and provide Educational Service Provider with a copy of the resulting written report. Likewise, the Title IX Coordinator will provide the Educational Service Provider with the determination of responsibility that results from the Policy 2266 grievance process.

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

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

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

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

### Informal Complaint Procedure

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

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

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

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

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

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

- A. Advising the Complainant about how to communicate the unwelcome nature of the behavior to the Respondent.
- B. Distributing a copy of this policy as a reminder to the individuals in the school building or office where the Respondent works or attends.



- C. If both parties agree, the Compliance Officer may arrange and facilitate a meeting or mediation between the Complainant and the Respondent to work out a mutual resolution.

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

#### Formal Complaint Procedure

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

The Complainant may file a formal complaint, either orally or in writing, with a teacher, Principal, the Compliance Officer, Educational Service Provider, or other Academy official. Due to the sensitivity surrounding complaints of unlawful harassment and retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a formal complaint within thirty (30) days after the conduct occurs while the facts are known and potential witnesses are available. If a Complainant informs a teacher, 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/designee will initiate a formal investigation to determine whether the Complainant has been subjected to offensive conduct/harassment/retaliation. The Principal will not conduct an investigation unless directed to do so by the Compliance Officer.

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

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

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

At the conclusion of the investigation, the Compliance Officer/designee shall prepare and deliver a written report to the 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 five (5) business 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 five (5) business days. At the conclusion of the additional investigation, the Educational Service Provider must issue a final written decision as described above.

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

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

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

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 and Educational Service Provider's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under the terms of this policy and related administrative guidelines shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. Additionally, the Respondent must be provided the Complainant's identity.

During the course of a formal investigation, the Compliance Officer or designee will instruct all members of the 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 by the Board and Educational Service Provider 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. In those cases where unlawful harassment is not substantiated, the Board and Educational Service Provider 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 and Educational Service Provider becomes aware that a prior remedial action has been taken against a member of the Academy community, all subsequent sanctions imposed by the Board and/or Educational Service Provider shall be reasonably calculated to end such conduct, prevent its recurrence, and remedy its effects.

### Retaliation

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

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

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

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

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

State law requires any Academy teacher or Academy employee who knows or suspects that a child under the age of eighteen (18) or that a person with a disability receiving services as a student from the 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. This policy shall also apply to employees of an Educational Service Provider.

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 shall provide training for Academy students and staff where appropriate. All training, as well as all information provided regarding the Board's policy and harassment in general, will be age and content appropriate.

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.

Adopted 1/14/16  
Revised 1/17/19; 8/19/21

2000 **PROGRAM**

<b>2112</b>	<b>Parent and Family Engagement</b>	<b>LR</b>
<b>2260</b>	<b>Nondiscrimination and Access to Equal Educational Opportunity</b>	<b>LR</b>
<b>2260.01</b>	<b>Section 504/ADA Prohibition Against Discrimination Based on Disability</b>	<b>LR</b>
<b>2261.01</b>	<b>Parent and Family Member Participation in the Title I Program</b>	<b>LR</b>
<b>2261.03</b>	<b>Federal School Improvement Plan</b>	<b>LR</b>
<b>2266</b>	<b>Nondiscrimination On The Basis Of Sex In Education Programs Or Activities</b>	<b>LR</b>
<b>2410</b>	<b>Prohibition of Referral or Assistance</b>	<b>LR</b>
<b>2414</b>	<b>Reproductive Health and Family Planning</b>	<b>LR</b>
<b>2416</b>	<b>Student Privacy and Parental Access to Information (FERPA)</b>	<b>LR</b>
<b>2418</b>	<b>Sex Education</b>	<b>LR</b>
<b>2460.02</b>	<b>Least Restrictive Environment (LRE) Position Statement</b>	<b>LR</b>
<b>2461</b>	<b>Recording of Academy Meetings Involving Students and/or Parents</b>	<b>BP</b>
<b>2623</b>	<b>Student Assessment</b>	<b>LR</b>
<b>2628</b>	<b>State Aid Incentives</b>	<b>BP</b>
<b>2700</b>	<b>P.A. Annual Reports</b>	<b>LC</b>

Adopted 1/14/16

Revised 8/10/17; 12/14/17; 1/17/19; 11/21/19; 8/20/20; 8/19/21

## PARENT AND FAMILY ENGAGEMENT

Reference: Sec. 1112, 1116 ESEA  
MCL 380.1294

The Board recognizes and values parents/guardians 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/guardians and family. Such a partnership between the home and school and greater involvement of parents/guardians 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/guardian of each child in the Academy. The plan must encompass parent/guardian participation, through meetings and other forms of communication. The Parental and Family Engagement Plan shall reflect the Board's commitment to the following:

A. Relationships with Families

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



B. Effective Communication

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

C. Volunteer Opportunities

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

D. Learning at Home

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

E. Engaging Families in Decision Making and Advocacy

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

F. Collaborating with the Community

1. building constructive partnerships and connecting families with community-based programs and other community resources;<sup>1,2</sup> and
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.<sup>12</sup>

Implementation

The Educational Service Provider, will provide for a comprehensive plan to engage parents/guardians, 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/guardians and students through publication in the Student Handbook or other suitable means. The plan will provide for annual evaluation, with the involvement of parents/guardians and families, of the plan's content, effectiveness and identification of barriers to participation by parents/guardians 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/guardian 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.

Adopted 1/14/16  
Revised 1/17/19

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1 Indicates IDEA 2004 Section 650 & 644 parent involvement requirements

2 Indicates Title I Section 1116 parent **and family engagement**

## 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.

The Board also does not discriminate in its employment policies and practices as they relate to students, and does not tolerate harassment of any kind.

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

Male Compliance Officer  
23855 Lawrence  
Centerline, MI 48015  
(586) 806-6455

Female Compliance Officer  
23855 Lawrence  
Centerline, MI 48015  
(586) 806-6455

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 Board 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 Board and 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 Board and 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 Board and 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 Board and 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's parents/guardians if the Complainant is under the age eighteen (18), within two (2) days to advise of the Board's intent to investigate the alleged wrongdoing.

#### Investigation and Complaint Procedure

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

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

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

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

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

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

The 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.

Adopted 1/14/16  
Revised 1/17/19; 8/19/21

## **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 Officers

The Board designates the following individuals to serve as the Academy's 504 Compliance Officers/ADA Coordinators (hereinafter referred to as the "Compliance Officers").

Male Compliance Officer  
23855 Lawrence  
Centerline, MI 48015  
(586) 806-6455

Female Compliance Officer  
23855 Lawrence  
Centerline, MI 48015  
(586) 806-6455

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 Officers 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 Officers 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 ESP will provide for the prompt and equitable resolution of complaints alleging violations of Section 504/ADA. The ESP 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 Officers 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 ESP 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/guardians 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/guardians 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/guardians 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/guardians 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, 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/guardian. A student and/or parent/guardian 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/guardian 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/guardian 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 Officer (s) 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/guardian believes that s/he has been subjected to discrimination based upon his/her disability in violation of Section 504 or the ADA, the individual may file a complaint with the U.S. Department of Education's Office for Civil Rights ("OCR"). The OCR can be reached at:

U.S. Department of Education  
Office for Civil Rights  
Cleveland Office  
1350 Euclid Avenue, Suite 325  
Cleveland, Ohio 44115  
(216) 522-4970  
FAX: (216) 522-2573  
TDD: (216) 522-4944  
E-mail: [OCR.Cleveland@ed.gov](mailto:OCR.Cleveland@ed.gov)

### 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.

Adopted 1/14/16  
Revised 8/19/21

## 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 1/17/19



## **FEDERAL SCHOOL IMPROVEMENT PLAN**

Reference: 20 USC § 6316; 34 CFR § 200.41

If the Academy is identified as requiring school improvement, in accordance with requirements of the No Child Left Behind Act, it shall adopt policies and practices regarding the Academy's core academic subjects that are most likely to ensure that students will meet the State's proficient level of achievement on the State academic assessment not later than the 2013-2014 school year.

Adopted 1/14/16

## **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 Rising Stars 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 and/or Employee/Administrator Handbook(s) if committed by an 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 and/or Employee/Administrator Handbook(s) if committed by an Educational Service Provider 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), referral to Employee Assistance Program, 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:

Title IX Coordinator/Investigator  
23855 Lawrence  
Centerline, MI 48015  
(586) 806-6455

Title IX Coordinator/Decision-Maker  
23855 Lawrence  
Centerline, MI 48015  
(586) 806-6455

The Title IX Coordinator shall report directly to the Educational Service Provider. Questions about this policy should be directed to the Title IX Coordinator.

The 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, professional agreements with the Board of the following information:

The Board of Directors of the Rising Stars 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.

The Academy’s Title IX Coordinator(s) is/are:

Title IX Coordinator/Investigator  
23855 Lawrence  
Centerline, MI 48015  
(586) 806-6455

Title IX Coordinator/Decision-Maker  
23855 Lawrence  
Centerline, MI 48015  
(586) 806-6455

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

The Board has adopted a grievance process that provide for the prompt and equitable resolution of student and employee complaints alleging any action that is prohibited by Title IX and/or its implementing regulations. The grievance process is included in Policy

2266 – Nondiscrimination on the Basis of Sex in Education Programs or Activities, which is available at: <https://www.rising-stars-academy.org/> The grievance process specifically addresses how to report or file a complaint of sex discrimination, how to report or file a formal complaint of Sexual Harassment, and how the Academy will respond.

The 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.

### 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 Educational Service Provider, or another

Educational Service Provider employee who, in turn, will notify the Educational Service Provider of the report. The Educational Service Provider will then serve in place of the Title IX Coordinator for purposes of addressing that report of Sexual Harassment.

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

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

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

Because the Board is considered to have actual knowledge of Sexual Harassment or allegations of Sexual Harassment if any 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, an 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 an 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 academy 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, this policy, and/or Employee/Administrator Handbook that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

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

#### Dismissal of a Formal Complaint

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

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

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

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

- A. a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein;

- B. the Respondent is no longer enrolled in the Academy or employed by the Board; or
- C. specific circumstances prevent the Academy from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

If the Title IX Coordinator dismisses a Formal Complaint or allegations therein, the Title IX Coordinator must promptly send written notice of the dismissal and the reason(s) therefor 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.
- C. Board Policy 2461 – Recording of Academy Meetings Involving Students and/or Parents controls whether a person is allowed to audio record or video record 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) day 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 and/or Title IX Coordinator will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have at least ten (10) calendar days to submit a written response, which the investigator will consider prior to completion of the investigative report.

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

#### Determination of Responsibility

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

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

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

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

The written determination will include the following content:

- A. identification of the allegations potentially constituting Sexual Harassment pursuant to this policy;

- B. a description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, [and] methods used to gather other evidence;
- C. findings of fact supporting the determination;
- D. Conclusions regarding the application of the applicable code of conduct to the facts;
- E. a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the decision-maker(s) is recommending that the Academy impose on the Respondent(s), and whether remedies designed to restore or preserve equal access to the Academy's education program or activity should be provided by the Academy to the Complainant(s); and
- F. the procedures and permissible bases for the Complainant(s) and Respondent(s) to appeal.

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

A. Informal Discipline

- 1. changing of seating or location;
- 2. in-school discipline.

B. Formal Discipline

- 1. suspension of bus riding/transportation privileges;
- 2. removal from co-curricular and/or extra-curricular activity(ies), including athletics;
- 3. emergency removal;
- 4. suspension for up to ten (10) school days;
- 5. long-term suspension or expulsion;
- 6. any other sanction authorized by the Student Code of Conduct.

If the decision-maker(s) determines the student Respondent is responsible for violating this policy (i.e., engaging in Sexual Harassment), the decision-maker(s) will recommend appropriate remedies, including disciplinary sanctions/consequences. The Title IX Coordinator will notify the 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 pending an investigation;
- H. suspension without pay;
- I. termination, and any other sanction authorized by any applicable Employee/Administrator Handbook.

If the decision-maker(s) determines the employee Respondent is responsible for violating this policy (i.e., engaging in Sexual Harassment), the decision-maker(s) will recommend appropriate remedies, including disciplinary sanctions/consequences. The Title IX Coordinator will notify the 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 applicable due process procedures, whether statutory or contractual.

Discipline of an employee will be implemented in accordance with Federal and State law, Board policy.

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 Educational Service Provider 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 Educational Service Provider 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 Educational Service Provider 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).

The Complainant(s) may not challenge the ultimate disciplinary sanction/consequence that is imposed.

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

Nothing herein shall prevent the Educational Service Provider 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, decision-makers, 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 Educational Service Provider may delegate functions assigned to a specific Educational Service Provider 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 Educational Service Provider 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.

Adopted 8/20/20  
Revised 8/19/21

## **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, Policy 3139, or the current negotiated bargaining agreement, whichever is applicable, to investigate the allegation. If the allegation relates to an academy official, member of the Board, or employee of the Board to whom Policy 1439, Policy 3139 or a current negotiated bargaining agreement does not apply, the 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 or Policy 3139 may be utilized, as appropriate, if the Educational Service Provider determines that a violation of this policy occurred.

Adopted 12/14/17  
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 or assisting a student in obtaining an abortion.

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

The 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 12/14/17

Revised 11/21/19

## STUDENT PRIVACY AND PARENTAL ACCESS TO INFORMATION

Reference: Family Educational Rights and Privacy Act ("FERPA"), 20 USC §§ 1232g, 1232h; 34 CFR §§ 99.7, 99.31

The Board respects the privacy rights of parents/guardians and their children. Without prior written consent of the student, (if an adult or an emancipated minor) or his/her parents/guardians (if an un-emancipated minor), no student shall be required, as a part of the Academy program or the Academy's curriculum, to submit to or participate in any survey, analysis, or evaluation that reveals information concerning the following:

- A. political affiliations or beliefs of the student or his/her parents/guardians;
- B. mental or psychological problems of the student or his/her family;
- C. sexual behavior or attitudes;
- D. illegal, anti-social, self-incriminating, or demeaning behavior;
- E. critical appraisals of other individuals with whom respondents have close family relationships;
- F. legally recognized privileged and analogous relationships, such as those with lawyers, physicians, and ministers;
- G. religious practices, affiliations, or beliefs of the student or his/her parents/guardians; or
- H. income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such a program).

The Educational Service Provider, shall ensure that procedures are established whereby parents/guardians may inspect any materials used in conjunction with any such survey, analysis, or evaluation.

Upon request, parents/guardians shall have the right to inspect a survey or evaluation created by a third party before the survey/evaluation is administered or distributed by the Academy to the student. The parent/guardian shall have access to the survey/evaluation within a reasonable period of time after the request is received by the School Leader.

To ensure the right of parents/guardians, the Board directs the Educational Service Provider, to perform the following:

- A. Provide timely, written notification to parents/guardians about any surveys, analyses, or evaluations that may reveal any of the information identified in A-H above. Such notification shall inform parents/guardians about their right to inspect the survey, analysis, or evaluation prior to the initiation of the activity with students.
- B. Allow the parent/guardian the option of excluding their student from the activity.

- C. Report collected data in a summary that does not permit one to make a connection between the data and individual students or small groups of students.
- D. Treat information as identified in A-H above as confidential information in accordance with Policy 8350.

Upon written request, parents/guardians have the right to inspect any instructional material used as part of the educational curriculum of the student. Parents/guardians will have access to the instructional material within a reasonable period of time after the written request is received by the School Leader. The term instructional material means any learning materials provided to a student, regardless of its format, including printed and representational materials, audio-visual materials, and materials in electronic or digital formats (such as materials accessible through the Internet). The term does not include academic tests or assessments.

The Board will not allow the collection, disclosure, or use of personal information collected from students for the purpose of marketing or selling that information (or otherwise providing that information to others for that purpose).

The Educational Service Provider, shall provide notice directly to parents/guardians of students enrolled in the Academy of the substantive content of this policy, at least annually at the beginning of the school year and within a reasonable period of time after any substantive change in this policy. In addition, the Educational Service Provider, shall notify parents/guardians of students in the Academy, at least annually at the beginning of the school year, of the specific or approximate dates during the school year when the following activities are scheduled or expected to be scheduled:

- A. activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose); and
- B. activities involving the administration of any survey by a third party that contains one or more of the items described in A through H above.

For purposes of this policy, the term parent includes a legal guardian or other person standing in loco parentis (such as a grandparent or stepparent, with whom the child lives, or other person legally responsible for the welfare of the child).

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

Adopted 1/14/16

## SEX EDUCATION

References: M.C.L 380.1507. 380.1169. 388.1766

In accordance with Michigan statute, the Board of Directors authorizes instruction in sex education. Such instruction may include family planning, human sexuality, and the emotional, physical, psychological, hygienic, economic, and social aspects of family life. Instruction may also include the subjects of reproductive health and the recognition, prevention, and treatment of sexually transmitted disease.

The instruction described in this policy shall stress that abstinence from sex is a responsible and effective method of preventing unplanned or out-of-wedlock pregnancy and sexually transmitted disease and is a positive lifestyle for unmarried young people.

Such instruction shall be elective and not a requirement for graduation.

A student shall not be enrolled in a class in which the subjects of family planning or reproductive health are discussed unless the student's parent or guardian is notified in advance of the course and the content of the course, is given a prior opportunity to review the materials to be used in the course and is notified in advance of his or her right to have the student excused from the class. The Michigan Board of Education shall determine the form and content of the notice required in this policy.

Upon the written request of a student or the student's parent or legal guardian, the student shall be excused, without penalty or loss of academic credit, from attending a class described in this policy. If a parent or guardian submits a continuing written notice, the student will not be enrolled in a class described in this policy unless the parent or guardian submits a written authorization for that enrollment.

The Academy shall provide the instruction by teachers qualified to teach health education. The Board shall establish a sex education advisory board and shall determine terms of service for the sex education advisory board, the number of members to serve on the advisory board, and a membership selection process that reasonably reflects the Academy's population. The Board shall appoint two (2) co-chairs for the advisory board, at least one (1) of whom is a parent of a child attending an Academy. At least (one-half) 1/2 of the members of the sex education advisory board shall be parents who have a child attending an Academy, and a majority of these parent members shall be individuals who are not employed by an Academy. The sex education advisory board shall include students of the Academy, educators, local clergy, and community health professionals. Written or electronic notice of a sex education advisory board meeting shall be sent to each member at least two (2) weeks before the date of the meeting.

The sex education advisory board shall:

- A. Establish program goals and objectives for student knowledge and skills that are likely to reduce the rates of sex, pregnancy, and sexually transmitted diseases. Additional program goals and objectives may be established by the sex education advisory board that are not contrary to Michigan law.
- B. Review the materials and methods of instruction used and make recommendations to the Board for implementation. The advisory board shall take into consideration the Academy's needs, demographics, and trends,



including, but not limited to, teenage pregnancy rates, sexually transmitted disease rates, and incidents of student sexual violence and harassment.

- C. At least once every two (2) years, evaluate, measure, and report the attainment of program goals and objectives established by the advisory board. The Board shall make the resulting report available to parents in the Academy.

Before adopting any revisions in the materials or methods used in instruction under this policy, including, but not limited to, revisions to provide for the teaching of abstinence from sex as a method of preventing unplanned or out-of-wedlock pregnancy and sexually transmitted disease, 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. 380.1169.

Each person who provides instruction to K to 12 students in accordance with this policy shall receive training based on Academy approved standards and in accordance with training requirements of the Michigan Department of Education (MDE) and the Michigan Department of Health and Human Services (MDHHS).

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 legal guardian of the student involved is prohibited from referring a student for an abortion or assisting a student in obtaining an abortion.

For purposes of this policy, "family planning" means the use of a range of methods of fertility regulation to help individuals or couples avoid unplanned pregnancies; bring about wanted births; regulate the intervals between pregnancies; and plan the time at which births occur in relation to the age of parents. It may include the study of fetology. It may include marital and genetic information. Clinical abortion shall not be considered a method of family planning, nor shall abortion be taught as a method of reproductive health.

Adopted 11/21/19

## **LEAST RESTRICTIVE ENVIRONMENT POSITION STATEMENT**

Reference: IDEA, 20 USC 1400, et. seq.

It is the philosophy and position of the Board that the primary responsibility for the administration and delivery of special education programs and services should be within the Academy and at the Academy a student would regularly attend, whenever appropriate.

Further, the Board endorses a commitment to the provision of a continuum of special education programs and services to disabled students in cooperation with the Macomb Intermediate School District. Placement options shall follow a continuum of services model to ensure that each disabled person is provided a Free and Appropriate Public Education (FAPE) in the Least Restrictive Environment (LRE). To that end, every attempt will be made to first serve disabled students in the context of a regular education classroom. Other more restrictive environments such as: resource rooms, self-contained categorical classrooms, or settings outside of the Academy will be considered only after consideration has been given by the I.E.P. as to the feasibility of placement in the regular classroom.

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

Adopted 1/14/16

## **RECORDING OF ACADEMY MEETINGS INVOLVING STUDENTS AND/OR PARENTS**

### Recording of IEP Team and 504 Meetings

In order to facilitate parents' ability to fully participate in the IEP and/or 504 process, parents of students with disabilities are ordinarily permitted to audio record IEP Team meetings and 504 Team meetings in accordance with the following procedures:

- A. Parents wishing to audio record an IEP Team meeting or 504 Team meeting must utilize their own recording device and provide notice to the Academy prior to the date of the scheduled IEP Team or 504 Team meeting.
- B. If parent(s) elects to audio record an IEP Team meeting, the Academy will also record the meeting.

### Recording of Other Academy Meetings Involving Students and/or Parents (e.g., Parent-Teacher Conferences)

Parents are permitted to audio record meetings with the Academy provided they notify the Academy prior to the date of the scheduled meeting of their intent to record the meeting. If a parent provides the requisite notice and is permitted to audio record the meeting, s/he must use his/her own recording device and the Academy will similarly record the meeting.

Video recording any Academy meeting is strictly prohibited, with the exception of meetings open to the public under the Open Meetings Act.

Parents and students are expressly prohibited from using covert means to listen-in or make a recording (audio or video) of any meeting or activity at school. This includes placing recording devices, or other devices with one- or two-way audio communication technology (i.e., technology that allows a person off-site to listen to live conversations and sounds taking place in the location where the device is located), within a student's book bag, on the student's person or otherwise in an area capable of listening in or recording without express written consent of the Educational Service Provider. Any requests to place a recording device or other device with one- or two-way audio communication technology within a student's book bag or on a student's person shall be submitted, in writing, to the Educational Service Provider. The Academy representative shall notify the parent(s), in writing, whether such request is denied or granted within five (5) days.

If the Academy audio records any meeting, the resulting recording shall become a part of the student's educational record and will be maintained in accordance with State and Federal law.

Adopted 8/10/17

## 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;

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.

In addition to the testing programs, the Educational Service Provider shall develop Administrative Procedures whereby a portfolio is developed and maintained for each student.

Adopted 8/10/17

## 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 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.

Adopted 1/17/19



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**3000 STAFF**

All staff of the Rising Stars Academy are employees of Midwest Management Group, Inc., the employer of record, as per the contractual agreement between the Rising Stars Academy Board of Directors and Midwest Management Group, Inc. All employees, therefore, are subject to all personnel policies and regulations established by Midwest Management Group, Inc.

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

Adopted 1/14/16

## CONFLICT OF INTEREST

Reference: CFR 200.318

Staff members, whether employed by the Board or Educational Service Provider, shall perform their official duties in a manner free from conflict of interest.

A. To accomplish this, the Board has adopted procedures to assure that conflicts of interest do not occur. The following are not intended to be all inclusive or to substitute for good judgment on the part of all personnel:

1. No staff member shall engage in or have a financial interest, directly or indirectly, in any activity that conflicts or raises a reasonable question of conflict with his/her duties and responsibilities. When a staff member determines that the possibility of a personal interest conflict exists, s/he should disclose her/his interest to the Board or administration.
2. No staff member shall use his/her position to benefit either himself/herself or any other individual or agency apart from the total interest of the Academy.
3. If the pecuniary interest pertains to a proposed contract with the Academy, the following requirements must be met:

The staff member shall disclose the direct pecuniary interest in the contract to the Board, with such disclosure made a part of the official Board minutes. If his/her direct pecuniary interest amounts to \$250 or more, or five percent (5%) or more of the contract cost to the Academy, the staff member shall make the disclosure in one (1) of two (2) ways:

- a. In writing, to the Board president, at least seven (7) days prior to the meeting at which the vote on the contract will be taken. The disclosure shall be made public in the same manner as the Board's notices of its public meetings. (See Bylaw 0165.)
  - b. By announcement, at a meeting, at least seven (7) days prior to the meeting at which a vote on the contract is to be taken. The staff member must use this method of disclosure if his/her pecuniary interest amounts to \$5,000 or more.
4. Staff members shall not engage in business, private practice of their profession, the rendering of services, or the sale of goods of any type where advantage is taken of any professional relationship they may have with any student, client, or parents of such students or clients in the course of their employment.

Included, by way of illustration rather than limitation, are the following:

- a. the provision of any private lessons or services for a fee;

- b. the use, sale, or improper divulgence of any privileged information about a student or client gained in the course of the employment or through access to Academy records;
  - c. the referral of any student or client for lessons or services to any private business or professional practitioner, if there is any expectation of reciprocal referrals, sharing of fees, or other remuneration for such referrals;
  - d. the requirement of students or clients to purchase any private goods or services provided by a staff member or any business or professional practitioner with whom the staff member has a financial or other relationship, as a condition of receiving any grades, credits, promotions, approvals, or recommendations.
5. Staff members shall not make use of materials, equipment, or facilities of the Academy in private practice. Examples include using facilities before, during, or after regular business hours for service to private practice clients or checking out items from an instructional materials center for the purpose of private practice.
  6. Staff members may not participate in the selection, award, or administration of a contract supported by a Federal grant/award if the staff member has a real or apparent conflict of interest. Such a conflict of interest would arise when the staff member, any member of his/her immediate family, his/her partner, or an organization which employs or is about to employ the staff member, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.
  7. Staff members may not solicit or accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts, involved with Federal grant funds.
- B. Staff members must disclose any potential conflict of interest which may lead to a violation of this policy to the Board. Upon discovery of any potential conflict of interest, the Board will disclose, in writing, the potential conflict of interest to the appropriate Federal awarding agency or, if applicable, the pass-through entity.
- The Academy will also disclose, in a timely manner, all violations of Federal criminal law involving fraud, bribery or gratuity that affect a Federal award to the appropriate Federal awarding agency or, if applicable, the pass-through entity.
- C. Should exceptions to this policy be necessary to provide services to students or clients of the Academy, all such exceptions will be made known to the immediate supervisor and will be disclosed to the Educational Service Provider before entering into any private relationship.
- D. Staff members found to be in violation of this conflict of interest policy will be subject to disciplinary action up to and including termination, as permitted by applicable Board policy.

The Educational Service Provider shall prepare Administrative Procedures to ensure all staff members are fully aware of the requirements of this policy.

Adopted 1/14/16  
Revised 1/12/17

## **EMPLOYMENT OF TEACHERS AND ADMINISTRATORS**

Reference: MCL 37.2101 et seq., 333.17901, 380.1229, 1230, 1230b, 1231, 1233, 380.1233b, 1237, 380.623,

The Board of Directors recognizes it is vital to the successful operation of the Academy that the Educational Service Provider fill positions created by the Board with highly-qualified, competent personnel who meet all current state and federal certification, training, and education requirements.

The Educational Service Provider shall provide the Board with a list of the proposed staff that shows all current qualifications and licensing.

This section applies to teachers and administrators working at the Academy.

All staff are subject to a criminal history record check. See Policy 3121. and such employment shall not conflict with the Academy's Charter.

A person employed as a School Leader or administrator must confirm that he/she has met, or is in the process of fulfilling, the appropriate educational or certification requirements established by the Revised School Code, Michigan Department of Education and applicable law.

Prior to hiring an applicant, the Educational Service Provider shall obtain from the applicant a signed Consent to Obtain Records (Form 3120-F2 or 3120-F4, as applicable) and shall obtain any records from the applicant's current or immediately-previous employer, including the applicant's personnel file (particularly any records relating to unprofessional conduct in which the applicant may have engaged). Any such records are to be reviewed prior to a recommendation for employment and may be disclosed to those individuals directly involved in evaluating the applicant's qualifications.

Adopted 1/17/19  
Revised 12/16/21

## EMPLOYMENT OF SUBSTITUTES

Reference: MCL 380.1229A, 380.1230, 380.1230a, 380.1230g, 380.1233, 380.1233b, 380.1531  
MCL 380.1236, 380.1236a  
AC Rule 390.1105(1), 390.1141(2)

The Board of Directors recognizes the need to procure the services of substitutes to continue the operation of the Academy when regular personnel are absent. Substitutes shall be provided by the Board.

Substitute personnel are subject to a criminal history record check. See Policy 3121.

The Board shall employ substitutes, as required, to replace regular staff members temporarily absent and to fill new positions. Such assignment of substitutes may be terminated when their services are no longer required.

Substitute teachers must possess a valid Michigan professional certificate or a permit, if substitute teaching in a subject for which he/she is not certified, except under the following circumstances:

- A. In grades 9-12, the School Leader may employ non-certificated, unendorsed substitutes to teach a course in computer science, foreign language, mathematics, biology, chemistry, engineering, physics, robotics, or any other course approved by the State Board, providing the substitutes meet all of the conditions established by state and federal law and regulation and by the Board.
- B. The Board may also employ a substitute without a valid teaching certificate if the person has at least sixty (60) semester hours of college credit or an associate degree from a college or university or community college. The sixty (60) semester hours do not need to be from the same college, university or community college.
- C. The Board may hire an individual, who does not hold a valid teaching certificate, to serve in a counseling or speech pathologist role, provided he/she meets all the requirements established by state and federal law and regulations. Policy 3120 and Policy 3121 shall apply, with respect to that individual, in the same manner required for employing a person with a teaching certificate.
- D. The Educational Service Provider may employ noncertificated, substitutes to teach in an industrial technology education program or career and technical education program providing they meet all of the conditions established by law and by the Board.

The Board may enter into a contract with a person or entity (a partnership, nonprofit or Business Corporation, labor organization, limited liability company, or any other association, corporation, trust, or other legal entity) to furnish substitute teachers to the Academy, as necessary, to carry out the operations of the Academy. A contract entered into under this section shall include the following provisions:

- A. Assurance that the person or entity will furnish the Academy with qualified teachers, in accordance with the Academy Code and any implementing rules and regulations as specified above.
- B. Assurance that the person or entity will not furnish to the Academy any teacher who, if employed directly by the Academy, would be ineligible for employment by the district as a substitute teacher under the Academy Code.
- C. A description of the level of compensation and fringe benefits to be provided for the employees of the person or entity who are to be assigned to the district as substitute teachers.
- D. A description of the type and amounts of insurance coverage to be secured and maintained by the person or entity and the Academy.
- E. Assurance that the person or entity, before assigning an individual to serve as a substitute teacher in the Academy, will comply with, and provide to, the Board the criminal history record information obtained under section 1230 and with the results of the criminal records check under section 1230a of the Academy Code.

The Board that contracts with a person or entity to furnish substitute teachers under this section may purchase liability insurance to indemnify and protect the Academy and the person or entity against losses or liabilities incurred by the Academy and person or entity arising out of any claim for personal injury or property damage caused by the Academy, its officers, personnel, or agents. The Academy may pay premiums for the insurance out of its operating funds.

Adopted 1/17/19  
Revised 7/18/19



## CRIMINAL HISTORY RECORD CHECK

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

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

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

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

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

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

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

For substitute teachers or substitute bus drivers currently working in another school, public school academy or non-public school in the State, the Board may use a report received from the State Police by such school to confirm the individual has no criminal history. Absent such confirmation, a criminal history record check shall be performed.

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<sup>1</sup> Individuals who submit and receive such criminal history record checks on behalf of the Academy must be direct employees of the Academy 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 School Leader shall determine a schedule that assures that all such required checks are completed prior to July 1, 2008. Alternatively, substitute teachers within this category may authorize release to the Board of a valid criminal history check conducted by another school after January 1, 2006.

The School Leader may confirm with the Department of Education from results it maintains that the current regular substitute teacher does not have a criminal history.

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

An applicant must submit, at no expense to the Board, a set of fingerprints, prepared by an entity approved by the Michigan State Police, as part of his/her employment application or as required by State law for continued employment.

Any employee on staff must submit, at no expense to the Board, a set of fingerprints, prepared by an entity approved by the Michigan State Police, as part of his/her employment application or as required by State law for continued employment.

#### Confidentiality

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

Any notification received from the Michigan Department of Education or Michigan State Police regarding 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.

The School Leader shall develop Administrative Procedures to ensure full compliance with this policy.

Adopted 8/10/17

Revised 12/14/17; 8/2/18

## ANTI-DISCRIMINATION

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

The Academy shall not discriminate in its policies, practices, procedures, or activities on the basis of race, color, national origin, sex (including sexual orientation and transgender identity), disability/handicap, age, religion, marital/parental/ family status, military status, ancestry, or genetic information and shall comply with all applicable law with respect to equitable treatment of students, employees, and applicants for employment opportunities.

### Academy Compliance Officers

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

Male Compliance Officer  
23855 Lawrence  
Centerline, MI 48015  
(586) 806-6455

Female Compliance Officer  
23855 Lawrence  
Centerline, MI 48015  
(586) 806-6455

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

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

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 Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendment Act of 1972, and Section 504 of the Rehabilitation Act of 1973 (as amended), and the Age Discrimination in Employment Act of 1975 is provided to staff members, and the general public. Any sections of the Academy's collective bargaining agreements dealing with hiring, promotion, and tenure need to contain a statement of nondiscrimination similar to that in the Board's statement above. In addition, any gender-specific terms should be eliminated from such contracts. A copy of each of the Acts and regulations on which this notice is based may be found in the CO's office.

### Reports and Complaints of Unlawful Discrimination and Retaliation

Employees are encouraged to promptly report incidents of unlawful discrimination and/or retaliation to an administrator, supervisor, or other Academy Official so that the Board may

address the conduct. Any administrator, supervisor, or other Academy employee or official who receives such a complaint shall file it with the CO within two (2) school days.

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

The COs will be available during regular school/work hours to discuss concerns related to unlawful discrimination/retaliation. COs shall accept complaints of unlawful discrimination/retaliation directly from any member of the Academy community or a visitor to the Academy, or receive complaints that are initially filed with a school building administrator. Upon receipt of a complaint, either directly or through a school building administrator, a CO will begin either an informal or formal process (depending on the request of the person alleging the discrimination/retaliation or 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 any person who files a complaint. 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) business days of learning of the incident/conduct.

Any Board employee who directly observes unlawful discrimination/retaliation is obligated, in accordance with this policy, to report such observations to one of the COs within two (2) business days. Additionally, any Board 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 Board employees and/or local law enforcement officials, as necessary, to stop the misconduct. Thereafter, the CO or designee must contact the employee within two (2) business days to advise him/her of the Board's intent to investigate the alleged wrongdoing.

#### Investigation and Complaint Procedure (See Form 3122 F2)

Any employee who believes that s/he has 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 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 should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs. Once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within fifteen (15) business days of the complaint being received).

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

### Informal Complaint Procedure

The goal of the informal complaint procedure is to quickly stop inappropriate behavior and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for an employee who believes s/he has been unlawfully discriminated 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 parties (the alleged target of the discrimination/retaliation and individual(s) alleged to have engaged in the discrimination) agree to participate in it.

Employees who believe that they have been unlawfully discriminated/ retaliated against may proceed immediately to the formal complaint process and individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process.

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

As an initial course of action, if an individual feels that s/he is being unlawfully discriminated/retaliated against and s/he is able and feels safe doing so, the individual should tell or otherwise inform the person who engaged in the allegedly discriminatory/retaliatory conduct that it is inappropriate and must stop. The complaining individual should address the alleged misconduct as soon after it occurs as possible. The COs are available to support and counsel individuals when taking this initial step or to intervene on behalf of the individual if requested to do so. An individual who is uncomfortable or unwilling to inform the person who allegedly engaged in the unlawful misconduct of his/her concerns is not prohibited from otherwise filing an informal or a formal complaint. In addition, with regard to certain types of unlawful discrimination, such as sexual discrimination, the CO may advise against the use of the informal complaint process.

An individual who believes s/he has been unlawfully discriminated/retaliated against may make an informal complaint, either orally or in writing: (1) to a building administrator; (2) directly to one of the COs; and/or (3) to the Educational Service Provider or other Academy employee.

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 employees who believe they are being unlawfully discriminated/retaliated against with a range of options aimed at bringing about a prompt resolution of their concerns. Depending upon the nature of the complaint and the wishes of the individual claiming unlawful discrimination/retaliation, informal resolution may involve, but not be limited to, one or more of the following:

- A. Advising the individual about how to communicate his/her concern to the person who allegedly engaged in the discriminatory/retaliatory behavior.
- B. Distributing a copy of Policy 3122 – Non-Discrimination as a reminder to the individuals in the school building or office where the individual whose behavior is being questioned works.

- C. If both parties agree, the CO may arrange and facilitate a meeting between the individual claiming discrimination/retaliation and the individual accused of engaging in the misconduct 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 will exercise his/her authority to attempt to resolve all informal complaints within fifteen (15) business days of receiving the informal complaint. Parties who are dissatisfied with the results of the informal complaint process may proceed to file a formal complaint. And, as stated above, parties may request that the informal process be terminated at any time to move to the formal complaint process.

#### Formal Complaint Procedure

If a complaint is not resolved through the informal complaint process, if one of the parties requested that the informal complaint process be terminated to move to the formal complaint process, or if the individual elects to file a formal complaint initially, the formal complaint process shall be implemented.

An individual who believes s/he has been subjected to unlawful discrimination/retaliation (hereinafter referred to as the "Complainant"), may file a formal complaint, either orally or in writing, with a Principal, the CO, Educational Service Provider, or other Academy employee. Due to the sensitivity surrounding complaints of unlawful discrimination and retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs. If a Complainant informs a Principal, Educational Service Provider, or other Academy employee, either orally or in writing, about any complaint of discrimination or retaliation, that employee must report such information to the CO within two (2) business days.

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

All formal complaints must include the following information to the extent it is available: the identity of the individual believed to have engaged in, or be engaging in; the discriminatory/retaliatory conduct; a detailed description of the facts upon which the complaint is based; a list of potential witnesses; and the resolution sought by the Complainant.

If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the 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 person who allegedly engaged in the misconduct. In making such a determination, the CO should consult the Complainant to assess his/her agreement to the proposed action. If the Complainant is unwilling to consent to the proposed change, the CO may still take whatever actions s/he deem appropriate in consultation with the Educational Service Provider.

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

Simultaneously, the CO will inform the individual alleged to have engaged in the discriminatory or retaliatory conduct (hereinafter referred to as the "Respondent"), that a complaint has been received. The Respondent will be informed about the nature of the allegations and provided with a copy of any relevant policies and/or administrative guidelines, including Policy 3122 - Non-Discrimination. The Respondent must also be informed of the opportunity to submit a written response to the complaint within five (5) business days.

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

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

At the conclusion of the investigation, the CO or the designee shall prepare and deliver a written report to the Educational Service Provider that summarizes the evidence gathered during the investigation and provide 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 Complainant has been subjected to unlawful discrimination/retaliation. The CO's recommendations must be based upon the totality of the circumstances. In determining if discrimination or retaliation occurred, a preponderance of evidence standard will be used. The CO may consult with the Board's legal counsel before finalizing the report to the Educational Service Provider.

Absent extenuating circumstances, within five (5) business days of receiving the report of the CO or the designee, the Educational Service Provider must either issue a final 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) business days. At the conclusion of the additional investigation, the Educational Service Provider must issue a final written decision as described above.

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

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



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

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

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights or the filing of a court case. Use of this internal complaint procedure is not a prerequisite to the pursuit of other remedies.

#### 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. All Complainants proceeding through the formal investigation process will be advised that their identities may be disclosed to the Respondent(s).

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 s/he learns and/or provides during the course of the investigation.

#### Sanctions and Monitoring

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

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

#### Retaliation

Retaliation against a person who makes a report or files a complaint alleging unlawful discrimination/retaliation, or participates as a witness in an investigation is prohibited.

Specifically, the Board will not retaliate against, coerce, intimidate, threaten 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 charge, testified, assisted or participated in any manner in an investigation, proceeding, or hearing under those laws, 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.

### 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 or designee 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.

### Retention of Investigatory Records and Materials

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 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 interim measures offered and/or provided to complainants and/or the alleged perpetrators, 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 and/or Employee Handbooks or Codes of Conduct);
- 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.

Adopted 1/17/19

## **NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY**

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

The Academy shall not discriminate in its policies, practices, procedures, or activities on the basis of race, color, national origin, sex (including sexual orientation and gender identity), disability/handicap, age, religion, marital/parental/ family status, military status, ancestry, or genetic information and shall comply with all applicable law with respect to equitable treatment of students, employees, and applicants for employment opportunities.

### Definitions:

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

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).

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

Academy Compliance Officers

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

Male Compliance Officer  
23855 Lawrence  
Centerline, MI 48015  
(586) 806-6455

Female Compliance Officer  
23855 Lawrence  
Centerline, MI 48015  
(586) 806-6455

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 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 Title VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973 (as amended), and the Age Discrimination in Employment Act of 1975 is provided to staff members and the general public. A copy of each of the Acts and regulations on which this notice is available upon request from the CO.

Reports and Complaints of Unlawful Discrimination and Retaliation

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

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

The COs will be available during regular school/work hours to discuss concerns related to unlawful discrimination/retaliation. COs shall accept reports of unlawful discrimination/retaliation directly from any member of the Academy community or Third Party, or received reports that are initially filed with another Board and 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) business days of learning of the incident/conduct.

Any Board and Educational Service Provider employee who directly observes unlawful discrimination/retaliation is obligated, in accordance with this policy, to report such

observations to one of the COs within two (2) business days. Additionally, any Board and 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 Board and Educational Service Provider employees and/or local law enforcement officials, as necessary, to stop the misconduct. Thereafter, the CO or designee must contact the Complainant within two (2) business days to advise of the Board's intent to investigate the wrongdoing.

#### Investigation and Complaint Procedure (See Form 3122 F2)

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

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

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

#### Informal Complaint Procedure

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

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

All complaints involving an 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 building administrator; (2) directly to one of the COs; and/or (3) to the Educational Service Provider or other Academy official.

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

The 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 wishes of the Complainant informal resolution may involve, but not be limited to, one or more of the following:

- A. Advising the Complainant about how to communicate his/her concerns to the Respondent.
- B. Distributing a copy of Policy 3122—Non-Discrimination and Equal Employment Opportunity to the individuals in the school building or office where the Respondent works.
- C. If both parties agree, the CO may arrange and facilitate a meeting or mediation between the Complainant and the Respondent to work out a mutual resolution.

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

#### Formal Complaint Procedure

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

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

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

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

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

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

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

Simultaneously, the CO will inform the Respondent that a formal complaint has been received. The Respondent will be informed about the nature of the allegations and provided with a copy of any relevant policies and/or administrative guidelines, including Policy 3122 - Non-Discrimination and Equal Employment Opportunity. The Respondent must also be informed of the opportunity to submit a written response to the formal complaint within five (5) days.

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

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

At the conclusion of the investigation, the CO/ designee shall prepare and deliver a written report to the 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 harassment/retaliation of the Complainant. The CO's recommendations must be based upon the totality of the circumstances. In determining if discrimination or retaliation occurred, a preponderance of evidence standard will be used. The CO may consult with the Board's legal counsel before finalizing the report to the Educational Service Provider.



Absent extenuating circumstances, within five (5) business days of receiving the report of the CO or the 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) business days. At the conclusion of the additional investigation, the Educational Service Provider must 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.

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

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

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

The 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. 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. In those cases where unlawful discrimination/retaliation is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of the relevant collective bargaining agreement(s).

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

### Retaliation

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

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

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

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

### Education and Training

In support of this policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The 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.

### 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 the Complainant and/or Respondent, including no contact orders issued to both parties, the dates the no contact orders were issued, and the dates the parties acknowledged receipt of the no contact orders;
- K. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects;
- L. copies of the Board policy and/or procedures/guidelines used by the 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 Codes of Conduct and/or Employee Handbooks);

- M. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment;
- N. documentation of any training provided to 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.

Adopted 1/17/19  
Revised 8/19/21

## **ASSIGNMENT AND TRANSFER**

References: M.C.L. 380.1231, 1233, 1233b  
E.S.E.A./N.C.L.B. – 20 U.S.C. 6319

The Board of Directors believes that the appropriate placement of qualified and competent staff is essential to the successful functioning of the Academy.

The Educational Service Provider shall be responsible for the proper assignment and transfer of all staff members and shall attempt to effect the optimum assignment of the staff in conformance with any applicable contractual or legal requirements, State certification requirements, and Federal requirements. S/He shall establish an audit procedure to ensure that each instructional staff member's teaching certificate is currently in compliance with appropriate State certification criteria and has not been nullified or, if applicable, that the staff member is otherwise qualified to teach as allowed by law.

Adopted 1/17/19

## STAFF ETHICS

Reference: MCL 750.520b, 750.520c, 750.520d, 750.520e

An effective educational program requires the services of individuals with integrity, high ideals, and human understanding. To maintain and promote these essentials, the Board of Directors expects all staff members to maintain high standards, both in their working relationships and in the performance of their professional duties, by adhering to the following:

### A. Responsibility to the Profession

1. demonstrate responsibility for oneself as an ethical professional;
2. acknowledge, address and attempt to resolve ethical issues in an appropriate manner;
3. promote and advance the profession within and beyond the academy community;

### B. Responsibility to Professional Competence

1. demonstrate commitment to high standards of practice;
2. demonstrate responsible use of data, materials, research and assessment;
3. act in the best interest of all students;

### C. Responsibility to Students

1. respect the rights and dignity of students;
2. demonstrate an ethic of care for students;
3. maintain student trust and confidentiality in a developmentally appropriate manner and within appropriate limits;

### D. Responsibility to the Academy Community

1. promote effective and appropriate relationships with parents/guardians;
2. promote effective and appropriate relationships with colleagues;
3. promote effective and appropriate relationships with the community and other stakeholders;
4. promote effective and appropriate relationships with employers;
5. understand the problematic nature of dual or multiple relationships;

### E. Responsible and Ethical Use of Technology

1. use technology in a responsible manner;
2. ensure student safety and well-being when using technology;

3. maintain confidentiality in the use of technology;
  4. promote the appropriate use of technology in educational settings;
- F. recognize basic dignity of all individuals with whom they interact in the performance of duties;
  - G. represent their qualifications accurately;
  - H. exercise due care to protect the mental and physical safety of students, colleagues, and subordinates;
  - I. seek and apply the knowledge and skills appropriate to assigned responsibilities;
  - J. keep in confidence legally confidential information they may have or learn;
  - K. ensure their actions, or those of another on their behalf, are not made with specific intent of advancing private economic interests;
  - L. avoid accepting anything of value offered by another for the purpose of influencing judgment;
  - M. refrain from using position or public property, or permitting another person to use an employee's position or public property, for partisan political or religious purposes. This will not be implemented in a manner that limits constitutionally or legally protected rights as a citizen.

In keeping with the ethical responsibilities of the staff, the Board of Directors prohibits staff from engaging in a romantic or sexual relationship of any kind with students of this Academy, regardless of the student's age, unless the staff member and student are legally married to each other. Staff should not provide alcohol, drugs, cigarettes, or any other contraband to a student.

Adopted 11/21/19

## USE OF TOBACCO BY STAFF

Reference: MCL 333.12601 et seq.  
MCL 750.473

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

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

The Board prohibits the use of tobacco product by staff members in Academy buildings, on Academy property (owned or leased), on Academy buses, and at any Academy-related event at all times (twenty-four (24) hours a day, seven (7) days a week) within any enclosed facility owned or leased or contracted for by the Board, and in the areas directly or indirectly under the control of the Board immediately adjacent to locations of ingress or egress to such facilities. This prohibition extends to any Board-owned and/or operated vehicles used to transport students and to all other Board-owned and/or operated vehicles. Such prohibition also applies to

- A. academy grounds,
- B. any academy-related event, and
- C. on or off Board premises.

For purposes of this policy:

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

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



The Board shall require the posting of signs as required.

Advertising/Promotion

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

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

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

Adopted 11/21/19

## **STAFF DRESS AND GROOMING**

The Board of Directors believes that staff members set an example in dress and grooming for their students to follow. A staff member who understands this precept and adheres to it enlarges the importance of his/her task, presents an image of dignity, and encourages respect for authority. These factors act in a positive manner toward the maintenance of discipline.

The Board retains the authority to specify the following dress and grooming guidelines for staff that will prevent such matters from having an adverse impact on the educational process. When assigned to Academy duty, all staff members shall:

- A. be physically clean, neat, and well-groomed;
- B. dress in a manner consistent with their professional responsibilities;
- C. dress in a manner that communicates to students a pride in personal appearance;
- D. dress in a manner that does not cause damage to Academy property;
- E. be groomed in such a way that their hair style or dress does not disrupt the educational process nor cause a health or safety hazard.

The Board recognizes employees' right to dress in accordance with their gender identity, within the constraints of the preceding dress and grooming guidelines.

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

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## WEAPONS

The Board prohibits any Board Member or staff member, whether employed by the Board or Educational Service Provider, 33 from possessing, storing, making, or using a weapon, in any setting under the control and/or supervision of the Academy, for the purpose of Academy activities (approved and authorized by the Academy), including, but not limited to, the following:

- A. activities or events held on/in property leased, owned, or contracted by the Academy,
- B. activities or events sponsored by the Academy, and
- C. activities or events involving the use of an Academy vehicle.

The term *weapon* means any object capable of inflicting serious bodily harm or property damage, endangering the health and safety of persons. Such weapons include, but are not limited to, the following: firearms; guns of any type (including spring, air and gas-powered guns, loaded or unloaded) that will expel a BB, pellet, or paintballs; knives; razors; clubs; electric weapons; metallic knuckles; martial arts weapons; ammunition; and explosives or any other weapons described in 18 USC 921.

The Educational Service Provider shall report a staff member who violates this policy to law enforcement officials. The staff member will also be subject to disciplinary action up to, and including, termination.

Staff members shall immediately report knowledge of dangerous weapons and/or threats of violence by students, staff members, or visitors to the Educational Service Provider.

Failure to report such information may subject the staff member to disciplinary action up to, and including, termination.

Adopted 1/14/16

## TEACHER EVALUATION

Reference: MCL 380.1249 (as amended)

The Board of Directors is responsible for the employment and discharge of all personnel. To carry out this responsibility, it shall establish and implement 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 Board 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 Board 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) yearend evaluations;
  3. observations need not be for an entire class period;
  4. at least one (1) observation must be unscheduled;
  5. the school administrator responsible for the teacher's performance evaluation shall conduct at least one (1) of the observations;
  6. 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;

7. the Board 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 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 Board use its local evaluation tool(s) for teachers or modifications of an evaluation tool on the list, which is based in research and is reliable, valid and efficacious.
- 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 Board 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 Board 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 Board 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 Board shall also:
1. Provide training to teachers on the evaluation tool(s) used by the Board in its performance evaluation system and how each evaluation tool is used. This training may be provided by the Board 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 Board, 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

Board 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 11/10/16  
Revised 11/21/19

## ANTI-HARASSMENT

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

### General Policy Statement

It is the policy of the Board of Directors to maintain an education and work environment that is free from all forms of unlawful harassment, including sexual harassment. This commitment applies to all Academy operations, programs, and activities. All students, administrators, teachers, staff, and all other Academy 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, 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 or cause to be investigated all allegations of harassment and in those cases where unlawful harassment is substantiated, the Board will take or cause to be taken immediate steps to end the harassment, prevent its reoccurrence, and remedy its effects. Individuals who are found to have engaged in unlawful harassment will be subject to appropriate disciplinary action either from the Board or by recommendation of the Board to the Educational Service Provider.

### Other Violations of the Anti-Harassment Policy

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

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



allegations of harassment, when responsibility for reporting and/or investigating unlawful harassment charges comprises part of one's supervisory duties.

### Definitions

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

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

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

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

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

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

### Bullying

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

- A. teasing;
- B. threats;
- C. intimidation;
- D. stalking;
- E. cyberstalking

- F. cyberbullying;
- G. physical violence;
- H. theft;
- I. sexual, religious, or racial harassment;
- J. public humiliation; or
- K. destruction of property.

### Harassment

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

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

### Sexual Harassment

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

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

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

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

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

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

- A. Unwelcome sexual propositions, invitations, solicitations, and flirtations.
- B. Unwanted physical and/or sexual contact.
- C. Threats or insinuations that a person's employment, wages, academic grade, promotion, classroom work or assignments, academic status, participation in athletics or extra-curricular programs, activities, or events, or other conditions of employment or education may be adversely affected by not submitting to sexual advances.
- D. Unwelcome verbal expressions, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, profanity, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls.
- E. Sexually suggestive objects, pictures, graffiti, videos, posters, audio recordings or literature, placed in the work or educational environment, that may reasonably embarrass or offend individuals.
- F. Unwelcome and inappropriate touching, patting, or pinching; obscene gestures.
- G. Asking about, or telling about, sexual fantasies, sexual preferences, or sexual activities;
- H. Speculations about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history;
- I. Giving unwelcome personal gifts such as lingerie that suggest the desire for a romantic relationship;
- J. Leering or staring at someone in a sexual way, such as staring at a person's breasts, buttocks, or groin;
- K. A pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliation to another.
- L. In the context of employees, consensual sexual relationships where such relationship leads to favoritism of a subordinate employee with whom the superior is sexually involved and where such favoritism adversely affects other employees or otherwise creates a hostile work environment.
- M. Inappropriate boundary invasions by an Academy employee or other adult member of the Academy community into a student's personal space and personal life.
- N. Verbal, nonverbal or physical aggression, intimidation, or hostility based on

sex or sex-stereotyping that does not involve conduct of a sexual nature.

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

#### Race/Color Harassment

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

#### Religious (Creed) Harassment

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

#### National Origin Harassment

Prohibited national origin/ancestry harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's national origin or ancestry and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's national origin or ancestry, such as negative comments regarding customs, manner of speaking, language, surnames, or ethnic slurs.

#### Disability Harassment

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

Anti-Harassment Compliance Officers

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

Male Compliance Officer  
23855 Lawrence  
Centerline, MI 48015  
(586) 806-6455

Female Compliance Officer  
23855 Lawrence  
Centerline, MI 48015  
(586) 806-6455

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 Board and 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 Board and 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 Board and 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 Board and 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 Educational Service Provider believes that the reported misconduct may have created a hostile work environment and may have constituted unlawful discriminatory harassment based on a Protected Class, the Educational Service Provider will report the act of bullying, aggressive behavior and/or harassment to the Compliance Officer(s) who shall investigate the allegation in accordance with this policy. If the alleged harassment involves Sexual Harassment as defined by Policy 2266, the matter will be handled in accordance with the grievance process and procedures outlined in Policy 2266. While the Compliance Officer investigates the allegation, the Educational Service Provider 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 informed of the status of the 1662 investigation and provide with a copy of the resulting written report. Likewise, the Title IX Coordinator will provide the Educational Service Provider with the determination of responsibility that results from the Policy 2266 grievance process.

#### Investigation and Complaint Procedure (See Form 3362 F1)

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

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

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

### Informal Complaint Procedure

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

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

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

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

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

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

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

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

### Formal Complaint Procedure

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

The Complainant may file a formal complaint, either orally or in writing, with a teacher, Principal, the Compliance Officer, Educational Service Provider, or other Academy official. Due to the sensitivity surrounding complaints of unlawful harassment and retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a formal complaint within thirty (30) days after the conduct occurs while the facts are known and potential witnesses are available. If a Complainant informs a teacher, 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/designee will initiate a formal investigation to determine whether the Complainant has been subjected to offensive conduct/harassment/retaliation. The Principal will not conduct an investigation unless directed to do so by the Compliance Officer.



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

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

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

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

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

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

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

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

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 and Educational Service Provider's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under the terms of this policy and related administrative guidelines shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. Additionally, the Respondent must be provided the Complainant's identity.

During the course of a formal investigation, the Compliance Officer/ 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 shall be reasonably calculated to end such conduct, prevent its recurrence, and remedy its effects

#### Retaliation

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

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

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

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

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

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

State law requires any Academy teacher or Academy employee who knows or suspects that a child under the age of eighteen (18) or that a person with a disability receiving services as a student from the 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 Board 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 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.

Adopted 1/17/19  
Revised 8/19/21

## **THREATENING BEHAVIOR TOWARD STAFF MEMBERS**

The Board directs the School Leader to create a work environment free of threatening speech or actions.

*Threatening behavior* is defined as behavior consisting of any words or deeds that intimidates a staff member or reasonably causes concern for his/her physical and/or psychological well-being. Such behavior is strictly forbidden. Examples of such behavior include: threats to cause bodily harm; stalking; bullying; threats to damage real or personal property at the workplace; unusual behavior that a reasonable person would consider threatening. Any student, parent, visitor, staff member, or agent of this Board found to have threatened a member of the staff will be subject to discipline, exclusion, and/or reported to the authorities.

The School Leader shall implement Administrative Procedures to establish procedures for prompt, effective action on any reported incidents and for notification of students, parents, employees, and others regarding this policy.

Adopted 6/18/20

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Adoption Date: **01.16**

Classification:

Revised Dates: **1/12/17; 8/10/17; 12/14/17; 8/2/18; 1/17/19; 11/21/19;  
6/18/20; 8/20/20; 10/15/20; 08/19/2021; 04.22**

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## **ADMISSION OF STUDENTS**

Reference: MCL 380.502(3)(e)(iii); MCL 380.504

The Board will allow students who reside in Michigan, regardless of their citizenship or immigration status to enroll in the Academy in accordance with limits established by the Board. The Board shall meaningfully communicate material information about enrollment requirements and procedures with parents, including parents who have limited proficiency in English. Access to information regarding enrollment requirements and procedures shall be available on the Academy's web site. Because space is limited, each student must enroll each year. Preferences will be in writing and given to:

- A. pupils who were enrolled in the Academy in the immediately preceding school year;
- B. siblings of enrolled students;
- C. children of a person who is employed by or at the Academy or who is on the Board of Directors of the Academy.

When maximum enrollment for a grade has been reached, applicants shall be placed on a waiting list and admitted on the basis of a lottery system.

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

Adopted 1/14/16  
Revised 1/12/17; 8/2/18

## HOMELESS STUDENTS

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

### Definitions

Children who are identified as meeting the Federal definition of "homeless" will be provided a free appropriate public education (FAPE) in the same manner as all other students of the Academy. To that end, homeless students will not be stigmatized or segregated on the basis of their status as homeless. The Academy shall establish safeguards that protect homeless students from discrimination on the basis of their homelessness. The Academy shall regularly review and revise its policies, including school discipline policies that may impact homeless students, including those who may be a member of any of the Protected Classes (Policy 2260).

Homeless children and youth are defined as individuals who lack a fixed, regular, and adequate nighttime residence, and include children and youth who meet any of the following criteria:

- A. share the housing of other persons due to loss of housing, economic hardship, or similar reason
- B. live in motels, hotels, trailer parks, or camping grounds due to a lack of alternative adequate accommodations
- C. live in emergency or transitional shelters
- D. are abandoned in hospitals
- E. have a primary night time residence that is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings, or
- F. live in a car, park, public space, abandoned building, substandard housing<sup>1</sup>, bus or train station, or similar setting

Pursuant to the McKinney-Vento Act, an unaccompanied youth includes a homeless child or youth not in the physical custody of a parent or guardian.

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<sup>1</sup> According to nonregulatory guidance from the U.S. Department of Education (ED), standards for adequate housing may vary by locality. Please see ED guidance for factors to consider when determining whether a child or youth is living in "substandard housing." *Education for Homeless Children and Youth Programs, Non-Regulatory Guidance, U.S. Department of Education (ED), Title VII-B of the McKinney-Vento Homeless Assistance Act, as amended by the Every Student Succeeds Act*, at A-3 (July 27, 2016).

### Services to Homeless Children and Youth

The Academy will provide services to homeless students that are comparable to other students in the Academy, including:

- A. transportation services;
- B. public preschool programs and other educational programs and services for which the homeless student meets eligibility criteria including:
  - 1. programs for children with disabilities;
  - 2. programs for English Learners (ELs) (i.e., students with Limited English Proficiency (LEP));
  - 3. programs in career and technical education;
  - 4. programs for gifted and talented students;
  - 5. school nutrition programs; and
  - 6. before - and after-school programs.

The Board will appoint a Liaison for Homeless Children who will perform the duties as assigned by the Educational Service Provider. Additionally, the Liaison will coordinate and collaborate with the State Coordinator for the Education of Homeless Children and Youth as well as with community and school personnel responsible for the provision of education and related services to homeless children and youths. For more information on the role of the Liaison, refer to AG 5111.01.

### School Stability

Maintaining a stable school environment is crucial to a homeless student's success in school. To ensure stability, the Academy must make school placement determinations based on the "best interest" of the homeless child or youth based on student-centered factors. The Academy must:

- A. continue the student's education in the school of origin for the duration of homelessness when a family becomes homeless between academic years or during an academic year; and for the remainder of the academic year even if the child or youth becomes permanently housed during an academic year; or
- B. enroll the student in any public school that non-homeless students who live in the attendance area in which the child or youth is actually living are eligible to attend.

When determining a child or youth's best interest, the Academy must assume that keeping the homeless student in the school of origin is in that student's best interest, except when doing so is contrary to the request of the student's parent or guardian, or the student if he or she is an unaccompanied youth. The school of origin is the school the student attended or enrolled in when permanently housed, including a public preschool. The school of origin also

includes the designated receiving school at the next level for feeder school patterns, when the student completes the final grade level at the school of origin.

When determining the student's best interest, the Academy must also consider student-centered factors, including the impact of mobility on achievement, education, health, and safety of homeless students and give priority to the request of the student's parent or guardian, or youth (if an unaccompanied youth). The Academy also considers the school placement of siblings when making this determination.

If the Academy finds that it is not in the student's best interest to attend the school of origin or the school requested by the parent or guardian, or unaccompanied youth, the Academy must provide the individual with a written explanation and reason for the determination in a manner and form understandable to the parent, guardian or unaccompanied youth. This written explanation will include appeal rights and be provided in a timely manner.

### Immediate Enrollment

The Academy has an obligation to remove barriers to the enrollment and retention of homeless students. A school chosen on the basis of a best interest determination must immediately enroll the homeless student, even if the student does not have the documentation typically necessary for enrollment, such as immunization and other required health records, proof of residency, proof of guardianship, birth certificate or previous academic records. The homeless student must also be enrolled immediately regardless of whether the student missed application or enrollment deadlines during the period of homelessness or has outstanding fines or fees.

The enrolling school must immediately contact the school last attended by the homeless student to obtain relevant academic or other records. If the student needs immunization or other health records, the enrolling school must immediately refer the parent, guardian or unaccompanied youth to the local liaison, who will help obtain the immunizations, screenings or other required health records. Records usually maintained by the school must be kept so that they are available in a timely fashion if the child enters a new school or Academy. These records include immunization or other required health records, academic records, birth certificates, guardianship records, and evaluations for special services or programs. Procedures for inter-State records transfer between schools should be taken into account in order to facilitate immediate enrollment.

In addition, the Academy will also make sure that, once identified for services, the homeless student is attending classes and not facing barriers to accessing academic and extracurricular activities, including magnet school, summer school, career and technical education, advanced placement, online learning, and charter school programs (if available). Additionally, the Academy should consider giving homeless children and youth's priority if there is a waitlist for these schools, programs, and activities.

### Transportation

The Academy provides homeless students with transportation services that are comparable to those available to non-homeless students. The Academy also provides or arranges for transportation to and from the school of origin at the parent or guardian's request, or the liaison's request in the case of an unaccompanied youth. Transportation is arranged promptly to allow for immediate enrollment and will not create barriers to a homeless student's attendance, retention, and success. 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.

Revised 8/10/17; 12/14/17

## **EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN**

Reference: Interstate Compact on Educational Opportunity for Military Children  
MCL 3.1041

Children of an active duty member of the United States armed services shall be entitled to all of the rights and protections afforded under the Interstate Compact on Educational Opportunity for Military Children (Compact).

The intent of this policy is to minimize the potential challenges to educational success for children of military families because of frequent moves and deployment of their parents by:

- A. facilitating the timely enrollment and placement of children of military families in educational and other school programs and activities;
- B. facilitating the on-time graduation of children of military families; and
- C. providing for the uniform collection and sharing of information between and among schools and military families.

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

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

Adopted 1/14/16



## 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 Educational Service Provider shall designate and make public a local point of contact who will perform the duties as assigned by the Educational Service Provider. The point of contact shall serve as a liaison to coordinate with child protection agencies, lead the development of a process for making the best determination for a student, facilitate the transfer of records, and oversee the enrollment and regular academy attendance of students in foster care.

#### Records

The Academy shall provide privacy protections for children and families and shall facilitate appropriate data-sharing pertaining to children in foster care between child welfare and educational agencies, in accordance with the Family Educational Rights and Privacy Act (FERPA) and Policy 8330 – Student Records.

#### Services to Children and Youth in Foster Care

Foster care children and their families shall be provided equal access to the educational services for which they are eligible comparable to other students in the Academy including:

- A. educational services for which the student in foster care meets eligibility criteria including services provided under Title I of the Elementary and Secondary Education Act or similar State and local programs, educational

- programs for children with disabilities, and educational programs for students with limited English proficiency;
- B. preschool programs;
  - C. programs in vocational and technical education;
  - D. programs for gifted and talented students;
  - E. academy nutrition programs; and
  - F. before - and after-academy programs.

### Transportation Services

The Academy must ensure that transportation is provided for children in foster care consistent with the procedures developed by the Academy in collaboration with the State or local child welfare agency. These requirements apply whether or not the LEA already provides transportation for children who are not in foster care.

In order for a student in foster care in his/her academy of origin, when in his/her best interest, transportation services shall be provided, arranged, and funded for the duration of the child's placement in foster care. The Academy's transportation services will provide that:

- A. Children in foster care needing transportation to their academies of origin will promptly receive that transportation in a cost effective manner and in accordance with Section 475(4)(A) of the Social Security Act; and
- B. If there are additional costs incurred in providing transportation to the academy of origin, the Academy shall provide such transportation if 1) the local child welfare agency agrees to reimburse the Academy for the cost of such transportation; 2) the Academy agrees to pay for the cost; or 3) the Academy and the local child welfare agency agree to share the cost. (ESEA 1112(c)(5)(B)).

Additional costs incurred in providing transportation to the academy of origin should reflect the difference between what the Academy would otherwise spend to transport a student to his/her assigned academy and the cost of transporting the foster care student to the academy of origin. The Academy will collaborate with the State Education Agency (SEA), other LEAs, and child welfare agencies to pursue possible funding sources and arrangements to deal with transportation costs.

Since foster care placements may occur across Academy, county, or State boundary lines, coordination among multiple agencies may be necessary. The Academy will work with appropriate State and local agencies to address such placement and transportation issues that arise. The Academy shall provide or arrange for adequate and appropriate transportation to and from the academy of origin while any disputes are being resolved.

No Board policy, administrative procedure, or practice will be interpreted or applied in such a way as to inhibit the enrollment, attendance, or academy success of children and youth in foster care.

Adopted 8/10/17

## **LATE ARRIVAL AND EARLY DISMISSAL**

It is necessary that a student be in attendance throughout the school day to benefit fully from the educational program of the Academy.

However, the Board of Directors recognizes that compelling circumstances occasionally require that a student be late to school or dismissed before the end of the school day.

If one parent has been awarded custody of the student by the courts, the custodial parent shall provide the Academy with a copy of the custody order and inform the Academy in writing of any limitations in the rights of the non-custodial parent. Absent such notice, the Academy will presume that the student may be released into the care of either parent.

No student who has a medical disability that may be incapacitating will be released without a person to accompany him/her. No student shall be released to anyone who has not been authorized such custody in writing by the parents.

Presentation of photo identification is required of anyone authorized such custody. (See Form 5230 F1)

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

Adopted 11/21/19

## USE OF MEDICATIONS

Reference: MCL 37.1211(a); 20 USC §§ 5812, 7114; 41 USC § 702; 42 USC §§ 12114, 12210; 28 CFR § 35.131; 29 CFR §§ 825.112, 1630.3; 49 CFR §§ 382.121, 382.401, 382.601

Neither the Board nor the School Leader shall be responsible for the diagnosis and treatment of student illness. The administration of prescribed medication and/or medically prescribed treatments to a student during school hours will be permitted only when failure to do so would jeopardize the health of the student, the student would not be able to attend school if the medication or treatment were not made available during school hours, or the child is disabled and requires medication to benefit from his/her educational program.

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

Before any 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 who may require the administration of an emergency medication may have such medication in accord with the School Leader's Procedures.

Students may possess and self-administer a metered dose or dry powder inhaler for relief of asthma (or before exercise to prevent onset of asthma symptoms), while at the academy, on academy-sponsored transportation, or at any academy-sponsored activity in accordance with the Administrative Procedures, if all of the following conditions are met:

- A. There is written approval from the student's physician or other health care provider and the student's parent/guardian (if student is under eighteen (18) to possess and use the inhaler (Form 5330 F1c);  
and

- B. The School Leader has received a copy of the written approvals from the physician and the parent/guardian;
- and
- C. There is on file at the student's Academy a written emergency care plan prepared by a licensed physician in collaboration with the student and his/her parent/legal guardian. The plan shall contain specific instructions on the student's needs including what to do in the event of an emergency.

Students with a need for emergency medication may also be allowed to self-possess and self-administer such medication, provided that they meet the same conditions established above.

Students who are prescribed epinephrine to treat anaphylaxis shall be allowed to self-possess and administer the medication if they meet the conditions stated above.

Students shall be permitted to possess and self-administer U.S. Food and Drug Administration (FDA) approved, over-the-counter topical products while on academy property or at an academy-sponsored event provided the student has submitted prior written approval of his/her parent/guardian to the School Leader 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 School Leader shall prepare Administrative Procedures to ensure the proper implementation of this policy.

Adopted 1/14/16  
Revised 1/17/19



## **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 Administration to be sure that the supply of Epi-Pens is maintained at the appropriate level and they have not expired. Administration 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 School Leader, 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 call 911 that an injection has been administered.

All Epi-Pen injections by employees to students shall be reported in writing to Administration. 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).

Administration 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 1/14/16

## OPIOID ANTAGONISTS

Reference: M.C.L. 380.1179b  
Administration of Opioid Antagonists Act

The Board has determined that it is in the best interests of its students and employees to have opioid antagonists available to be administered, if necessary, by appropriately trained personnel. Therefore, the Board adopts this policy to govern the handling and administration of opioid antagonists consistent with the following processes, procedures and limitations.

The Academy shall purchase opioid antagonists and distribute the opioid antagonists to an employee or agent of the Academy who has been trained in the administration of that opioid antagonist. An opioid antagonist is naloxone hydrochloride or any other similarly acting and equally safe drug approved by the U.S. Food and Drug Administration for the treatment of drug overdose.

An Academy employee or agent may possess an opioid antagonist distributed to that employee or agent and may administer that opioid antagonist to an individual only if both of the following apply:

- A. The employee or agent has been trained in the proper administration of that opioid antagonist.
- B. The employee or agent has reason to believe that the individual is experiencing an opioid-related overdose.

Each Academy shall have at least two (2) employees who have been trained in the appropriate use and administration of an opioid antagonist. Only an appropriately trained Academy employee or agent may possess and administer an opioid antagonist.

Each Academy shall possess at least one package of an opioid antagonist on site. The opioid antagonist may be administered by a trained Academy employee or agent to a student or other individual on Academy grounds who is believed to be having an opioid-related overdose.

An opioid-related overdose is a condition, including, but not limited to, extreme physical illness, decreased level of consciousness, respiratory depression, coma, or death, that results from the consumption or use of an opioid or another substance with which an opioid was combined or that a reasonable person would believe to be an opioid-related overdose that requires medical assistance.

Any Academy personnel who have reason to believe that a student is having an opioid-related overdose must call 911.

Any person who administers an opioid antagonist to a student shall promptly notify the student's parent/guardian.

The person who notifies the student's parent/guardian must encourage the parent or guardian to seek treatment for the student from a substance use disorder services program.

It shall be the responsibility of School Leader to be sure that the supply of opioid antagonists is maintained at the appropriate level and they have not expired. The School Leader shall also be responsible for coordinating the training of Academy employees to administer the opioid antagonists and to maintain the list of employees authorized to administer the antagonists.

The Academy's training regarding, administration of, and the maintenance and storage of opioid antagonists shall be consistent with PO 5330, AG 5330 and the Michigan Department of Education's medication administration guidelines, as amended.

Adopted 11/21/19

## **CONCUSSIONS AND ATHLETIC ACTIVITIES**

Reference: M.C.L. 333.9155 – 333.9156

To provide for the safety of student athletes, all athletic programs of the Academy shall comply either with the concussion protocols of the Michigan High School Athletic Association, or the protocols set forth in AG 5340.01, which shall meet all the requirements of state law and Department of Community Health guidelines regarding concussion awareness training and protection for youth athletes. The Academy shall comply with whichever standards are more protective.

Adopted 1/14/16

## **EMERGENCY MEDICAL AUTHORIZATION**

The School Leader will distribute the Emergency Medical Authorization Form annually to parents or guardians of all students. If an emergency medical treatment for a student is necessary, the Academy will adhere to the instructions on the authorization form.

The Emergency Medical Authorization Form will be kept in a separate, easily accessible file in the Academy office during the year.

Any time a student or a group of students is taken out of the Academy to participate in an academy event, the staff in charge of the event must take the Emergency Medical Forms for those students. This includes, and is not limited to, students involved in music trips, athletic trips, field trips, and academic contests. This does not include student spectators at events.

The Educational Service Provider shall develop Administrative Procedures to ensure the prompt return of said form by parents or guardians and the implementation of other provisions of this policy. Whenever it is necessary for staff members to use emergency procedures in order to care properly for a student, they are to follow the procedures described in this policy and in Policy 5342 related to Do Not Resuscitate Orders.

Adopted 1/14/16  
Revised 8/19/21

## PHYSICIAN ORDER FOR SCOPE OF TREATMENT (POST)

Reference: M.C.L. 380.1181

An administrator who receives a copy of a physician order for scope of treatment ("POST") form from a parent or legal guardian of a student enrolled in the Academy shall immediately provide the form to the Educational Service Provider.

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

Adopted 8/19/21

## **STUDENTS – SEX OFFENDER REGISTRY; CRIMINAL CONVICTIONS**

Reference: MCL 28.721 et al.

Students who are convicted of criminal conduct which requires their listing on the State's Sexual Offender Registry, shall be prohibited from participating in:

- A. all extra-curricular activities;
- B. all in-school activities which deal with younger students, such as tutoring, classroom assistance, coaching, etc.;
- C. after school social activities, such as attendance at school sponsored clubs, dances, athletic events, musical or theatrical performances, or outside clubs or activities, which meet on school property, such as Girl or Boy Scouts, non-school athletics or religious and/or political groups;
- D. activities as designated in writing by the School Leader.

Any exceptions to the above exclusions must be approved by the School Leader.

Any exceptions must be confirmed in writing by the authorizing individual, and must specifically state any requirements for participation, such as parental or adult supervision. The writing shall be provided to the parent and student. Exceptions may be revoked at any time, with cause.

The School Leader may also adjust the student's classes and schedule to provide for adequate supervision and student safety during the school day.

Additional restrictions on in-school activity and student contacts may be implemented by the School Leader with approval from the Educational Service Provider.

Such restrictions shall be based on student/school safety and/or maintaining an appropriate educational environment. Restrictions will be in writing and provided to the student, parents/guardian and those staff with a need to know.

Such students shall only be on school premises as necessary for normal instructional purposes, or as permitted under any exceptions granted by the Academy. Students shall not arrive earlier than necessary and shall leave promptly upon completion of their approved attendance.

Students who have been convicted of a crime shall be reviewed by the Academy administration for possible limitation of school related activities consistent with the nature of the crime and the interest of the Academy in maintaining school safety.

Adopted 1/14/16



## **DRESS AND GROOMING**

The Board of Directors recognizes each student's mode of dress and grooming is a manifestation of personal style and individual preference. The Board will not interfere with the right of students and their parents to make decisions regarding their appearance, except when their choices interfere with the educational program of the Academy. Students have the right to dress in accordance with their gender identity, within the constraints of the dress code promulgated by the Academy.

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

- A. present a hazard to the health or safety of the student or to others in the Academy;
- B. interfere with academy work, create disorder, or disrupt the educational program;
- C. prevent the student from achieving educational objectives because of blocked vision or restricted movement.

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

The School Leader shall develop Administrative Procedures to implement this policy to

- A. designate the School Leader as the arbitrator of student dress and grooming in at the building level;
- B. invite the participation of staff, parents and students in the preparation of a dress code which may specify prescribed dress and grooming practices, but may not amplify the rationale for prohibition established by Board policy;
- C. instruct staff members to demonstrate, by example and precept, desirable values such as personal neatness, cleanliness, propriety, modesty, and good sense in attire and appearance.
- D. direct staff to enforce the academy's dress code in a nondiscriminatory and uniform manner, including without regard to whether a student is transgender or gender nonconforming.

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Revised Dates: ;

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## USE OF TOBACCO BY STUDENTS

Reference: MCL 333.12601 et seq.  
MCL 750.473

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

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

The Board prohibits the use or possession of tobacco product by students in Academy buildings, on Academy property (owned or leased), on Academy provided transportation, and at any Academy-related event.

For purposes of this policy:

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

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

In order to protect students and staff who choose not to use tobacco from an environment noxious to them, the Board prohibits the possession, consumption, purchase or attempt to purchase and/or use of tobacco or tobacco substitute products by students at all times (twenty-four (24) hours a day, seven (7) days a week) on Board premises, in Board-owned vehicles, within any indoor facility owned or leased or contracted for by the Board, and/or used to provide education or library services to children, and at all Board-sponsored events.

This prohibition extends to any Board-owned and/or operated vehicles used to transport students and to all other Board-owned and/or operated vehicles. Such prohibition also applies to:

- A. academy grounds,
- B. any academy-related event, and
- C. on or off Board premises.

#### Advertising/Promotion

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

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

#### Notification

“No Tobacco” signs will be posted throughout the Academy. Students will be provided notice of this policy through student handbooks.

Academy vehicles will display the international “No Smoking” insignia.

#### Educational Programming

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

Students who violate this policy shall be subject to disciplinary action in accordance with the Student Code of Conduct/Student Discipline Code and in accordance with policies of the Board.

Adopted 11/21/19

## STUDENT HAZING

The Board believes hazing activities of any type are inconsistent with the educational process and prohibits all such activities at any time in school facilities, on school property, and at any Academy sponsored event.

For purposes of this policy, hazing shall be defined as performing any act or coercing another, including the victim, to perform any act of initiation into any class, group, or organization that causes, or creates a risk of causing, mental, emotional, or physical harm. Permission, consent, or assumption of risk by an individual subjected to hazing does not lessen the prohibitions contained in this policy.

Hazing involves conduct such as, but not limited to the following:

- A. illegal activity, such as drinking or drugs;
- B. physical punishment or infliction of pain;
- C. intentional humiliation or embarrassment;
- D. dangerous activity;
- E. activity likely to cause mental or psychological stress;
- F. forced detention or kidnapping; and/or
- G. undressing or otherwise exposing the person being hazed.

Administrators, faculty members, and other personnel of the Academy shall be alert particularly to possible situations, circumstances, or events that might include hazing. If hazing or planned hazing is discovered, the students involved shall be informed by the discoverer regarding the prohibitions contained in this policy and shall be ordered to end all hazing activities immediately. All hazing incidents shall be reported immediately to the School Leader. Students, administrators, faculty members, and other employees who fail to abide by this policy may be subject to disciplinary action and may be held personally liable for civil or criminal penalties.

The School Leader shall distribute this policy to all students and school employees, and shall incorporate it into building, staff, and student handbooks. It shall also be the subject of discussion at employee staff meetings or in-service programs developed by the Educational Service Provider.

Adopted 1/14/16

## ANTI-HARASSMENT

Reference: Titles VI and VII of the Civil Rights Act of 1964, 42 USC 2000d et seq.  
20 U.S.C. 1400 ET SEQ., The Individuals with Disabilities Education improvement Act of 2004 (IDEIA)  
20 U.S.C. 1681 et seq.  
29 U.S.C. 794, Rehabilitation Act of 1973, as amended  
29 U.S.C. 6101, the Age Discrimination Act of 1975  
42 U.S.C. 2000d et seq.  
42 USC 2000e et seq.  
42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended  
42 USC 1983  
42 USC 2000ff et seq., The Genetic Information Nondiscrimination Act  
29 C.F.R. Part 1635  
Title IX of the Educational Amendments of 1972, 20 USC 1681 et seq.  
Section 504 of the Rehabilitation Act of 1973, 29 USC 794  
The Americans with Disabilities Act of 1990, 42 USC 12101 et seq.  
The Handicappers' Civil Rights Act, MCL 37.1101 et seq.  
The Elliott-Larsen Civil Rights Act, MCL 37.2101, et seq.  
Policies on Bullying, Michigan State Board of Education, 7-19-01  
Model Anti-Bullying Policy, Michigan State Board of Education, 09-2006  
National School Boards Association Inquiry and Analysis – May 2008

### General Policy Statement

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

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

### Other Violations of the Anti-Harassment Policy

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

- A. Retaliating against a person who has made a report or filed a complaint alleging unlawful harassment, or who has participated as a witness in a harassment investigation.
- B. Filing a malicious or knowingly false report or complaint of unlawful harassment.

- C. Disregarding, failing to investigate adequately, or delaying investigation of allegations of unlawful harassment, when responsibility for reporting and/or investigating harassment charges comprises part of one's supervisory duties.

### Definitions

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

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

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

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

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

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

### Bullying

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

- A. teasing;
- B. threats;
- C. intimidation;
- D. stalking;
- E. cyberstalking

- F. cyberbullying;
- G. physical violence;
- H. theft;
- I. sexual, religious, or racial harassment;
- J. public humiliation; or
- K. destruction of property.

### Harassment

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

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

### Sexual Harassment

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

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

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

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

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

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

- A. Unwelcome sexual propositions, invitations, solicitations, and flirtations.
- B. Unwanted physical and/or sexual contact.
- C. Threats or insinuations that a person's employment, wages, academic grade, promotion, classroom work or assignments, academic status, participation in athletics or extra-curricular programs, activities, or events, or other conditions of employment or education may be adversely affected by not submitting to sexual advances.
- D. Unwelcome verbal expressions, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, profanity, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls.
- E. Sexually suggestive objects, pictures, graffiti, videos, posters, audio recordings or literature, placed in the work or educational environment, that may reasonably embarrass or offend individuals.
- F. Unwelcome and inappropriate touching, patting, or pinching; obscene gestures.
- G. Asking about, or telling about, sexual fantasies, sexual preferences, or sexual activities;
- H. Speculations about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history;
- I. Giving unwelcome personal gifts such as lingerie that suggest the desire for a romantic relationship;
- J. Leering or staring at someone in a sexual way, such as staring at a person's breasts, buttocks, or groin;
- K. A pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliation to another.
- L. Inappropriate boundary invasions by an Academy employee or other adult member of the Academy community into a student's personal space and personal life.
- M. Verbal, nonverbal or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature.

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



creates a hostile or abusive employment or educational environment, or such that it is intended to, or has the effect of, denying or limiting a student's ability to participate in or benefit from the educational program or activities.

#### Race/Color Harassment

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

#### Religious (Creed) Harassment

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

#### National Origin Harassment

Prohibited national origin/ancestry harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's national origin or ancestry and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's national origin or ancestry, such as negative comments regarding customs, manner of speaking, language, surnames, or ethnic slurs.

#### Disability Harassment

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

#### Anti-Harassment Compliance Officers

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

Male Compliance Officer  
23855 Lawrence  
Centerline, MI 48015  
(586) 806-6455

Female Compliance Officer  
23855 Lawrence  
Centerline, MI 48015  
(586) 806-6455

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 Board and 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 Board and 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 Board and 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 Board and 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 Educational Service Provider believes that the reported misconduct may have created a hostile work environment and may have constituted unlawful discriminatory harassment based on a Protected Class, the Educational Service Provider will report the act of bullying, aggressive behavior and/or harassment to 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 Educational Service Provider 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 informed of the status of the 5517 investigation and provide the Educational Service Provider with a copy of the resulting written report. Likewise, the Title IX Coordinator will provide the Educational Service Provider 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 a Board and 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.

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

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

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

The 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.

Adopted 1/14/16  
Revised 1/17/19; 8/19/21

## **BULLYING**

Reference: The Matt Epling Safe School Law, Public Act 241 of 2011, as amended by Public Act 478 of 2014 (MCL § 380.1310b).

The Board believes that a safe and nurturing educational environment in school is necessary for students to learn and achieve high academic standards. Therefore, it is the policy of the Academy to provide a safe and nurturing environment for all of its students. Appropriate behavior, treating others with civility and respect, and refusing to tolerate harassment or bullying is expected of students, as well as administrators, faculty, staff, visitors, and volunteers.

### Bullying and Cyberbullying are Prohibited

Bullying and cyberbullying of a student, whether by other students, staff, visitors, Board members, parents, guests, contractors, vendors and volunteers, is prohibited. All pupils are protected under this policy, and bullying and cyberbullying are prohibited without regard to its subject matter or motivating animus.

### Definition of Bullying

“Bullying” means any written, verbal, or physical act, or any electronic communication, including, but not limited to, cyberbullying, that is intended or that a reasonable person would know is likely to harm one (1) or more pupils either directly or indirectly by doing any of the following:

- A. Substantially interfering with the educational opportunities, benefits, or programs of one (1) or more pupils.
- B. Adversely affecting the ability of a pupil to participate in or benefit from the school district’s or public school’s educational programs or activities by placing the pupil in reasonable fear of physical harm or by causing substantial emotional distress.
- C. Having an actual and substantial detrimental effect on a pupil’s physical or mental health.
- D. Causing substantial disruption in, or substantial interference with, the orderly operation of the school.

“Cyberbullying” means any electronic communication that is intended or that a reasonable person would know is likely to harm one (1) or more pupils either directly or indirectly by doing any of the following:

- A. Substantially interfering with the educational opportunities, benefits, or programs of one (1) or more pupils.
- B. Adversely affecting the ability of a pupil to participate in or benefit from the school district’s or public school’s educational programs or activities by placing the pupil in reasonable fear of physical harm or by causing substantial emotional distress.
- C. Having an actual and substantial detrimental effect on a pupil’s physical or mental health.

- D. Causing substantial disruption in, or substantial interference with, the orderly operation of the school.

Since “bullying” also includes “cyberbullying,” any reference in this policy to “bullying” shall also be deemed to refer to “cyberbullying.”

Bullying and cyberbullying are prohibited at school. “At school” is defined as on school premises, at school-sponsored activities or events, in a school-related vehicle, or using telecommunications access device or a telecommunications service provider if the telecommunications access device or telecommunications service provider is owned by or under the control of the school district. “Telecommunications access device” and “telecommunications service provider” mean those terms as defined in Section 219a of the Michigan Penal Code (MCL § 750.219a).

Bullying and cyberbullying that does not occur “at school,” as defined above, but that causes a substantial disruption to the educational environment may be subject to disciplinary action in accordance with this policy and applicable law.

#### Reporting and Investigating Reports of Bullying

Every student is encouraged to report any situation that he or she believes to be bullying behavior directed toward a student to a teacher, a counselor, administrator, or other staff member. Staff members shall report any reports made by students or situations that they believe to be bullying behavior directed toward a student to the ESP. Complaints against the ESP shall be reported to the Board.

Under state law, a school employee, school volunteer, student, or parent or guardian who promptly reports in good faith an act of bullying to the appropriate school official designated in this policy and who makes this report in compliance with the procedures set forth in this policy is immune from a cause of action for damages arising out of the reporting itself or any failure to remedy the reported incident. This immunity does not apply to a school official responsible for implementing this policy or for remedying the bullying, when acting in that capacity.

Retaliation or false accusation against a target of bullying, a witness, or another person with information about an act of bullying is prohibited. Suspected retaliation should be reported in the same manner as suspected bullying behavior. Making intentionally false accusations of bullying is likewise prohibited. Retaliation and making intentionally false accusations of bullying may result in disciplinary action up to and including expulsion.

All complaints about bullying that may violate this policy shall be promptly investigated and documented. The ESP or designee is responsible for the investigation. If the investigation results in a finding that bullying has occurred, it shall result in prompt and appropriate disciplinary action, up to and including expulsion for students, up to and including discharge for employees, and up to and including exclusion from school property for parents, guests, volunteers, and contractors. Individuals may also be referred to law enforcement officials.

The Board may utilize restorative practices that emphasize repairing the harm to the victim and school community in the correction of bullying behavior, which may include victim-offender conferences that:

- A. Are initiated by the victim;

- B. Are approved by the victim's parent or legal guardian or, if the victim is at least 15, by the victim;
- C. Are attended voluntarily by the victim, a victim advocate, the offender, members of the school community, and supporters of the victim and the offender (the "restorative practices team"); and
- D. Would provide an opportunity for the offender to accept responsibility for the harm caused to those affected, and to participate in setting consequences to repair the harm, such as requiring the student to apologize; participate in community service, restoration of emotional or material losses, or counseling; pay restitution; or any combination of these. The selected consequences and time limits for their completion will be incorporated into an agreement to be signed by all participants.

Where the investigation results in a finding that bullying has occurred, both the parent or legal guardian of a victim of bullying and the parent or legal guardian of a perpetrator of the bullying shall be notified promptly in writing. In addition, administrators investigating alleged bullying may notify parents of the victim or perpetrator of bullying sooner than the conclusion of the investigation if circumstances dictate such earlier notification.

The Academy shall document any prohibited incident that is reported and shall document all verified incidents of bullying and the resulting consequences, including the required notification of parents or guardians and any discipline and referrals.

The School Leader is the school official responsible for ensuring that this policy is implemented.

#### Confidentiality

The Academy will comply with all applicable laws regarding confidentiality of personally identifiable information within education records. In addition, the identity of an individual who reports an act of bullying or cyberbullying shall be and remain confidential. The School Leader, or the School Leader's designee, shall ensure that the name of an individual who reports an act of bullying or cyberbullying is withheld from the alleged perpetrator and the perpetrator's parent(s), legal guardian(s) and representative(s), and is redacted from any report of bullying or cyberbullying that is publically disclosed.

#### Notification

This policy will be annually circulated to parents and students, and shall be posted on the Academy website.

#### Reporting

As required by state statute, the Academy shall provide a report of all verified incidents of bullying and other required information to the Michigan Department of Education on an annual basis, according to the form and procedures established by the Department.

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

Adopted 1/14/16  
Revised 8/10/17

## **PERFORMANCE-ENHANCING DRUGS/COMPOUNDS**

Reference: MCL 333.26301 et seq., 380.1318

The Board recognizes the use of dietary supplements containing performance-enhancing compounds and/or performance-enhancing drugs poses a serious health risk to students.

Accordingly, no staff member, volunteer, or contractor shall knowingly sell, market, distribute, or promote the use of any dietary supplement containing a performance enhancing compound or a performance-enhancing drug (e.g., anabolic steroids), to a student with whom the staff member, volunteer, or contractor has contact as a part of his/her duties. Furthermore, the staff member, volunteer, or contractor shall not endorse or suggest the ingestion, intranasal application, or inhalation of such a dietary supplement by a student with whom s/he has contact as part of his/her duties.

Use of a performance-enhancing substance regardless of source by a student is a violation that will affect a pupil's athletic eligibility and extra-curricular participation, as determined by the Board. A list of performance-enhancing substances developed by the State Department of Community Health shall be updated annually and included in AG 2431. This notice and list shall also be published in the Parent/Student Handbook provided annually.

Adopted 1/14/16

## INTERROGATION OF STUDENTS

Reference: MCL 722.627  
Attorney General's Opinion No 6869, September 6, 1995

The Board of Directors is committed to protecting students from harm that may or may not be directly associated with the academy environment but also recognizes its responsibility to cooperate with law enforcement State's child protection agency. This policy shall generally govern student interrogations-however the specific directives of law enforcement personnel shall in all cases control.

Whenever it has been determined that an agency has a legitimate purpose in interrogating a student within the confines of the Academy, the Educational Service Provider or representative shall be present throughout the proceedings. S/He should also verify that the student(s) has been informed of his/her rights to refuse to answer questions, to be informed that anything s/he says may be used against him/her in court, and to consult with and be advised by legal counsel.

Such agencies should be encouraged to investigate alleged violations of the law off academy property if at all possible. An investigation can take place immediately on academy property at the request of the Educational Service Provider if the alleged violation of law took place on academy property or in emergency situations.

When police or other authorities arrive at the Academy and wish to interview a student or investigate an alleged violation of law, they must contact the Educational Service Provider indicating the nature of their investigation and their desire to question a student or students.

The Educational Service Provider shall ask the investigator whether s/he may contact the parents prior to the interview and document the response. Unless the investigator specifically requests that s/he not contact the parents, the Educational Service Provider shall attempt to contact the parents prior to questioning.

Before the student(s) is (are) questioned as a witness to or suspect in an alleged violation of law, the building administrator shall attempt to contact the parent prior to questioning and shall request to remain in the room during the questioning.

If the student is the subject of a child abuse/neglect investigation, the School Leader shall attempt to contact the parent prior to questioning, and s/he or a designated guidance counselor will make every effort to remain in the room during questioning. If an agency investigating child abuse/neglect indicates that the parent or a family member is believed to be the perpetrator, the Educational Service Provider will not contact either parent prior to the interview if so requested by the investigator. All attempts to notify the parents should be documented.

When an authorized law enforcement officer or child protection agency removes a student, the School Leader will record the name of the investigator, the public agency involved and the destination of the student if possible. S/he shall also notify the parent and the Educational Service Provider.

No Academy official may release personally identifiable student information in education records to the police or children's services agency without prior written permission of the parent, a lawfully-issued subpoena, or a court order, unless it is an emergency situation



involving the health or safety of the involved student or other students. Proper directory information may be disclosed upon request. (See Board Policy 8330).

Adopted 1/17/19

## EMERGENCY REMOVAL, SUSPENSION, AND EXPULSION OF STUDENTS

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

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

### Factors to be Considered Before Suspending or Expelling a Student

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

### Restorative Practices

The Educational Service Provider 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 Educational Service Provider 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 School Leader 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 Educational Service Provider 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 Educational Service Provider. A student so removed may not be allowed to attend other classes taught by other teachers during the term of the one (1) day removal. A student removed from the same class for ten (10) days will be entitled to the process for short-term suspensions outlined in AG 5610. A student removed from the same class for more than ten (10) days will be entitled to the process for long-term suspensions outlined in AG 5610. The Board designates the Educational Service Provider 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 Educational Service Provider may recommend to the Board a long-term suspension or that a student be expelled.

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

The Educational Service Provider may recommend to the Board a long-term suspension or that a student be expelled. 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 Educational Service Provider shall retain all documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315 - Information Management (i.e. "Litigation Hold")) created and/or received as part of an investigation.

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

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

### Persistent Disobedience or Gross Misconduct/CSC Against Another Academy Student

Any student may be removed from the classroom, and/or, after consideration of the factors identified above, suspended or expelled for persistent disobedience or gross misconduct or if the student commits criminal sexual conduct against another student enrolled in the Academy regardless of the location of the conduct. A student may not be expelled or excluded from the regular academy program based on pregnancy status.

In recognition of the negative impact on a student's education, the Board encourages the Academy's administrators to view suspensions, particularly those over ten (10) days, and permanent expulsions as discipline of last resort, except where these disciplines are required by law. Alternatives to avoid or to improve undesirable behaviors should be explored when possible prior to implementing or requesting a suspension or expulsion.

### Physical and Verbal Assault

Unless a different determination is made after consideration of the factors identified above, the Academy shall permanently expel a student in grade six or above if that student commits physical assault at the Academy against a staff member, a volunteer, or a contractor.

Unless a different determination is made after consideration of the factors identified above, the Academy shall suspend or expel a student in grade six or above for up to 180 school days if the student commits physical assault at the Academy against another student.

Physical assault is defined as "intentionally causing or attempting to cause physical harm to another through force or violence."

Unless a different determination is made after consideration of the factors identified above, the Academy shall suspend or expel a student in grade six or above and may discipline, suspend or expel a student in grade five and below for a period of time as determined at the Board's discretion if the student commits verbal assault at the Academy against a Academy employee, volunteer, or contractor or makes a bomb threat or similar threat directed at an academy building, property, or at an academy-related activity.

Verbal assault is a communicated intent to inflict physical or other harm on another person, with a present intent and ability to act on the threat.

"At the Academy" means in a classroom, elsewhere on academy premises, on an academy bus or other academy-related vehicle, or at an academy-sponsored activity or event whether or not it is held on academy premises.

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

### Weapons, Arson, Criminal Sexual Conduct

In compliance with State and Federal law, and unless a different determination is made after consideration of the factors identified above, the Academy shall expel any student who possesses a dangerous weapon, other than a firearm, in the Academy's weapon-free school zone (except as noted below), commits either arson or criminal sexual conduct in an academy building or on academy property, including academy buses and other Academy transportation,

or pleads to, is convicted of or is adjudicated of criminal sexual conduct against another student enrolled in the Academy.

In compliance with State and Federal law, the Academy shall expel any student who possesses a firearm in the Academy's weapon-free school zone in violation of State law, unless the student can establish the mitigating factors relating to possession of a dangerous weapon set out below, by clear and convincing evidence.

For purposes of this policy, a "dangerous weapon" is defined by law as a firearm, dagger, dirk, stiletto, knife with a blade over three (3) inches in length, pocket knife opened by a mechanical device, iron bar, or brass knuckles. This definition also includes other devices designed to (or likely to) inflict bodily harm, including, but not limited to, air guns and explosive devices. The term "firearm" is defined as any weapon (including a starter gun) that will, is designed to, or may readily be converted to expel a projectile by the action of the explosive, the frame, or the bearer of any such weapon, as well as a firearm muffler, firearm silencer, or any such destructive device.

The Academy need not expel a student for possession of a dangerous weapon, including a firearm, if the student can establish in a clear and convincing manner the following mitigating factor(s) to the satisfaction of the Board the:

- A. object or instrument was not possessed for use as a weapon, or for direct (or indirect) delivery to another person for use as a weapon; or
- B. weapon was not knowingly possessed; or
- C. student did not know (or have reason to know) that the object or instrument in his/her possession constituted a dangerous weapon; or
- D. weapon was possessed at the suggestion, request, direction of, or with the express permission of the Educational Service Provider or the police.

There is a rebuttable presumption that expulsion for possessing the weapon is not justified if the Educational Service Provider 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 Educational Service Provider 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 Educational Service Provider shall ensure notification of the expulsion is given to the Juvenile Division of the Probate Court. In compliance with Federal law, the Educational Service Provider 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 Educational Service Provider 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 Educational Service Provider.
- 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 Educational Service Provider 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 or upon any standards and with any procedures it determines appropriate under the circumstances.

The Educational Service Provider 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 Educational Service Provider for offenses found in the Student Code of Conduct.



The Educational Service Provider 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 Educational Service Provider 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 Educational Service Provider 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 Educational Service Provider 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 Educational Service Provider, 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 Educational Service Provider 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 Educational Service Provider 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 Educational Service Provider shall provide guidelines, including a list of alternatives to corporal punishment.

#### Removal, Suspension, and Expulsion of Students with Disabilities

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

Adopted 8/10/17  
Revised 1/17/19; 10/15/20

## DUE PROCESS RIGHTS

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

To better ensure appropriate due-process is provided a student, the Board establishes the following guidelines which the Educational Service Provider shall use when dealing with students:

A. Students subject to short-term suspension:

Except when emergency removal is warranted, a student must be given oral or written notice of the charges against him/her and the opportunity to respond prior to the implementation of a suspension. When emergency removal has been implemented, notice and opportunity to respond shall occur as soon as reasonably possible. The School Leader or other designated administrator shall provide the opportunity to be heard and shall be responsible for making the suspension decision. An appeal may be addressed to the Educational Service Provider 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 Educational Service Provider 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 Educational Service Provider, and a summary of the facts to which the witnesses will testify. At the student's request, the hearing may be private, but the Educational Service Provider must act publicly. The Board shall act on any appeal, which must be submitted in writing, to an expulsion, to a request for reinstatement, or to a request for admission after being permanently expelled from another district (Policy 5610).

In determining whether disciplinary action set forth in this policy is to be implemented, the Educational Service Provider shall use a preponderance of evidence standard. Further, any individual charged with making a disciplinary determination under this policy shall retain all documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315 - Information Management (i.e. "Litigation Hold")) created and/or received as part of an investigation.

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

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

Adopted 1/17/19  
Revised 10/15/20

## **STUDENT SECLUSION AND RESTRAINT**

This policy is intended to provide the framework for organizational supports that result in effective interventions based on team-based leadership, data-based decision-making, continuous monitoring of student behavior, regular universal screening and effective on-going professional development. The Academy is committed to investing in prevention efforts and to teach, practice and reinforce behaviors that result in positive academic and social outcomes for students.

In the event that staff members need to restrain and/or seclude students, it must be done in accordance with this policy, which is intended to:

- A. promote the care, safety, welfare and security of the academy community and the dignity of each student;
- B. encourage the use of proactive, effective, evidence and research based strategies and best practices to reduce the occurrence of challenging behaviors, eliminate the use of seclusion and restraint, and increase meaningful instructional time for all students; and
- C. ensure that seclusion and restraint are used only as a last resort in an emergency situation and are subject to diligent assessment, monitoring, documentation and reporting by trained personnel.

In furtherance of these objectives, the Academy will utilize Positive Behavioral Interventions and Supports (PBIS) to enhance academic and social behavior outcomes for all students. PBIS implemented by the Academy will include socially valued and measurable outcomes, empirically validated and practical practices, systems that efficiently and effectively support implementation of these practices, and continuous collection and use of data for decision-making.

### **EMERGENCY SECLUSION**

A. Prohibited Practices and Limitations on Use

The following practices are prohibited under all circumstances, including emergency situations:

1. confinement of students who are severely self-injurious or suicidal
2. corporal punishment, as defined in M.C.L. 380.1312(1) of the revised school code, 1976 PA 451
3. the deprivation of basic needs
4. anything constituting child abuse
5. seclusion of pre-school children
6. seclusion that is used for the convenience of academy personnel
7. seclusion as a substitute for an educational program

8. seclusion as a form of discipline or punishment
9. seclusion as a substitute for less restrictive alternatives, adequate staffing or academy personnel training in PBIS
10. when contraindicated based on (as documented in a record or records made available to the academy) a student's disability, health care needs, or medical or psychiatric condition

B. Definition of Emergency Seclusion

Seclusion means the confinement of a student in a room or other space from which the student is physically prevented from leaving. Seclusion does not include the general confinement of students if that confinement is an integral part of an emergency lockdown drill required under Section 19(5) of the Fire Prevention Code, 1941 PA 207, M.C.L. 29.19, or of another emergency security procedure that is necessary to protect the safety of students.

Emergency seclusion is a last resort emergency safety intervention involving seclusion that is necessitated by an ongoing emergency situation and that provides an opportunity for the student to regain self-control while maintaining the safety of the student and others.

To qualify as emergency seclusion, there must be continuous observation by academy personnel of the student and the room or area used for confinement:

1. must not be locked
2. must not prevent the student from exiting the area should staff become incapacitated or leave that area
3. must provide for adequate space, lighting, ventilation, viewing, and the safety of the student
4. must comply with State and local fire and building codes

C. Time and Duration Emergency seclusion should not be used any longer than necessary, based on research and evidence, to allow a student to regain control of his/her behavior to the point that the emergency situation necessitating the use of emergency seclusion is ended, but generally no longer than:

1. fifteen (15) minutes for an elementary school student;
2. twenty (20) minutes for a middle school or high school student

If an emergency seclusion lasts longer than the suggested maximum times above, the following are required:

- a. additional support (which may include change of staff, introducing a nurse or specialist, or additional key identified personnel)

- b. documentation to explain the extension beyond the time limit

Additional procedures and requirements applicable to both seclusion and restraint are set out below.

A. Prohibited Practices

The following procedures are prohibited under all circumstances, including emergency situations:

1. mechanical restraint
2. chemical restraint
3. corporal punishment as defined in 380.1312(1) of the revised school code, 1976 PA 451, otherwise known as the Corporal Punishment Act
4. the deprivation of basic needs
5. anything constituting child abuse
6. restraint that is used for the convenience of academy personnel
7. restraint as a substitute for an educational program
8. restraint as a form of discipline or punishment
9. restraint as a substitute for less restrictive alternatives, adequate staffing or academy personnel training in PBIS
10. when contraindicated based on (as documented in a record or records made available to the academy) a student's disability, health care needs, or medical or psychiatric condition
11. any restraint that negatively impacts breathing, including any positions, whether on the floor, facedown, seated or kneeling, in which the student's physical position (e.g., bent over) is such that it is difficult to breathe, including situations that involve sitting or lying across an individual's back or stomach
12. prone restraint (the restraint of a person face down)

NOTE: academy personnel who find themselves involved in the use of a prone restraint as the result of responding to an emergency must take immediate steps to end the prone restraint.

13. the intentional application of any noxious substance(s) or stimuli that results in physical pain or extreme discomfort

A noxious substance or stimuli can either be generally acknowledged or specific to the student.

14. physical restraint, other than emergency physical restraint
15. any other type of restraint not expressly allowed

B. Definition of Restraint

Restraint means an action that prevents or significantly restricts a student's movement. Physical restraint is intended for the purposes of emergency situations only, in which a student's behavior poses imminent risk to the safety of the individual student or to the safety of others. An emergency situation requires an immediate intervention.

Emergency physical restraint is a last resort emergency safety intervention involving physical restraint that is necessitated by an ongoing emergency situation and that provide an opportunity for the student to retain self-control while maintaining the safety of the student and others. An emergency situation requires an immediate intervention. Emergency physical restraint may not be used in place of appropriate less restrictive interventions.

There are three (3) types of restraint: physical, chemical, and mechanical.

1. Physical restraint involves direct physical contact.

Restraint does not include actions undertaken for the following reasons:

- a. to break up a fight
  - b. to take a weapon away from a student
  - c. to briefly hold the student (by an adult) in order to calm or comfort him/her
  - d. to have the minimum contact necessary to physically escort a student from one area to another
  - e. to assist a student in completing a task/response if the student does not resist or if resistance is minimal in intensity or duration
  - f. to hold a student for a brief time in order to prevent an impulsive behavior that threatens the student's immediate safety (e.g., running in front of a car)
  - g. to stop a physical assault as defined in M.C.L. 380.1310
  - h. actions that are an integral part of a sporting event, such as a referee pulling football players off from a pile or similar action
2. Chemical Restraint is the administration of medication for the purpose of restraint.

Restraint does not include administration of medication prescribed 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 School Leader.

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 school personnel in adopting and organizing evidence-based behavioral interventions into an integrated continuum of intensifying supports based on student need that unites examination of the function of the problem behavior and the teaching of alternative skill repertoires to enhance academic and social behavior outcomes for all students.

"Positive Behavioral Intervention and Support Plan" means a student-specific support plan composed of individualized, functional behavioral assessment-based intervention strategies, including, as appropriate to the student, guidance or instruction for the student to use new skills as a replacement for problem behaviors, some rearrangement of the antecedent environment so that problems can be prevented and desirable behaviors can be encouraged, and procedures for monitoring, evaluating, and modifying the plan as necessary.

"Prone Restraint" means the restraint of an individual face down.

"Regularly and Continuously Work Under Contract" means that term as defined in section M.C.L. 380.1230.

"Restraint" means an action that prevents or significantly restricts a student's movement. Restraint does not include the brief holding of a student in order to calm or comfort, the minimum contact necessary to physically escort a student from one area to another, the minimum contact necessary to assist a student in completing a task or response if the student does not resist or resistance is minimal in intensity or duration, or the holding of a student for a brief time in order to prevent an impulsive behavior that threatens the student's immediate safety, such as running in front of a car. Restraint does not include the administration of medication prescribed by and administered in accordance with the directions of a physician, an adaptive or protective device recommended by a physician or therapist when it is used as recommended, or safety equipment used by the general student population as intended, such as a seat belt or safety harness on 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

Replaced 8/10/17  
Revised 1/17/19

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## **AUTHORIZATION TO ACCEPT AND DISTRIBUTE ELECTRONIC RECORDS AND TO USE ELECTRONIC SIGNATURES**

Reference: 15 U.S.C. 7001 et seq  
M.C.L. 450.831-450.849

Unless a provision of law specifically prohibits the use of an electronic record for the specified purpose, the Board of Directors authorizes the acceptance and distribution/transmission of electronic records and electronic signatures to and from Academy staff and other persons, as well as between Academy staff members. The Board further authorizes Academy staff to create, generate, send, communicate, receive, store, process, use, and rely upon electronic records and electronic signatures. The Educational Service Provider shall put in place measures to protect the integrity, security, and accessibility of electronic signatures and electronic records to comply with mandates of State and Federal agencies or programs, including Medicaid.

All Academy staff shall comply with all provisions of the Uniform Electronic Transaction Act when creating, generating, sending, communicating, receiving, storing, processing, using, and relying upon electronic records. Further, all Academy staff and other persons who use electronic signatures when completing transactions with the Board shall do so in compliance with State law.

The Educational Service Provider is authorized to develop administrative guidelines concerning the acceptance and distribution/transmission of electronic records and electronic signatures. After giving due consideration to security, the Educational Service Provider may specify the following:

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

Adopted 6/18/20

## **GRANT FUNDS**

Reference:

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

It is the objective of the Board 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 the 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 Educational Service Provider is authorized to sign related documents for grant administration, including documents required for submittal of grant proposals.
- G. Written amendments requiring the Educational Service Providers signature shall be presented to the Board for approval.
- H. Employee positions established through the use of grant funding may terminate if and when the related grant funding ceases.
- I. Program reports including but not limited to audit, site visits, and final reports may be submitted to the Educational Service Provider 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 applicable number and year name of the Federal agency and name of the pass-through-entity as.
- B. The Academy shall develop 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 authorization 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 of the Federal award;
  4. Take prompt action when instances of noncompliance are identified including noncompliance identified in audit finding;
  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: **01.17**  
Classification: **Legally Required**  
Revised Dates: ; **04.22**

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## INTERNAL CONTROLS

The Educational Service Provider shall establish and maintain effective internal control over financial grants and awards that provide reasonable assurance that the program and funds are managed in compliance with applicable statutes, regulations and the terms and conditions of the awards.

The internal controls must provide reasonable assurance that transactions are properly recorded and accounted for in order to permit the preparation of reliable financial statements and Federal reports; maintain accountability over assets; and demonstrate compliance with Federal statutes, regulations, and the terms and conditions of the Federal award. The internal controls must also provide reasonable assurance that these transactions are executed in compliance with Federal statutes, regulations, and the terms and conditions of the Federal award that could have a direct and material effect on a Federal award, as well as any other Federal statutes and regulations that are identified in the Compliance Supplement. Finally, the internal controls must provide reasonable assurance that all Federal funds, property, and other assets are safeguarded against loss from unauthorized use or disposition.

The Academy shall:

- A. comply with Federal statutes, regulations, and the terms and conditions of the Federal awards;
- B. evaluate and monitor its compliance with statutes, regulations, and the terms and conditions of the award;
- C. take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings; and
- D. take reasonable measures to safeguard protected personally identifiable information and other information the awarding agency or pass-through entity designates as sensitive or the Academy considers sensitive information consistent with applicable Federal, state, local, and tribal laws and Academy policies regarding privacy and obligations of confidentiality.

Adopted 1/12/17

## CASH MANAGEMENT OF GRANTS

Reference: 2 CFR 200.305

In order to provide reasonable assurance that all assets, including Federal, State, and local funds, are safeguarded against waste, loss, unauthorized use, or misappropriation, the Educational Service Provider shall implement internal controls in the area of cash management.

The Academy's payments methods shall minimize the time elapsing between the transfer of funds from the United States Treasury or the Michigan Department of Education (MDE) (pass-through entity) and disbursement by the Academy, regardless of whether the payment is made by electronic fund transfer, or issuance or redemption of checks, warrants, or payment by other means.

The Academy shall use forms and procedures required by the grantor agency or pass through entity to request payment. The Academy shall request grant funds payments in accordance with the provisions of the grant. Additionally, the Academy's financial management systems shall meet the standards for fund control and accountability as established by the awarding agency.

The Educational Service Provider is authorized to submit requests for advance payments and reimbursements at least monthly when electronic fund transfers are not used, and as often as deemed appropriate when electronic transfers are used, in accordance with the provisions of the Electronic Fund Transfer Act (15 U.S.C. 1693-1693r).

When the Academy uses a cash advance payment method, the following standards shall apply:

- A. The timing and amount of the advance payment requested will be as close as is administratively feasible to the actual disbursement for direct program or project costs and the proportionate share of any allowable indirect costs.
- B. The Academy shall make timely payment to contractors in accordance with contract provisions.
- C. To the extent available, the Academy shall disburse funds available from program income (including repayments to a revolving fund), rebates, refunds, contract settlements, audit recoveries, and interest earned on such funds before requesting additional cash payments.
- D. The Academy shall account for the receipt, obligation and expenditure of funds.
- E. Advance payments will be deposited and maintained in insured accounts whenever possible.
- F. Advance payments will be maintained in interest bearing accounts unless the following apply:
  1. The Academy receives less than \$120,000 in Federal awards per year.

2. The best reasonably available interest-bearing account would not be expected to earn interest in excess of \$500 per year on Federal cash balances.
  3. The depository would require an average or minimum balance so high that it would not be feasible within the expected Federal and non-Federal cash resources.
- G. Pursuant to Federal law and regulations, the Academy may retain interest earned in an amount up to \$500 per year for administrative costs. Any additional interest earned on Federal advance payments deposited in interest-bearing accounts must be remitted annually to the Department of Health and Human Services Payment Management System ("PMS") through an electronic medium using either Automated Clearing House ("ACH") network or a Fedwire Funds Service payment. Remittances shall include pertinent information of the payee and nature of payment in the memo area (often referred to as "addenda records" by Financial Institutions) as that will assist in the timely posting of interest earned on Federal funds. Pertinent details include the Payee Account Number ("PAN") if the payment originated from PMS, or Agency information if the payment originated from Automated Standard Application for Payment ("ASAP"), National Science Foundation ("NSF") or another Federal agency payment system.

Adopted 1/12/17



## **COST PRINCIPLES – SPENDING FEDERAL FUNDS**

Reference:

2 CFR 200.216, 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 Educational Service Provider 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:

- a. The cost is needed for the proper and efficient performance of the grant program;
- b. Whether the cost is identified in the approved budget or application;
- c. Whether there is an educational benefit associated with the cost;

- d. Whether the cost aligns with identified needs based on results and findings from a needs assessment;
- e. 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 Educational Service Provider shall implement a system for Academy personnel to account for time and efforts expended on grant funded programs to assure that only permissible personnel expenses are allocated;
  - 2. In the case of other costs, all receipts and other invoice materials shall be retained, along with any documentation identifying the need and purpose for such expenditure if not otherwise clear.
- I. Be incurred during the approved budget period.

The budget period means the time interval from the start date of a funded portion of an award to the end date of that funded portion during which recipients are authorized to carry out authorized work and expend the funds awarded, including any funds carried forward or other revisions pursuant to the law. Prior written approval from the Federal awarding agency or State pass through entity may be required to carry forward unobligated balances to subsequent budget periods, unless waived.

### **Selected Items of Cost**

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

### **Determining Whether a Cost is Direct or Indirect:**

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

These costs may include: salaries and fringe benefits of employees working directly on a grant-funded project; purchased services contracted for performance under the grant; travel of employees working directly on a grant-funded project; materials, supplies, and equipment purchased for use on a specific grant; program evaluation costs or other institutional service operations; and infrastructure costs directly attributable to the program (such as long distance telephone calls specific to the program, etc.). 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 Educational Service Provider shall closely monitor grant spending throughout the grant cycle.

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## TIME AND EFFORT REPORTING

Reference: 2 C.F.R. 200.430, 200.431

As a recipient of Federal funds, the Academy shall comply with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. The Code of Federal Regulations requires certification of effort to document salary expenses charged directly or indirectly against Federally sponsored projects. This process is intended to verify that compensation for employment services, including salaries and wages, is allocable and properly expended, and that any variances from the budget are reconciled.

Compensation for employment services includes all remuneration, paid currently or accrued, for services of employees, whether employed by the Board or an Educational Service Provider, rendered during the period of performance under the Federal award, including but not necessarily limited to wages and salaries. Compensation for personal services may also include fringe benefits, which are addressed in 2 C.F.R. 200.431 Compensation—fringe benefits. Costs of compensation are allowable to the extent that they satisfy the specific requirements of these regulations, and that the total compensation for individual employees:

- A. Is reasonable for the services rendered, conforms to the Academy's established written policy where applicable, and is consistently applied to both Federal and non-Federal activities; and
- B. Follows an appointment made in accordance with the Academy's written policies and meets the requirements of Federal statute, where applicable.

### Time and Effort Reports

The reports:

- A. Are supported by a system of internal controls which provide reasonable assurance that the charges are accurate, allowable, and properly allocated;
- B. Are incorporated into the official records of the Educational Service Provider;
- C. Reasonably reflect the total activity for which the employee is compensated by the Educational Service Provider, not exceeding 100% of the compensated activities;
- D. Encompass both Federally assisted and other activities compensated by the Educational Service Provider on an integrated basis;
- E. Comply with the Academy's established accounting policies and practices;
- F. Support the distribution of the employee's salary or wages among specific activities or cost objectives if the employee works on more than one (1) Federal award, a Federal award and non-Federal award, an indirect cost activity and a direct cost activity, two (2) or more indirect activities which are allocated using different allocation bases, or an unallowable activity and a direct or indirect cost activity.

The Educational Service Provider will also follow any time and effort requirements imposed by the pass through entity to the extent that they are more restrictive than the Federal requirements. The Educational Service Provider is responsible for the distribution, collection, and retention of all employee effort reports. Individually reported data will be made available only to authorized auditors.

#### Reconciliations

Budget estimates are not used as support for charges to Federal awards. However, the Academy may use budget estimates for interim accounting purposes. The system used by the Academy to establish budget estimates produces reasonable approximations of the activity actually performed. Any significant changes in the corresponding work activity are identified by the Educational Service Provider and entered into the Academy's records in a timely manner. The Academy's internal controls require the Educational Service Provider to review after-the-fact interim charges made to a Federal award based on budget estimates and ensure that all necessary adjustments are made so that the final amount charged to the Federal award is accurate, allowable, and properly allocated.

Adopted 1/12/17

## **STUDENT FEES, FINES, AND SUPPLIES**

Reference: MCL 388.1904 [Suggested/Referred to, but not required]

### Fees

The Board of Directors may assess certain fees to pay the costs for extra-curricular and noncredit activities. Such fees might be made for expendable items such as magazines, workbook materials, paperback selections, laboratory supplies, materials for clubs, independent study or special projects, transportation costs, and admission/participation fees for school-sponsored trips and activities.

If an eligible student enrolled in an eligible course offered by a career and technical preparation program does not complete the course, other than for reasons related to a family or medical emergency, the student shall repay to the Academy any funds expended by the Academy for the course that are not refunded by the career and technical preparation program, and may also be subject to such sanctions as are provided for in procedures prepared by the Academy administration.

No student, however, shall be deprived of participation in any mandatory school activity or required curriculum activity due to a lack of financial ability to pay. Fees will not be charged for such activities. Extra-curricular activities for which fees will be charged may not be used in determining credit or grades in any course.

A fee shall not exceed the combined cost of the service(s) provided and/or materials used. An accurate accounting of all fees collected and all fees expended shall be provided to the School Leader (or his/her designee) for each fee-based activity, at the conclusion of the activity, along with a record of the remission of any fees not expended.

### Fines

When Academy property, equipment, or supplies are damaged, lost, or taken by a student, whether in a regular course or extra-curricular offering, a fine will be assessed. The fine will be reasonable, seeking only to compensate the Academy for the expense or loss incurred.

The late return of borrowed books or materials from the Academy libraries will be subject to appropriate fines. Failure to pay the fines may result in loss of privileges.

Any fees or fines collected by members of the staff are to be given to the Educational Service Provider within twenty-four (24) hours after collection.

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

### Supplies

The Academy will provide all basic supplies needed by the student to complete the required course curriculum. The student and/or his/her family may choose to purchase their own supplies if they desire to have a greater quantity or quality of supplies, or to conserve the limited resources for use by others. The teacher or appropriate administrator may recommend useful supplies.



Payment

For convenience to families, the Board may enter into an agreement with one or more credit card/online payment processing vendors to facilitate online payment of fees, fines, and charges. Parents/guardians or students may elect but are not required to make payments online. Vendors will comply with all Board policies and procedures related to confidentiality and security of information transmitted electronically. Payees will be notified of any processing or other nominal fees that may be charged for use of an online payment system before the transaction is completed.

Students Experiencing Homelessness - McKinney-Vento Act

No fine or fee shall be charged to a student identified as a student experiencing homelessness unless it is determined that the student has the ability to pay the fee or fine and that its imposition does not create a barrier to the student's ability to enroll, or attend school, achieve academic success, or cause the student to be identified as experiencing homelessness. Any dispute regarding a fine or a fee that is imposed shall not delay the student's enrollment or serve as a barrier to enrollment by delaying the transfer of student records to another academy or school district if applicable.

Immediate enrollment notwithstanding fines or fees shall be extended to extra-curricular and co-curricular activities as well as to academic programming.

Adopted 12/16/21

## PURCHASING

Reference: MCL 380.1267, 380.1274 et seq.

Procurement of all supplies, materials, equipment, and services paid for from Academy funds shall be made in accordance with all applicable federal and State statutes, Board policies, and administrative procedures. Standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award, and administration of contracts are established in Policy 1130, Policy 3110, and Policy 4110 (as applicable) – Conflict of Interest.

All procurement transactions shall be conducted in a manner that encourages full and open competition and in accordance with good administrative practice and sound business judgment.

Each year the State of Michigan informs the School of the legal amount for purchases which require a formal bidding process of a single item.

It is the policy of the Board that the Educational Service Provider adhere to the following:

- A. Seek informal price quotations on purchases that are under 50 percent of the amount allowed by State statute for a single item, except in cases of emergency or when the materials purchased are of such a nature that price negotiations would not result in a savings to the Academy.
- B. When the purchase of, and contract for, single items of supplies, materials, or equipment is in excess of 50 percent but less than the amount allowed by State statute, the Educational Service Provider shall whenever possible, have at least three (3) competitive bids.

Purchases in a single transaction that are in excess of the dollar amount permitted by State statute shall require competitive bids and, whenever possible, have at least three (3) such bids for substantiation of purchase and shall require approval of the Board prior to purchase.

### Competitive Bids

Competitive bids are not required for items purchased through the cooperative bulk purchasing program operated by the Michigan Department of Management and Budget pursuant to MCL 18.1263.

Competitive bids are not required for food purchases, unless food purchased in a single transaction costs \$100,000 or more

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

- A. the quality of the item(s) to be supplied;
- B. its conformity with specifications;
- C. suitability to the requirements of the Academy;

- D. delivery terms;
- E. past performance of vendor.

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

For purposes of this preference a Michigan-based business means a business that would qualify for a Michigan preference for procurement contracts under MCL 18.1268, which requires that the businesses certify that since inception or during the last twelve (12) months it has done one of the following:

- A. have filed a Michigan business tax return showing an allocation of income tax base to Michigan;
- B. have filed a Michigan income tax return showing income generated in or attributed to Michigan; or
- C. withheld Michigan income tax from compensation paid to the bidder's owners and remitted the tax to the Michigan Department of Treasury.

This preference shall not apply to any procurement or project using Federal funds, nor shall it be used if it would violate any Federal law or requirements.

The Board reserves the right to reject any and all bids.

#### Bid Protest

A bidder who wishes to file a bid protest must file such notice and follow procedures prescribed by the Request For Proposals (RFP) or the individual bid specifications package, for resolution. Bid protests must be filed in writing with the 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.

#### General Provisions

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

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

The Educational Service Provider is authorized to make emergency purchases, without prior approval, of those goods and/or services needed to keep the school in operation. Such purchases shall be brought to the Board's attention at the next regular meeting.

In order to promote efficiency and economy in the operation of the school, the Board requires that the Educational Service Provider periodically estimate requirements for standard items or classes of items and make quantity purchases on a bid basis to procure the lowest cost consistent with good quality.

Whenever storage facilities or other conditions make it impractical to receive total delivery at any one time, the total quantity to be shipped but with staggered delivery dates, shall be made a part of the bid specifications.

Before placing a purchase order, the Educational Service Provider shall check as to whether the proposed purchase is subject to bid, whether sufficient funds exist in the budget, and whether the material might be available elsewhere in the school. All purchase orders shall be numbered consecutively.

In the interests of economy, fairness, and efficiency in its business dealings, the Board requires that:

- A. opportunity be provided to as many responsible suppliers as possible to do business with the Academy;
- B. a prompt and courteous reception, insofar as conditions permit, be given to all who call on legitimate business matters;
- C. where the requisitioner has recommended a supplier, the Educational Service Provider may make alternate suggestions to the requisitioner if, in his/her judgment, better service, delivery, economy, or utility can be achieved by changing the proposed order;
- D. upon the placement of a purchase order, the Educational Service Provider shall commit the expenditure against a specific line item to guard against the creation of liabilities in excess of appropriations.

The Educational Service Provider shall determine the amount of purchase which shall be allowed without a properly signed purchase order. Employees may be held personally responsible for anything purchased without a properly signed purchase order or authorization. The Board may acquire office equipment as defined in law by lease, by installment payments, by entering into lease-purchase agreements, or by lease with an option to purchase, provided the contract sets forth the terms of such a purchase.

#### Procurement – Federal Grants

The Educational Service Provider shall maintain a procurement and contract administration system in accordance with the USDOE requirements (34 CFR 80.36) for the administration and management of Federal grants and federally-funded programs. The Academy shall maintain a compliance system that requires contractors to perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders. Except as otherwise noted, procurement transactions shall conform to the provisions of this policy and administrative guidelines (AG 6320).

Adopted 1/14/16

## NEW SCHOOL CONSTRUCTION, RENOVATION

References: MCL 380.1267  
M.C.L. 380.1264

Before commencing construction of any new academy building or the major renovation of an existing academy building, the Board shall consult on the plans for construction or major renovation regarding academy safety issues with the law enforcement agency that is the first responder for the academy building at issue. For purposes of this paragraph, academy building means any building intended to be used to provide instruction to students and any recreational or athletic structure or field intended to be used by students.

Before beginning construction of a new academy building, or an addition, repair or renovation of an existing academy building, except emergency repairs, the Board of Education, shall obtain competitive bids on all the material and labor required for the complete construction of a proposed new building or addition to or repair or renovation of an existing academy building which exceeds the State statutory limit.

This policy does not apply to buildings, renovations, or repairs costing less than the statutory limit or to repair work normally performed by Academy employees.

The Board shall advertise for the bids required under subsection:

- A. By placing an advertisement for bids at least once in a newspaper of general circulation in the area where the building or addition is to be constructed or where the repair or renovation of an existing building is to take place and by posting an advertisement for bids for at least two (2) weeks on the Department of Management and Budget website on a page on the website maintained for this purpose or on a website maintained by an academy organization and designated by the Department of Management and Budget for this purpose.
- B. By submitting the request for bids for placement on the Michigan Department of Management and Budget's website for academy organizations, including a link to the Academy's website.
- C. The advertisement for bids shall do all of the following:
  1. specify the date and time by which all bids must be received by the Board at a designated location;
  2. state that the Board will not consider or accept a bid received after the date and time specified for bid submission;
  3. identify the time, date, and place of a public meeting at which the Board or its designee will open and read aloud each bid received by the Board by the date and time specified in advertisement;
  4. state that the bid shall be accompanied by a sworn and notarized statement disclosing any familial relationship that exists between the owner or any employee of the bidder and any member of the Board or the Administrator of the Academy. A Board shall not accept a bid that does not include this sworn and notarized disclosure statement.

- D. The Board shall require each bidder for a contract under this policy, to file with the Board security in an amount not less than 1/20 of the amount of the bid conditioned to secure the Academy from loss or damage by reason of the withdrawal of the bid or by the failure of the bidder to enter a contract for performance, if the bid is accepted by the Board.
- E. The Board shall not open, consider, or accept a bid that the Board receives after the date and time specified for bid submission in the advertisement for bids as described in subsection C of this policy.
- F. At a public meeting identified in the advertisement for bids described in subsection C of this policy, the Board or its designee shall open and read aloud each bid that the Board received at or before the time and date for bid submission specified in the advertisement for bids. The Board may reject any or all bids, and if all bids are rejected, shall re-advertise in the manner required by this policy.

The Board may consider and provide a preference to bidders which use a Michigan-based business as the primary contractor.

For purposes of this preference a Michigan-based business means a business that would qualify for a Michigan preference for procurement contracts under M.C.L.A. 18.1268, which requires that the businesses certify that since inception or during the last twelve (12) months it has done one of the following:

1. have filed a Michigan business tax return showing an allocation of income tax base to Michigan
2. have filed a Michigan income tax return showing income generated in or attributed to Michigan
3. withheld Michigan income tax from compensation paid to the bidder's owners and remitted the tax to the Michigan Department of Treasury

This preference shall not apply to any procurement or project using Federal funds, nor shall it be used if it would violate any Federal law or requirements.

- G. The competitive bid threshold amount specified in this policy (\$24,459 for 2019) is adjusted each year by multiplying the amount for the immediately preceding year by the percentage by which the average consumer price index for all items for the twelve (12) months ending August 31<sup>st</sup> of the year in which the adjustment is made differs from that index's average for the twelve (12) months ending on August 31<sup>st</sup> of the immediately preceding year and adding that product to the maximum amount that applied in the immediately preceding year, rounding to the nearest whole dollar. The current exempt amount must be confirmed with the Michigan Department of Education prior to issuing contracts for construction, renovation, or repairs which exceed the amount listed in this policy.

## **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 threshold of \$ 10,000. Small purchase procedures require that price or rate quotations shall be obtained from an adequate number of qualified sources.

Academies are responsible for determining an appropriate simplified acquisition threshold based on internal controls, an evaluation of risk, and its documented procurement procedures which must not exceed the threshold established in the Federal Acquisition Regulations (FAR). When applicable, a lower simplified acquisition threshold used by the non-Federal entity must be authorized or not prohibited under State, local, or tribal laws or regulations.

## B. Formal Procurement Methods

When the value of the procurement for property or services under a Federal award exceeds the simplified acquisition threshold, or a lower threshold established by the State, formal procurement methods are required. Formal procurement methods require following documented procedures. Formal procurement methods also require public advertising unless a non-competitive procurement method can be used in accordance with the standards on competition in C.F.R. 200.319 or non-competitive procurement. The formal methods of procurement are:

### 1. Sealed Bids

Sealed, competitive bids shall be obtained when the purchase of, and contract for, single items of supplies, materials, or equipment which amounts more than to the amount allowed by Michigan statute and when the Board determines to build, repair, enlarge, improve, or demolish an academy building/facility the cost of which will exceed the amount allowed by Michigan statute.

In order for sealed bidding to be feasible, the following conditions shall be present:

- a. a complete, adequate, and realistic specification or purchase description is available;
- b. two (2) or more responsible bidders are willing and able to compete effectively for the business; and
- c. the procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.

When sealed bids are used, the following requirements apply:

- a. Bids shall be solicited in accordance with the provisions of State law and Policy 6320. Bids shall be solicited from an adequate number of qualified suppliers, providing sufficient response time prior to the date set for the opening of bids. The invitation to bid shall be publicly advertised.

- b. The invitation for bids will include product/contract specifications and pertinent attachments and shall define the items and/or services required in order for the bidder to properly respond.
- c. All bids will be opened at the time and place prescribed in the invitation for bids; bids will be opened publicly.
- d. A firm fixed price contract award will be made in writing to the lowest responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs shall be considered in determining which bid is lowest. Payment discounts may only be used to determine the low bid when prior experience indicates that such discounts are usually taken.
- e. The Board reserves the right to reject any or all bids for sound documented reason.

## 2. Proposals

Procurement by proposals is a method in which either a fixed price or cost-reimbursement type contract is awarded. Proposals are generally used when conditions are not appropriate for the use of sealed bids or in the case of a recognized exception to the sealed bid method. (See Policy 6320 for competitive bid procedures.)

If this method is used, the following requirements apply:

- a. Requests for proposals shall be publicized and identify all evaluation factors and their relative importance. Any response to the publicized requests for proposals shall be considered to the maximum extent practical.
- b. Proposals shall be solicited from an adequate number of sources.
- c. The Academy shall use its written method for conducting technical evaluations of the proposals received and for selecting recipients.
- d. Contracts shall be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered.

The Academy may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E that firms are a potential source to perform the proposed effort.

## 3. Noncompetitive Procurement

Procurement by noncompetitive proposals allows for solicitation of a proposal from only one source and may be used only when one or more of the following circumstances apply:

- a. micro-purchases
- b. the item is available only from a single source
- c. the public exigency or emergency for the requirement will not permit a delay resulting from publicizing a competitive solicitation
- d. the Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the Academy

- e. after solicitation of a number of sources, competition is determined to be inadequate.

### **Domestic Preference for Procurement**

As appropriate and to the extent consistent with law, the Academy shall, to the extent practicable under a Federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States. Such requirements shall be included in all subawards including all contracts and purchase orders for work or products under the Federal award.

### **Contract/Price Analysis**

The Academy shall perform a cost or price analysis in connection with every procurement action in excess of \$250,000, including contract modifications. A cost analysis generally means evaluating the separate cost elements that make up the total price, while a price analysis means evaluating the total price, without looking at the individual cost elements.

The method and degree of analysis is dependent on the facts surrounding the particular procurement situation; however, the Academy shall come to an independent estimate prior to receiving bids or proposals.

When performing a cost analysis, the Academy shall negotiate profit as a separate element of the price. To establish a fair and reasonable profit, consideration is given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.

### **Time and Materials Contracts**

The Academy uses a time and materials type contract only (1) after a determination that no other contract is suitable; and (2) if the contract includes a ceiling price that the contractor exceeds at its own risk. Time and materials type contract means a contract whose cost to the Academy is the sum of the actual costs of materials, and direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.

Since this formula generates an open-ended contract price, a time-and-materials contract provides no positive profit incentive to the contractor for cost control or labor efficiency. Therefore, the Academy sets a ceiling price for each contract that the contractor exceeds at its own risk. Further, the Academy shall assert a high degree of oversight in order to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.

### **Suspension and Debarment**

The Academy will award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of the proposed procurement. All purchasing decisions shall be made in the best interests of the Academy and shall seek to obtain the maximum value for each dollar expended. When making a purchasing decision, the Academy shall consider such factors as (1) contractor integrity; (2) compliance with public policy; (3) record of past performance; and (4) financial and technical resources.

The 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](http://www.sam.gov); collecting a certification from the vendor; or adding a clause or condition to the covered transaction with that vendor. (2 CFR Part 180 Subpart C).

### **Bid Protest**

The Academy maintains the following protest procedures to handle and resolve disputes relating to procurements and, in all instances, discloses information regarding the protest to the awarding agency.

A bidder who wishes to file a bid protest shall file such notice and follow procedures prescribed by the Request For Proposals (RFPs) or the individual bid specifications package, for resolution. Bid protests shall be filed in writing with the 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: **01.17**

Classification: **Legally Required**

Revised Dates: **1/17/19; 7/18/19; 08/19/2021; 04.22**

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## **CONFLICT OF INTEREST - LEGAL COUNSEL, ADVISORS, OR CONSULTANTS**

Reference: MCL 380.1203

A person serving as the legal counsel to the Academy or otherwise acting as an advisor or consultant to the Board, 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 1/14/16

## **USE OF CREDIT/DEBIT CARDS**

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

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

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

The Educational Service Provider shall annually request the Board to approve the position titles authorized to use Academy credit/debit cards in the conduct of Academy business.

The Educational Service Provider shall be responsible for supervising and giving direction to employees authorized to use Academy credit/debit cards.

Adopted 1/14/16

## **PAYROLL DEDUCTIONS**

Reference: MCL 380.1224, 408.477; 423.210 (2012 P.A. 53)  
Michigan OAG 7187 (2006)  
Michigan Education Ass'n v. Sec. of State. (on rehearing) 489 Mich.194 (2011)

The Board authorizes, in accordance with the provisions of law or upon proper authorization on the appropriate form that deductions be made from an employee's paycheck for the following purposes:

- A. Federal and State income tax;
- B. Social Security;
- C. Municipal income tax;
- D. Public School Employees Retirement System; or
- E. Michigan Public School Employment Retirement System (MPSERS) Tax Deferred Payment (TDP) plan.

Deductions are not allowed for dues or service fees for a labor organization or for contributions to political action committees. [Note: The prohibition on deduction of union dues or services fees is effective as of March 16, 2012, unless a collective bargaining agreement was in effect as of that date, then it becomes effective with the date of expiration, renewal or extension of that bargaining agreement.]

To the extent permitted by law and in accordance with procedures set forth below, the Board declares its willingness to enter into an agreement with any of its employees whereby the employee agrees to take a reduction in salary with respect to amounts earned after the effective date of such agreement in return for the Board's agreement to use a corresponding amount to purchase an annuity for such employee (or group of employees desiring the same annuity company) from any company authorized to transact the business as specified in law in accordance with Section 403(b) of the Internal Revenue Code, and in accordance with the Academy's Administrative Procedures. However, it shall be clearly understood that the Board's only function shall be the deduction and remittance of employee funds.

In any case where the employee designates the agent, broker or company through whom the Board shall arrange for the placement or purchase of the tax-sheltered annuity, the agent, broker or company must execute a reasonable service agreement, an information sharing agreement, and/or other similar agreements as determined at the discretion of the Academy. The service agreement shall include a provision that protects, indemnifies, and holds the Academy harmless from any liability attendant to procuring the annuity in accordance with provisions of the Internal Revenue Code and other applicable Federal or State law.

The Board, by providing employees with payroll deduction services for annuities, is not providing any financial advice to employees, and is not vouching for the suitability of any investment or any annuity provider. The Academy assumes no responsibility or liability for any investment decisions or losses with respect to employee annuity purchases.

Said agreement shall comply with all of the provisions of law and may be terminated as said law provides upon notice in writing by either party. Employees shall notify the School Leader's office in writing if they wish to participate in such a program.

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

Adopted 1/14/16



## **TRAVEL PAYMENT & REIMBURSEMENT**

Reference: 2 CFR 200.474

Travel expenses incurred for official business travel on behalf of the Board 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 1/12/17

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

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

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

Adopted 1/14/16

## SYSTEM OF ACCOUNTING

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

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

### GASB 84

The Academy's system of accounting shall comply with all applicable requirements of the Governmental Accounting Standards Board, Statement No. 84 (GASB 84). In accordance with GASB 84, the Academy will report applicable fiduciary activities as identified in either the private purpose trust fund or the custodial fund. Typically, these activities include recognized student and academy-related activity funds held in a bank account maintained by the Academy. These funds shall be subject to the accounting and requirements specified in the Michigan Public Schools Accounting Manual. An activity not identified as a fiduciary activity under GASB 84 will be deemed a governmental activity and will be reported in a governmental fund.

### GASB 54

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

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

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

The Educational Service Provider shall be responsible for the proper accounting of all Academy funds. The Educational Service Provider shall ensure that expenditures are budgeted under and charged against those accounts which most accurately describe the purpose for which such monies are to be or have been spent. Wherever appropriate and practicable, salaries of individual employees, expenditures for single pieces of equipment, and the like shall be prorated under the several accounts which most accurately describe the purposes for which such monies are to be or have been spent.

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

- A. Capitalization policies for Academy assets (i.e., which assets will be capitalized and depreciated over their estimated useful life versus which assets will be expensed in year of purchase);
- B. Methods for calculating annual and accumulated depreciation expense for assets including estimates for asset lives, residual asset values, and depreciation methodology;
- C. Procedures for recording gain or loss on sale of capital assets and proceeds from the sale of capital assets in compliance with GAAP Reporting of estimated cash values or replacement values to Academy insurance providers.

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

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

Such reporting shall include description of significant capital asset activity during the fiscal year including: acquisitions through purchase or donation, sales or dispositions including the proceeds and gains or losses on the sale, changes in methods of calculating depreciation expense or accumulated depreciation, such as, estimates of useful life, residual values, depreciation methodology (e.g. straight line or other method).

Before implementing procedures or changing procedures, the Educational Service Provider will review the proposed procedure with the CPA appointed by the Board of Directors to conduct the Board's financial audit. The procedures established shall comply with all statutorily required standards and generally accepted accounting procedures.

Adopted 11/21/19

## PUBLIC DISCLOSURE AND REPORTING

Reference: MCL 4.415, 338.1617a, 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 adopts its annual operating budget for the following school fiscal year, or adopts a subsequent revision to that budget, the Academy shall make all of the following available through a link on its Web site home page in a form and manner prescribed by the State Department of Education ("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 of 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
- j. the current collective bargaining agreement for each bargaining unit within the Academy
- k. each health care benefits plan, including, but not limited to, medical, dental, vision, disability, long-term care, or any other type of benefits that would constitute health care services, offered to any bargaining unit or employee in the Academy
- l. the bids required under Section 5 of the Public Employee Health Benefits Act
- m. the total salary and a description and cost of each fringe benefit included in the compensation package for the School Leader of the Academy and for each employee of the school whose salary exceeds \$100,000.00

As used in this subdivision, "lobbying" means that term as defined in Section 5 of 1978 PA 472, MCL 4.415.

The Board shall have an audit of the Academy's financial and pupil accounting records conducted at least annually at the expense of the Academy. The 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 1<sup>st</sup> 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 State Department of Education 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 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 7<sup>th</sup> of each school fiscal year, providing to CEPI the budgetary assumptions used when adopting the annual budget pursuant to the Uniform Budgeting and Accounting Act if the 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.

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

Adopted 1/14/16

7000 **PROPERTY**

<b>7217</b>	<b>Weapons</b>	<b>LR</b>
<b>7310</b>	<b>Disposition of Surplus Property</b>	<b>LR</b>
<b>7434</b>	<b>Use of Tobacco on Academy Premises</b>	<b>LR</b>
7440.03	Small Unmanned Aircraft Systems	LC
<b>7450</b>	<b>Property Inventory</b>	<b>LR</b>
7455	Accounting System for Capital Assets	BP
7530	Lending of Board-Owned Equipment	BP
7530.02	Staff Use of Personal Communication Devices	LC
7540	Technology	LC
7540.01	Technology Privacy	LC
7540.02	Web Accessibility, Content, Apps and Services	LC
<b>7540.03</b>	<b>Student Education Technology Acceptable Use and Safety</b>	<b>LR</b>
<b>7540.04</b>	<b>Staff Technology Acceptable Use and Safety</b>	<b>LR</b>
7540.05	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
7543	Utilization of the Academy’s Website and Remotes Access to the Academy’s Network	BP
7544	Use of Social Media	LC

Adopted 1/14/16

Revised 11/10/16; 1/12/17; 8/10/17; 8/2/18; 11/21/19; 8/19/21



## WEAPONS

Reference: 18 USC. 922  
MCL. 28.4250, 123.1101, 750.222  
20 USC 4141(g)

The Board of Directors prohibits visitors from possessing, storing, making, or using a weapon in any setting that is under the control and supervision of the Board including, but not limited to, property leased, owned, or contracted for by the Board, a school sponsored event, or in a Board-owned vehicle.

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

Exceptions to this policy include weapons under the control of law enforcement personnel.

These restrictions shall not apply in the following circumstances to persons who are properly licensed to carry a concealed weapon:

- A. A parent or legal guardian of a student of the Academy, may carry a concealed weapon while in a vehicle on school property, if s/he is dropping the student off at the school or picking up the child from the school.
- B. A county corrections officer, a member of a Sheriff's posse, a police or sheriffs reserve or auxiliary officer, or a State Department of Corrections parole or corrections officer, a private investigator, a Michigan State Police motor carrier officer or Capitol security officer, a State court judge, a security officer required by the employer to carry a concealed weapon while on the premises.
- C. A retired police or law enforcement officer or a retired State court judge.

The Educational Service Provider, shall refer a visitor who violates this policy to law enforcement officials and may take any steps necessary to exclude the visitor from Academy property and Academy-sponsored events.

Adopted 1/14/16

## **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. Disposal of surplus property purchased with Federal funds shall be made in accordance with Federal guidelines. 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 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 1/12/17

## USE OF TOBACCO ON ACADEMY PREMISES

Reference: MCL 333.12601 et seq.  
MCL 380.1170  
MCL 750.473  
20 USC 6081 et seq.  
USDOE. Memorandum, 1995  
MDE Board Policy on 24/7 Tobacco-Free Schools

The Board of Directors believes that the right of persons to use tobacco must be balanced against the right of those who do not use tobacco to breathe air untainted by tobacco.

The use of tobacco products of any kind, including but not limited to cigarettes, cigars, pipes, and chewing tobacco, and by any person, is prohibited on academy property (including grounds, buildings, and vehicles) and during any academy-sponsored activity or event.

In order to protect students and staff who choose not to use tobacco from an environment noxious to them and potentially damaging to their health, the Board prohibits the use of tobacco products on academy premises (owned or leased), in academy vehicles, at all academy sponsored events and in all academy buildings owned and/or operated by the Academy.

For purposes of this policy,

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

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

In order to protect students and staff who choose not to use tobacco from an environment noxious to them, and because the Board does not condone smoking and/or the use of tobacco, the Board prohibits the use of tobacco or tobacco substitute products at all times (twenty-four (24) hours a day, seven (7) days a week) within any enclosed facility owned or leased or contracted for by the Board, and in the areas directly or indirectly under the control of the Board immediately adjacent to locations of ingress or egress to such facilities. This

prohibition extends to any Board-owned and/or operated vehicles used to transport students and to all other Board-owned and/or operated vehicles. Such prohibition also applies to:

- A. academy grounds,
- B. any academy-related event, and
- C. on or off Board premises.

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

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

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

The School Leader shall:

- A. Communicate the Academy's Tobacco-Free Policy to students, staff, family members, and visitors, at Academy events, through signage, and in the student code of conduct;
- B. Develop and implement procedures for consistent and fair enforcement;
- C. Develop educational alternatives to suspension;
- D. Treat violators who are students or staff with disciplinary action in the same magnitude and manner as violations of other Academy policies;
- E. Ensure that visitors who violate the policy discontinue using the tobacco product or leave the premises;
- F. Include the expectation that the prohibition will be enforced in contracts with outside groups who use the building; and
- G. Coordinate with local law enforcement agencies on enforcement of the Youth Tobacco Act and the Michigan Penal Code related to tobacco use.

The Academy may provide access to developmentally-appropriate tobacco cessation programs or information about community cessation programs.

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

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

The Educational Service Provider shall designate the individuals and the methods to monitor compliance with this policy.

Adopted 1/14/16  
Revised 11/21/19

## **SMALL UNMANNED AIRCRAFT SYSTEMS**

Reference: 14 C.F.R. Part 107

The Board prohibits the operation of small Unmanned Aircraft Systems (sUAS) at any time by any individual who is not employed by the Academy, as well as by any Academy staff member or administrator who is not expressly authorized to do so by the Educational Service Provider, on property owned or leased or contracted for by the Board.

The Board also prohibits the operation of a sUAS (drone) on property owned or leased or contracted for by the Board during Academy-sponsored contests (including scrimmages and previews), practices, tournaments, and activities under the auspices of the Michigan High School Athletic Association (MHSAA). Academy officials may deny admission or entry to anyone attempting to use a sUAS until the event has been completed. Any exceptions to this prohibition must be approved in advance by the Educational Service Provider.

To be authorized to operate a drone on property owned or leased or contracted for by the Board, a staff member or administrator must have a Remote Pilot Certificate issued by the Federal Aviation Administration (FAA). Further, the drone must be registered with the FAA and properly marked in accordance with 14 C.F.R. Part 107.

A staff member or administrator authorized to operate a drone on property owned or leased or contracted for by the Board, must also comply with all rules set forth in 14 C.F.R. Part 107. (See AG 7440.03)

Failure to adhere by all rules set forth in 14 C.F.R. Part 107 and AG 7440.03 may result in loss of authorization to operate a drone to operate on property owned or leased or contracted for by the Board, referral to local law enforcement, and/or further disciplinary action, up to and including termination.

Adopted 11/21/19

## 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.

Adopted 1/12/17  
Revised 8/19/21

## ACCOUNTING SYSTEM FOR CAPITAL ASSETS

The Board of Directors shall maintain a capital-asset accounting system. The capital-asset system shall maintain sufficient information to permit the following:

- A. the preparation of year-end financial statements in accordance with generally-accepted accounting principles;
- B. adequate insurance coverage;
- C. control and accountability.

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

*Capital-assets* are defined as those tangible assets of the Academy with 1.) a useful life in excess of one (1) year 2.) and an initial cost equal to or exceeding the amount determined annually in the Academy's administrative guidelines, 3.) which are capitalized in accordance with GAAP, and 4.) which the Academy intends to hold or continue in use over an extended period of time. If a single item does not meet the threshold amount, but is typically purchased in aggregate by the Academy, the Educational Service Provider shall verify which items shall be classified as capital-assets and recorded at the time of purchase or acquisition. Further some items may be identified as "controlled" assets that are to be recorded on the capital-asset system to maintain control, although they may not meet all capital-asset criteria.

Capital-assets shall be classified as follows:

- A. land, buildings (facilities), equipment, and intellectual property (including software) whether acquired by purchase, construction, manufacture, exchange, or through a lease accounted for as financed purchase under Government Accounting Standards Board (GASB) standards or a finance lease under Financial Accounting Standards Board (FASB) standards, and;
- B. additions, improvements, modifications, replacements, rearrangements, reinstallations, renovations or alterations to capital-assets that materially increase their value or useful life (not ordinary repairs and maintenance).;

Leased capital-assets and assets jointly owned shall also be identified and recorded on the capital-asset system.

Capital-assets shall be recorded at historical cost or, if that amount is not practicably determinable, at estimated historical cost. The method(s) to be used to estimate historical cost shall be established by the Educational Service Provider.

The purchase of capital-assets, the transfer of capital-assets between buildings, and the disposal of capital-assets shall be initiated by the Educational Service Provider and shall require the prior written approval of the Educational Service Provider. An asset to be disposed of by sale with a current value in excess of \$5,000 shall be sold at auction. An auction shall be held at the discretion of the Educational Service Provider when sufficient assets have accumulated to warrant the cost. The Educational Service Provider shall establish minimum acceptable prices for assets sold at auction.

Depreciation shall be recorded for fund capital-assets, using the method(s) agreed upon by the Educational Service Provider.

Accumulated depreciation shall be calculated on a straight line basis and recorded for general capital -assets.

The following information shall be maintained for all capital-assets:

- A. description;
- B. asset classification (land, building, equipment, etc.);
- C. location;
- D. purchase price;
- E. vendor;
- F. date purchased;
- G. voucher number;
- H. estimated useful life;
- I. estimated salvage value;
- J. replacement cost;
- K. accumulated depreciation;
- L. method of acquisition (purchase, trade-in, lease, donated, etc.);
- M. appropriation;
- N. manner of asset disposal.

Adopted 8/19/21

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

No item of Board-owned equipment shall be loaned for non-school use off Academy property. If equipment is required for the use of those granted permission to use Academy facilities, it may be loaned in accordance with Board of Directors policy on the use of academy facilities.

The Board may lend specific items of equipment on the written request of the user and approval granted by the Educational Service Provider.

The user of Board-owned equipment shall be fully liable for any damage or loss occurring to the equipment during its use and shall be responsible for its safe return. The use of Board-owned equipment off Academy property is subject to the same rules and conditions of use that are in effect when the equipment is used on Academy property.

Individuals authorized to use Board-owned equipment off Academy property are prohibited from allowing anyone else to use the equipment (e.g., spouses, children, relatives, friends, etc. may not use Board-owned equipment, which is approved for use by a specific person).

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

Personal use of Board-owned equipment or facilities by staff or students will be in accordance with the Educational Service Provider's Administrative Procedures.

Adopted 8/2/18

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

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

Adopted 8/2/18

## TECHNOLOGY

The Board is committed to the effective use of technology to both enhance the quality of student learning and the efficiency of Academy operations.

Students' use of the Academy Technology Resources (see definitions in Bylaw 0100) is a privilege, not a right. Students and their parents must sign and submit a *Student Technology Acceptable Use and Safety* form. (See also, Policy 7540.03)

The Educational Service Provider shall develop, recommend for approval by the board 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 Educational Service Provider shall create a Technology Governance Committee (see AG 7540B) to oversee and guide the development of the ATP. The Educational Service Provider shall appoint individuals to the Technology Governance Committee that include representatives of all educational administrative and business/operational areas in the Academy.

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, in conjunction with the Public Relations Person, shall review the ATP and recommend the approval of 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.

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

Staff may use Academy-approved social media platforms/sites in accordance with Policy 7544 and, pursuant to Policy 7540.02, may use web content, apps, and services for one-way communication with the Academy's constituents. Authorized staff may use Academy

Technology Resources to access and use Academy-approved social media platforms/sites to increase awareness of Academy programs and activities, as well as to promote achievements of staff and students, provided the Educational Service Provider approves, in advance, such access and use. Use of Academy-approved social media platforms/sites for business-related purposes is subject to Michigan's public records laws and, as set forth in Policy 7544, staff members are responsible for archiving their social media and complying with the Academy's record retention schedule. See Policy 8310 – Public Records, AG 8310A - Public Records, and AG 8310D – Records Retention and Disposal.

Staff must comply with Policy 7544, Policy 7540.04 and Policy 7530.02 when using Academy Technology Resources or personally-owned WCDs to access and/or use social media for personal purposes.

Adopted 1/14/16  
Revised 11/10/16; 8/2/18

## **TECHNOLOGY PRIVACY**

The Board 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 to be used solely for business purposes. The Board retains the right to access and review all Information Resources (as defined in Bylaw 0100), including but not limited to electronic and voice mail, computer files, data bases, and any other electronic transmissions contained within, or used in conjunction with, the Board's computer system/network, telephone system, electronic mail system, and voice mail system. Staff members shall be notified that they should have no expectation that any personal information/data maintained, stored, or transmitted contained on or through such systems is confidential or private.

Review of such information may be done by the Board with or without the staff member's knowledge. The use of passwords does not guarantee confidentiality, and the Board retains the right to access information in spite of a password. All passwords or security codes must be registered with the Board. A staff member's refusal to permit such access may be grounds for discipline up to, and including, discharge.

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 ESP'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 are 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 School Leader. 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 Resource and may not bring software from outside sources for use on Academy Technology resource 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 11/10/16



## **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.

Student-created content, apps and services are subject to Policy 5722 - School-Sponsored Student Publications and Productions.

The creation of content, apps and services by students must be done under the supervision of a professional staff member.

### **B. Purpose of Content of 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.rising-stars-academy.org](http://www.rising-stars-academy.org). 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.

This audit will occur no less than once every two years.

If problems are identified through the audit, such problems will be documented, evaluated, and, if necessary, remediated within a reasonable period of time.

5. Reporting Concerns or Possible Violations

If any student, prospective student, employee, guest, or visitor believes that the Academy has violated the technical standards in its online content, s/he may contact the Web Accessibility Coordinator with any accessibility concerns. S/he may also file a formal complaint utilizing the procedures set out in Board Policies 2260 and 2260.01 relating to Section 504 and Title II.

D. Instructional Use of Apps and Web Services

The Board authorizes the use of apps and web services to supplement and enhance learning opportunities for students either in the classroom or for extended learning outside the classroom.

The Board requires the Educational Service Provider pre-approve each app and/or web service that a teacher intends to use to supplement and enhance student learning. To be approved, the app and/or web service must have a FERPA-compliant privacy policy, as well as comply with all requirements of the Children's Online Privacy Protection Act (COPPA), Student Online Personal Protection Act (SOPPA) and the Children's Internet Protection Act (CIPA).

The Board further requires the use of a Board-issued e-mail address in the login process.

E. Training

The Academy will provide annual 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 8/10/17  
Revised 8/2/18

## STUDENT EDUCATION ACCEPTABLE USE AND SAFETY

Reference: P.L. 106-554, Children's Internet Protection Act of 2000  
P.L. 110-385, Title II, Protecting Children in the 21st Century Act  
18 U.S.C. 1460  
18 U.S.C. 2246  
18 U.S.C. 2256  
20 U.S.C. 6777, 9134 (2003)  
20 U.S.C. 6801 et seq., Part F, Elementary and Secondary Education Act of 1965,  
as amended (2003)  
47 U.S.C. 254(h), (1), Communications Act of 1934, as amended (2003)  
47 C.F.R. 54.520

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 provides Education Technology so that students can acquire the skills and knowledge to learn effectively and live productively in a digital world. The Board provides students with access to the Internet for limited educational purposes only and utilizes online educational services to enhance the instruction delivered to its students. The Academy's 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.

This policy and its related administrative guidelines and the Student Code of Conduct govern students' use of the Academy's computers, laptops, tablets, personal communication devices (as defined by Policy 5136), network, and Internet connection and online educational services ("Education Technology" or "Ed-Tech"). The due process rights of all users will be respected in the event there is a suspicion of inappropriate use of the Education Technology. Users have no right or expectation to privacy when using the Ed-Tech (including, but not limited to, privacy in the content of their personal files, e-mails, and records of their online activity while on the network and Internet).

First, and foremost, the Board may not be able to technologically limit access to services through its Educational Technology to only those services and resources that have been authorized for the purpose of instruction, study and research related to the curriculum. Unlike in the past when educators and community members had the opportunity to review and screen materials to assess their appropriateness for supporting and enriching the curriculum according to adopted procedures and reasonable selection criteria (taking into account the varied instructional needs, learning styles, abilities, and developmental levels of the students who would be exposed to them), access to the Internet, because it serves as a gateway to any publicly available file server in the world, will open classrooms and students to electronic information resources 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 which 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 School Leader, 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 School Leader. The Educational Service Provider or School Leader may temporarily or permanently unblock access to websites or online education services 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/guardians are advised that a determined user may be able to gain access to services 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/guardians may find inappropriate, offensive, objectionable or controversial. Parents/Guardians assume risks by consenting to allow their child to participate in the use of the Internet. Parents/Guardians of minors are responsible for setting and conveying the standards that their children should follow when using Education Technology. The Board supports and respects each family's right to decide whether to apply for independent student access to the Education Technology.

The technology protection measures may not be disabled at any time that students may be using the Education Technology, if such disabling will cease to protect against access to materials that are prohibited under the Children's Internet Protection Act. Any student who attempts to disable the technology protection measures will be subject to discipline.

The Educational Service Provider is directed to prepare procedures which address students' safety and security while using e-mail, chat rooms and other forms of direct electronic communications, and prohibit disclosure of personal identification information of minors and unauthorized access (e.g., "hacking"), cyberbullying and other unlawful or inappropriate activities by minors online.

Pursuant to Federal law, students shall receive education about the following:

- A. safety and security while using e-mail, chat rooms, social media, and other forms of direct electronic communications;
- B. the dangers inherent with the online disclosure of personally identifiable information;
- C. the consequences of unauthorized access (e.g., "hacking") cyberbullying and other unlawful or inappropriate activities by students online, and
- D. unauthorized disclosure, use, and dissemination of personal information regarding minors.

The Board directs the ESP to implement procedures regarding the appropriate use of technology and online safety and security as specified above. Furthermore, the ESP will implement monitoring procedures for the online activities while students are at school.

Monitoring may include, but is not necessarily limited to, visual observations of online activities during class sessions; or use of specific monitoring tools to review browser history and network, server, and computer logs.

The Educational Service Provider is responsible for providing training so that Internet users under their supervision are knowledgeable about this policy and its accompanying



procedures. The Board expects that staff members will provide guidance and instruction to students in the appropriate use of the Education Technology. Such training shall include, but not be limited to, education concerning appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms, and cyberbullying awareness and response. All Internet users (and their parents if they are minors) are required to sign a written agreement to abide by the terms and conditions of this policy and its accompanying procedures.

Students and staff members are responsible for good behavior on the Academy's computers/network and the Internet just as they are in classrooms, school hallways, and other school premises and school sponsored events. Communications on the Internet are often public in nature. General school rules for behavior and communication apply. The Board does not sanction any use of the Education Technology that is not authorized by or conducted strictly in compliance with this policy and its accompanying procedures.

Students shall not access social media for personal use from the Academy's network, but shall be permitted to access social media for educational use 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 of the Board's Education Technology are personally liable, both civilly and criminally, for uses of the Education Technology not authorized by this Board policy and its accompanying procedures.

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

Adopted 1/14/16

## **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 Administration. 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 or Administration may temporarily or permanently unblock access to websites or online educational services/apps containing appropriate material, if access to such sites has been inappropriately blocked by the technology protection measures. The determination of whether material is appropriate or inappropriate shall be based on the content of the material and the intended use of the material, not on the protection actions of the technology protection measures. The Educational Service Provider or Administration 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 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 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.

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 1/14/16  
Revised 8/2/18

## **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.

Academy staff shall not send or forward mass e-mails, even if the e-mails concern Academy business, without prior approval of the Educational Service Provider.

Academy staff may join list serves or other e-mail services (e.g. RSS feeds) that pertain to their responsibilities in the Academy, provided these list serves or other e-mail services do not exceed the staff member's e-mail storage allotment. If a staff member is unsure whether s/he has adequate storage or should subscribe to a list serv or RSS feed, s/he should discuss the issue with his/her building principal or the Academy's IT staff. The School Leader is authorized to block e-mail from list serves or e-mail services if the e-mails received by the staff member(s) become excessive.

Staff members are encouraged to keep their inbox and folders organized by regularly reviewing e-mail messages, appropriately saving e-mails that constitute a public record or student record and e-mails that are subject to a litigation hold (see Policy 8315 – Information Management), and purging all other e-mails that have been read. If the staff member is concerned that his/her e-mail storage allotment is not sufficient, s/he should contact the Academy's Technology Director.

### 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.

E-mail retention is the responsibility of the individual e-mail user. Users must comply with Academy guidelines for properly saving/archiving e-mails that are public records, student education records, and/or subject to a litigation hold. E-mails sent or received using the Academy's e-mail service may only be retained for thirty (30) days on the server. This retention is for disaster recovery and not to provide for future retrieval. The Academy does not maintain a central or distributed e-mail archive of e-mail sent and/or received. Any questions concerning e-mail retention should be directed to the Technology Director.

### 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 by signing and submitting Form 7540.04 F1 annually.

Furthermore, staff and Board members using the Academy's e-mail system shall satisfactorily complete training, regarding the proper use and retention of e-mail annually.

## **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 or the Technology Director.

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 Technology Director. The Technology Director 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 8/2/18

## PERSONAL INTERNET ACCOUNT PRIVACY - STUDENTS

Reference: Michigan Internet Privacy Information Act, PA 478 of 2012  
MCL 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 1/14/16

## PERSONAL INTERNET ACCOUNT PRIVACY – STAFF

Reference: Michigan Internet Privacy Protection Act, PA 478 of 2012  
MCL 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 1/14/16

## **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.rising-stars-academy.org](http://www.rising-stars-academy.org)).

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

- A. links to academy websites
- B. Academy Departments
- C. the Academy's calendar
- D. (required State report)
- E. Board agendas and minutes
- F. information concerning the Academy's Anti-Discrimination Policies and Guidelines, including Section 504/ADA complaint procedures
- G. required Forms
- H. employment and Volunteer Opportunities
- I. resources for additional information during a crisis/emergency situation
- J. contact info

Parents, students, staff/employees and community members should check the Academy's website regularly for changes to these resources and for the addition of other resources. Some resources may require a user name and password, or a login procedure due to the personally identifiable nature of the information provided through that resource (e.g., the grade book program and e-mail system). If a user name and password, or login procedure, is necessary to access a resource, the user should contact the applicable school or department for access.

### Access to the Academy Network through Server

Board members, staff members, as well as contractors, vendors, agents of the Academy,

are permitted to use their personally-owned or Academy-owned computer or workstation and/or web-enabled devices of any type to remotely (i.e. away from Academy property and facilities) access the Academy's server and thereby connect to the Academy's network. This policy is limited to remote access connections that are used to do work on behalf of or for the benefit of the Academy, including, but not limited to, reading or sending e-mail and reviewing Academy-provided intranet web resources.

Each individual granted remote access privileges pursuant to this policy must adhere to the following standards and regulations:

- A. his/her 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

Users are required to sign the applicable agreement form (Form 7540.03 F1 or Form 7540.04 F1) prior to being permitted to use remote access.

Additional standards and regulations for remotely accessing and connecting to the Academy network shall be published in AG 7543 - Standards and Regulations for Remote Access and Connection.

Any user who violates this policy may be denied remote access and connection privileges.

Any staff member who violates this policy may be disciplined, up to and including termination; any contractor, vendor, agent who violates this policy may have his/her contract with the Academy terminated.

Adopted 8/2/18

## 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 (including Academy-approved volunteers), and the general public. Social media is defined in Bylaw 0100.

The Educational Service Provider is charged with designating the Academy-approved social media platforms/sites.

In designating Academy-approved social media platforms/sites, the Educational Service Provider 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.

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 Educational Service Provider, use social media platforms/sites for classroom instruction or school-sponsored activities. When a staff member uses an 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.

Staff members must provide parents of students involved in a school-sponsored activity the ability to opt-out of having their child use social media platforms/sites for communication purposes associated with that activity, and arrange for an alternative method of communicating with the participating student concerning the school-sponsored activity.

#### Expected Standards of Conduct on Academy-Approved Social Media

Employees and Academy-approved volunteers 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 and volunteers 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 Educational Service Provider 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)

Staff members and Academy-approved volunteers cannot rely on social networking platforms (e.g., Facebook, Twitter, etc.) to sufficiently fulfill potential records retention requirements because these platforms, in general, do not guarantee retention and are unlikely to assist in the production of third-party comments and communications that have been edited, deleted,



or are otherwise no longer available. Consequently, Academy employees who use such social media accounts for professional communications must operate them in accordance with the general archiving practices and technology instituted by the Academy so records remain within the Academy's control and are appropriately retained.

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 and Academy-approved volunteers are prohibited from using Academy Technology Resources (as defined in Bylaw 0100) to access social media for personal use.

#### 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 and Academy-approved volunteers are prohibited from posting or engaging in communication that violates State or Federal law, Board policies, or administrative procedures. If an employee/volunteer's communication interferes with his/her ability to effectively perform his/her job, or violates State or Federal law, Board policies, or administrative procedures, the 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 8/2/18

8000 **OPERATIONS**

<b>8120</b>	<b>Iran Economic Sanctions Act Compliance</b>	<b>LR</b>
<b>8142</b>	<b>Criminal History Record Check</b>	<b>LR</b>
8210	Academy Calendar	LC
<b>8310</b>	<b>Public Records</b>	<b>LR</b>
<b>8321</b>	<b>Criminal Justice Information Security</b>	<b>LR</b>
<b>8330</b>	<b>Student Records</b>	<b>LR</b>
<b>8340</b>	<b>Letters of Reference</b>	<b>LR</b>
<b>8390</b>	<b>Animals on Academy Property</b>	<b>LR</b>
<b>8400</b>	<b>Academy Safety Information</b>	<b>LR</b>
<b>8401</b>	<b>Fire Safety and Fire Department Notification</b>	<b>LR</b>
<b>8402</b>	<b>Emergency Operations Plan</b>	<b>LR</b>
8405	Environmental Health and Safety Issues	LC
8405.01	Integrated Pest Management	LC
<b>8431</b>	<b>Preparedness for Toxic Hazards and Asbestos Hazard</b>	<b>LR</b>
8450	Control Of Casual-Contact Communicable Diseases	BP
8462	Student Abuse and Neglect	LC
<b>8500</b>	<b>Food Services</b>	<b>LR</b>
<b>8510</b>	<b>Wellness</b>	<b>LR</b>
8600	Transportation	LC
8800	Religious/Patriotic Ceremonies and Observances	LC

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

Adopted 1/14/16

Revised 1/12/17; 8/10/17; 12/14/17; 1/17/19; 7/18/19; 11/21/19; 6/18/20; 8/19/21; 12/16/21

## IRAN ECONOMIC SANCTIONS ACT COMPLIANCE

Reference: MCL 329.311 – 329.316

The Academy will not enter into or renew a contract with any Iran linked business while Iran is a State sponsor of terror as defined under Section 2 of the Divestment From Terror Act, 2008 PA 234, MCL 129.292. To this end, and in accordance with the Iran Economic Sanctions Act of Michigan, the Academy shall require a person that submits a bid on a request for proposal with the Academy to certify that it is not an Iran linked business.

If the Academy determines, using credible information available to the public, that a person has submitted a false certification, the Academy shall provide the person with written notice of its determination and of the intent not to enter into or renew a contract with the person. The notice shall include information on how to contest the determination and specify that the person may become eligible for a future contract with the Academy if the person ceases the activities that cause it to be an Iran linked business. The person shall have ninety (90) days following receipt of the notice to respond in writing and to demonstrate that the determination of false certification was made in error. If a person does not make that demonstration within ninety (90) days after receipt of the notice, the Academy may terminate any existing contract and shall report the name of the person to the attorney general together with information supporting the determination.

"Person" means any of the following:

- A. An individual, corporation, company, limited liability company, business association, partnership, society, trust, or any other nongovernmental entity, organization, or group.
- B. Any governmental entity or instrumentality of a government, including a multilateral development institution, as defined in section 1701(c)(3) of the international financial institutional act, 22 U.S.C. 262r(c)(3).
- C. Any successor, subunit, parent company, or subsidiary of, or company under common ownership or control with, any entity described in subparagraph A. or B.

"Iran Linked Business" means either of the following:

- A. A person engaging in investment activities in the energy sector of Iran, including a person that provides oil or liquefied natural gas tankers or products used to construct or maintain pipelines used to transport oil or liquefied natural gas for the energy sector of Iran.
- B. A financial institution that extends credit to another person, if that person will use the credit to engage in investment activities in the energy sector of Iran.
- C. "Iran" means any agency or instrumentality of Iran.

"Energy Sector of Iran" means activities to develop petroleum or natural gas resources or nuclear power in Iran.

"Investment" means one (1) or more of the following:

- A. A commitment or contribution of funds or property.
- B. A loan or other extension of credit.
- C. The entry into or renewal of a contract for goods or services.

"Investment activity" means one (1) or more of the following:

- A. A person who has an investment of \$20,000,000.00 or more in the energy sector of Iran.
- B. A financial institution that extends \$20,000,000.00 or more in credit to another person, for forty-five (45) days or more, if that person will use the credit for investment in the energy sector of Iran.

Adopted 1/14/16

## CRIMINAL HISTORY RECORD CHECK

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

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

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

For substitute teachers or substitute bus drivers currently working in another district, public school academy or non-public school in the State, the School Leader may use a report received from the State Police by such school to confirm the individual has no criminal history. Absent such confirmation, a criminal history record check shall be performed.

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<sup>1</sup> Individuals who submit and receive such criminal history record checks on behalf of the Academy must be direct employees of the Academy 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 districts or Academies may authorize the release of a prior criminal history records check with another school 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 School Leader must confirm that the record belongs to that individual and whether there have been any additional convictions by processing the individual's name, sex and date of birth through the Internet Criminal History Access Tool (ICHAT).

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

All criminal history record check reports received from the State Police or produced by the State Police and received by the Academy from another proper source will be maintained in the individual's personnel record.

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

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

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

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

An applicant must provide, at the Academy's expense, a set of fingerprints, prepared by an entity approved by the Michigan State Police, upon receiving an offer of employment, or as required by State law for continued employment.

#### Confidentiality

All information and records obtained from such criminal background inquiries and disclosures are to be considered confidential and shall not be released or disseminated to those who

have not been given access to the CHRI by the School Leader 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.

Adopted 1/14/16  
Revised 12/14/17

## ACADEMY CALENDAR

Reference: MCL 380.1284, 1284(a), 1284(b), 1175, 388.1701  
AC Rule R340.10 et. seq.  
Pupil Accounting Manual 2019-2020, Michigan Department of Education

The Board of Directors, shall ensure that its school calendar complies with the common calendar adopted by the Macomb Intermediate School District (ISD), unless the Academy is statutorily exempt from this requirement or receives a waiver from the Superintendent of Public Instruction in compliance with State law. The common calendar will identify the specific dates for each school year when the Academy will not be in session for at least a winter holiday break, and a spring break for at least the next five (5) school years, and may further describe them more generally for subsequent school years as long as the dates can be readily determined. This calendar shall be posted on the Academy's web site and distributed to the Academy's constituents. The calendar shall provide for the instructional program of the academies, for orderly educational planning, and for the efficient operation of the Academy.

The Board shall determine annually the total number of days the Academy will be in session for instructional purposes. To avoid withholding of State school aid payments, the number of days and hours will be in accordance with Michigan law. The Board shall ensure the Academy is not in session for students before Labor Day, unless the Academy is statutorily exempt from this requirement or receives a waiver from the Superintendent of Public Instruction in compliance with State law.

If the Academy receives services from the Intermediate School District and is located within the ISD, the board shall ensure that the Academy calendar complies with the common school calendar adopted by the ISD. The Educational Service Provider is authorized to work with the ISD on the development of a common calendar for all of the public schools in the Intermediate School District.

A school session shall not be held on the following public holidays in Michigan Public Schools: January 1 (New Year's Day); the last Monday of May (Memorial or Decoration Day); July 4<sup>th</sup>, Independence Day; the first Monday in September (Labor Day); the fourth Thursday of November (Thanksgiving Day); and December 25 (Christmas Day).

If any of these days falls on Sunday, the Monday following shall be a public holiday in the public schools.

The Academy shall provide at least 1,098 hours during 180 days of pupil instruction per school year, unless it obtains a waiver from this requirement.

No more than six (6) days of student instruction lost due to conditions not within the control of the Academy such as severe storms, fires, epidemics, and health conditions can be counted as a part of the required minimum hours of instruction. With the approval of the Superintendent of Public Instruction, not more than three (3) additional days or the equivalent number of additional hours for which instruction is not provided due to unusual and extenuating occurrences resulting from conditions not within the control of academy authorities (such as those conditions described above) shall be counted. Hours lost due to strikes by academy staff or to teacher conferences, unless approved as qualifying professional development in accordance with State law, shall not be counted as hours of instruction.



The Educational Service Provider shall certify to the Department of Education by no later than August 1st of each year, the number of hours of student instruction during the previous school year.

Adopted 1/17/19  
Revised 6/18/20

## 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 recognizes its responsibility to maintain the public records of the Academy and to make such records available to residents of Michigan for inspection and reproduction.

The public records of the 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 ESP employees, 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 authorizes the Educational Service Provider to provide, upon written request, enhanced i.e. immediate access to any public record which the Academy has stored in an electronic database and is not confidential or exempt from disclosure by State or Federal statute. Such a record may be provided by means of a computer disk provided by the requestor, electronic mail, or a modem providing the requestor has paid the fee established for such transmission.

The Board has determined that personal and confidential information provided to and retained by the Academy on parents, students, staff and others will be considered exempt from disclosure pursuant to a Freedom of Information Act request, unless advised specifically by the Academy's legal counsel that the particular information must be released. Such personal and confidential information shall include home addresses, telephone numbers, e-mail addresses or website pages (e.g. My Space, Facebook), except as they are specifically related to the operation of the schools, or specifically authorized for release by the individual, or the parent/guardian if the individual is a minor.

Nothing in this policy shall be construed as preventing a Board member from inspecting in the performance of his/her official duties any record of the 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 Macomb 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.

Adopted 1/14/16  
Revised 12/16/21

## **CRIMINAL JUSTICE INFORMATION SECURITY (NON-CRIMINAL JUSTICE AGENCY)**

Reference: Criminal Justice Information Services - Security Policy (Version 5.2, 2013),  
U.S. Dept. of Justice and Federal Bureau of Investigation  
Noncriminal Justice Agency Compliance Audit Review, Michigan State  
Police, Criminal Justice Information, Center, Audit and Training Section  
Conducting Criminal Background Checks, Michigan State Police, Criminal Justice Information  
Center

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

### Sanctions for Non-Compliance

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

### Local Agency Security Officer (LASO)

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

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

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

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

### Agency User Agreements

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

### Personnel Security

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

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

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

### Media Protection

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

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

inoperable or will not be reused, it shall be destroyed by shredding, cutting, or other suitable method to assure that any data will not be retrievable.

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

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

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

#### CHRI Background Check Consent and Documentation

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

Some type of documentation identifying the position for which a fingerprint-based CHRI background check has been obtained must be retained for every CHRI background check conducted, such as the "Waiver Agreement form" (RI-088A), an offer letter, employment agreement, new hire checklist, employment contract, volunteer background check form, etc

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

#### Controlled Area/Physical Protection

All CHRI obtained from the Michigan State Police pursuant to the statutorily required background checks shall be maintained in a physically secure and controlled area, which shall

be a designated office, room, or area. The following security precautions will apply to the controlled area:

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

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

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

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

#### Security Awareness Training

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

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



Services. (See AG 8321.) A record shall be kept current of all individuals who have completed the security awareness training.

Secondary Dissemination of Information

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

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

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

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

Incident Handling and Responses

Information system security incidents shall be tracked using Form CJIS-016 and documented on an ongoing basis. Incident-related information may be obtained from audit monitoring, network monitoring, physical access monitoring, and user/administrator reports. The LASO shall maintain completed security incident reporting forms for three (3) years or until legal action (if warranted) is complete, whichever timeframe is greater. The Academy shall implement steps for incident handling capabilities, for both digital and physical CHRI media. At a minimum, the following will be implemented:

	Physical - Hard Copy CHRI	Digital - Digitally Saved CHRI
1. Preparation	The CHRI container will be locked at all times in the business office where it is stored. The office must be locked when the office staff is not present.	Firewalls, virus protection, and/or malware/spyware protection shall be implemented and maintained to prevent unauthorized access or intrusion of the information systems.

2. Detection	Unauthorized activities or physical intrusions to the building shall be monitored by building alarm or video surveillance. Doors must be locked and checked at night.	Electronic intrusions shall be monitored and detected by the firewalls, virus protection, and/or malware/spyware protection software.
3. Analysis	The LASO will work with police authorities to determine how the incident occurred and what data was affected.	The LASO shall work with the IT department to determine what systems or data were compromised and affected.
4. Containment	The LASO shall lock uncompromised CHRI information in a secure container, or transport CHRI to a secure area.	The IT department shall stop the spread of any intrusion of the information systems and prevent further damage.
5. Eradication	The LASO shall work with law enforcement to remove any threats and compromised CHRI data.	The IT department shall remove the intrusion of the information systems before restoring the system. All steps necessary to prevent recurrence shall be taken before restoring the system.
6. Recovery	The Police shall handle and/or oversee the recovery of stolen CHRI media. The LASO may contact MSP for assistance in re-fingerprinting if necessary.	The IT department shall restore the agency information system and media to a safe environment.

When an incident involving the security of CHRI or systems with access to CHRI is discovered, the following procedures shall be followed:

- A. The LASO shall be notified immediately.
- B. The breach shall be assessed and steps taken to correct the situation:
  - 1. access shall be stopped for any unauthorized user;
  - 2. media shall be secured;
  - 3. systems shall be shut down as necessary to avoid further exposure to unauthorized access or dissemination of CHRI;
  - 4. such other steps are deemed necessary by the LASO or authorized personnel involved in assessing the incident.
- C. All necessary information regarding the security breach and Academy responses shall be recorded, analyzed, and preserved, including who was involved in taking incident response measures.

D. The LASO shall be responsible for filing the incident report with the MSP.

The LASO shall monitor MSP information/guidance on incident reports and train authorized users with access to CHRI on detection and response to security incidents.

E. Mobile Device - Incident Handling and Response

1. The LASO shall be notified immediately.
2. The breach shall be assessed and steps taken to correct the situations:
  - a. access shall be stopped immediately, and remotely if necessary, for any authorized user;
  - b. media shall be secured and steps taken to identify how the incident occurred and what systems or data were compromised or affected;
  - c. systems shall be shut down as necessary to avoid further exposure to unauthorized access or dissemination of CJI;
  - d. such other steps as are deemed necessary by the LASO or authorized personnel involved in assessing the incident.
3. All necessary information regarding the security breach and Academy responses shall be recorded, analyzed, and preserved, including who was involved in taking incident response measures.
4. Steps shall be taken to restore the device and media to a safe environment.
5. The LASO shall be responsible for filing the incident report with the MSP using form CJIS-016. A copy of the completed form shall be retained and produced to MSP upon request.

When a device is lost the Academy shall document and indicate how long the device has been lost. Special reporting procedures for mobile devices shall apply in any of the following situations:

- a. for a lost device, report if the owner:
  1. believed the device was locked;
  2. believed the device was unlocked;
  3. could not validate the device's locked state.
- b. for a total loss of a device, report if:
  1. CHRI was stored on the device;
  2. the device was locked or unlocked;
  3. capable of remote tracking or wiping of device.

- c. report any compromise of a device when the intrusion occurs while still in the owner's possession
- d. report any compromise outside of the United States

Collection of Evidence

Where an information security incident involves legal action against the Academy or an individual (either civil or criminal), evidence shall be collected, retained, and presented in accordance with the rules of evidence of the relevant jurisdiction(s).

Adopted 1/14/16  
Revised 6/18/20; 8/19/21

## 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 Educational Service Provider and School Leader, or his or her designee, shall develop a process to ensure that a student's participation in the address confidentiality program act is appropriately noted to avoid disclosure of this information to any person or entity.

Student "personally identifiable information" ("PII") includes, but is not limited to: the student's name; the name of the student's parent or other family members; the address of the student or student's family; a personal identifier, such as the student's social security number, student number, or biometric record; other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name; other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or information requested by a person who the Academy reasonably believes knows the identity of the student to whom the education record relates.

The Board is responsible for maintaining records of all students attending the Academy. Only records mandated by the State or Federal government and/or necessary and relevant to the function of the Academy or specifically permitted by this Board will be compiled by employees. The Board hereby authorizes collection of the following student records, in addition to the membership record required by law:

- A. observations and ratings of individual students by professional staff members acting within their sphere of competency
- B. samples of student work
- C. 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

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 ESP 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 and 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 the Academy seeks or intends to enroll upon condition that the student's parents be notified of the transfer, receive a copy of the record if desired, and have an opportunity for a hearing to challenge the content of the record;
- B. forward student records, including disciplinary records with respect to suspensions and expulsions, upon request to a public school or school Board in which a student in foster care is enrolled. Such records shall be transferred within one (1) school day of the enrolling school's request;
- C. provide "personally-identifiable" information to appropriate parties, including parents of an eligible student, whose knowledge of the information is necessary to protect the health or safety of the student or other individuals, if there is an articulable and significant threat to the health or safety of a student or other individuals, considering the totality of the circumstances;
- D. report a crime committed by a child with or without a disability to appropriate authorities and, with respect to reporting a crime committed by a student with a disability, to transmit copies of the student's special education records and disciplinary records including any suspension and expulsion action against the student to the authorities and Academy officials for their consideration;
- E. release de-identified records and information in accordance with Federal regulations;
- F. disclose personally identifiable information from education records, without consent, to organizations conducting studies "for, or on behalf of" the Academy for purposes of developing, validating or administering predictive tests, administering student aid programs, or improving instruction;

Information disclosed under this exception must be protected so that students and parents cannot be personally identified by anyone other than representative of the organization conducting the study, and must be destroyed when no longer needed for the study. In order to release information under this provision, the Academy will enter into a written agreement with the recipient organization that specifies the purpose of the study. (See Form 8330 F14.) 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.

While the disclosure of personally identifiable information (other than social security numbers, religion, political party affiliation, voting record, or biometric information) is allowed under this exception, it is recommended that de-identifiable information be used whenever possible. This reduces the risk of unauthorized disclosure.

- G. disclose personally identifiable information from education records without consent, to authorized representatives of the Comptroller General, the Attorney

General, and the Secretary of Education, as well as state and local educational authorities. The disclosed records must be used to audit or evaluate a federal or state supported education program, or to enforce or comply with Federal requirements related to those education programs. A written agreement between the parties is required under this exception. (See Form 8330 F16)

The Academy will verify that the authorized representative complies with FERPA regulations.

- H. request each person or party requesting access to a student's record to abide by the Federal regulations concerning the disclosure of information.

The Board will comply with a legitimate request for access to a student's records within a reasonable period of time but not more than forty-five (45) days after receiving the request or within such shorter period as may be applicable to students with disabilities. Upon the request of the viewer, a record shall be reproduced, unless said record is copyrighted, and the viewer may be charged a fee equivalent to the cost of handling and reproduction. Based upon reasonable requests, viewers of education records will receive explanation and interpretation of the records. The Board shall maintain a record of those persons to whom information about a student has been disclosed. Such disclosure records will indicate the student, person viewing the record, information disclosed, date of disclosure, and date parental/eligible student consent was obtained (*if required*).

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

If the Academy provides any personally identifiable information concerning the student that is collected or created by the Academy as part of the student's education records to any person, agency, or organization, then the Academy shall disclose to the student's parent or legal guardian upon his or her written request:

- A. The specific information that was disclosed.
- B. The name and contact information of each person, agency, or organization to which the information has been disclosed.
- C. The legitimate reason that the person, agency, or organization had in obtaining the information.

This information shall be provided without charge within 30 days after the Academy receives the written request and without charge to the parent or legal guardian.

The Academy is not required to disclose to the parent or legal guardian, even upon written request, any personally identifiable information concerning the student that is collected or created by the Academy as part of the student's education records and is provided to any person, agency, or organization in any of the following situations:

- A. Provision of such information to the Michigan Department of Education or CEPI.
- B. Provision of such information to the student's parent or legal guardian.



- C. Provision of such information to its authorizing body or to an educational management organization with which it has a management agreement.
- D. Provision of such information to or from its intermediate school board or to another intermediate school board providing services to the Academy or its students pursuant to a written agreement.
- E. Provision of such information to a person, agency, or organization with written consent from the student's parent or legal guardian or, if the student is at least age 18, the student.
- F. Provision of such information to a person, agency, or organization seeking or receiving records in accordance with an order, subpoena, or ex parte order issued by a court of competent jurisdiction.
- G. Provision of such information as necessary for standardized testing that measures the student's academic progress and achievement.
- H. Provision of such information that is covered by the opt-out form described above, unless the student's parent or legal guardian or, if the student is at least age 18 or is an emancipated minor, the student has signed and submitted the opt-out form referenced below.

Only "directory information" regarding a student shall be released to any person or party, other than the student or his/her parent, without the written consent of the parent; or, if the student is an eligible student, the written consent of the student, except those persons or parties stipulated by the Board policy and Administrative Procedures and/or those specified in the law.

The Board shall exempt from disclosure directory information, as requested for the purpose of surveys, marketing, or solicitation, unless the Board determines that the use is consistent with the educational mission of the Board and beneficial to the affected students. The Board may take steps to ensure that directory information disclosed shall not be used, rented, or sold for the purpose of surveys, marketing, or solicitations. Before disclosing the directory information, the Board may require the requester to execute an affidavit stating that directory information provided shall not be used, rented, or sold for the purpose of surveys, marketing, or solicitation.

#### Directory Information

Each year the Educational Service Provider shall provide public notice to students and their parents of the Academy's intent to make available, upon request, certain information known as "directory information." The Board designates as student "directory information":

- A. a student's name;
- B. dates of attendance;
- C. awards received.

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 School Leader shall appoint a person who has no conflicting interest to provide such written consent.

The Board may disclose "directory information" on former students without student or parental consent, unless the parent or eligible student previously submitted a request that such information not be disclosed without their prior written consent.

The Academy shall not sell or otherwise provide to a for-profit business entity any personally identifiable information that is part of a student's education records. This does not apply to any of the following situations:

- A. Providing the information to an educational management organization with which the Academy has a management agreement.
- B. Providing the information as necessary for standardized testing that measures the student's academic progress and achievement.
- C. Providing the information as necessary to a person that is providing educational or educational support services to the student under a contract with the Academy.

The parent of a student or an eligible student has the right to inspect upon request any instrument used in the collection of personal information before the instrument is administered or distributed to a student. Personal information for this section is defined as individually identifiable information including a student or parent's first and last name, a home or other physical address (including street name and the name of the city or town, unless a parent is prohibited from doing so due to a student's participation in the address confidentiality program act), a telephone number, or a Social Security identification number. In order to review the instrument, the parent or eligible students, must submit a written request to the building principal at least five (5) 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 ESP 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 the 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 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. See Form 8330 F14 and Form 8330 F16 for additional contract requirements.

Adopted 1/14/16

Revised 8/10/17; 8/19/21; 12/16/21

## LETTERS OF REFERENCE

Reference: MCL 423.452, 380.1230(b)  
Section 8546 of the Every Student Succeeds Act (ESSA)

The Board of Directors recognizes any current or former Educational Service Provider employee's request to an administrator for a letter of reference is an opportunity to share information about the staff member's performance with a prospective employer. The Board, however, does not require such references to be provided. A current or former staff member should not expect a letter of reference will be written upon request. The decision to comply with such a request shall be solely at the discretion of the administrator and the 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 Educational Service Provider before it may be released.

In accordance with State law, an administrator who provides such a letter of reference is entitled to at least a qualified privilege for statements made in the letter, provided such statements were made in good faith, without malice.

All Academy employees, including but not limited to an administrator who prepares a letter of reference or provides an employment reference pursuant to this policy, are prohibited from assisting an Academy employee, contractor or agent in obtaining a new job if s/he knows or has reasonable cause to believe that such Academy employee, contractor or agent engaged in sexual misconduct regarding a minor or student in violation of State or Federal law. "Assisting" does not include the routine transmission of administrative and personnel files. The only exceptions permitted are those authorized by the Every Student Succeeds Act, such as where the matter has been investigated by law enforcement and the matter was officially closed due to lack of probable cause or where the individual was acquitted or otherwise exonerated of the alleged misconduct.

This policy does not excuse the Academy from providing responses to requests for information about unprofessional conduct, as required by State law.

Adopted 8/10/17

## ANIMALS ON ACADEMY PROPERTY

Reference: 28 C.F.R. 35.104  
Section 504 of the Rehabilitation Act of 1973, as amended (Section 504)  
The Americans with Disabilities Act, as amended (ADA)  
The Individuals with Disabilities Education Improvement Act (IDEIA)

The Board recognizes that there are many occasions when animals are present on Academy property and many reasons for those animals' presence. Animals are commonly utilized by teachers during classroom presentations and are often housed in classrooms and other locations on campus. Additionally, employees, students, parents, vendors, and other members of the public may be accompanied at the Academy by a service or therapy animal in accordance with Federal and State law and this policy.

This policy applies to all animals on Academy property, including service animals.

### Definitions

- A. "Animal": includes every vertebrate other than a human.
- B. "Service animal": pursuant to 28 C.F.R. Section 35.104, "means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the individual's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition."

The Americans with Disabilities Act (ADA) also defines a miniature horse as an animal that can serve as a service animal, so long as the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability. To better determine whether the Board must allow for the use of a miniature horse or make modifications to buildings, the Board should refer to Section 35.136 (c) through (i) of the ADA.

### Non-Service Animals in the Academy and Elsewhere on Academy Property

Animals permitted in the Academy and elsewhere on Academy property shall be limited to those necessary to support specific curriculum-related projects and activities, those that provide assistance to a student or staff member due to a disability (e.g., seizure disorder), those that provide a reasonable accommodation to a student in accordance with a Section 504 Plan, or those that serve as service animals as required by Federal and State law.

Taking into consideration that some animals can cause or exacerbate allergic reactions, spread bacterial infections, or cause damage and create a hazard if they escape from confinement, the ESP may permit animals to be present in classrooms to support curriculum-related projects and activities only under the following conditions:

- A. the staff member seeking approval to have a non-service animal in his/her classroom shall:
  - 1. provide a current satisfactory health certificate or report of examination from a veterinarian for the animal;
  - 2. take precautions deemed necessary to protect the health and safety of students and other staff;
  - 3. ensure that the animal is treated humanely, keeping it in a healthy condition and in appropriate housing (e.g., a cage or tank) that is properly cleaned and maintained; and
  - 4. keep the surrounding areas in a clean and sanitary condition at all times;
- B. other staff members and parents of students in areas potentially affected by animals have been notified in writing and adjustments have been made to accommodate verified health-related or other concerns.

Except where required by law, the presence of a non-service animal shall be disallowed if documented health concerns of a student or staff member cannot be accommodated.

#### Service Animals for Students

A service animal is permitted to accompany a student with a disability to whom the animal is assigned anywhere on the Academy campus where students are permitted to be.

A service animal is the personal property of the student and/or parents. The Board does not assume responsibility for training, daily care, or healthcare or supervision of service animals. The Board does not assume responsibility for personal injury or property damage arising out of or relating to the presence or use of service animals on Academy property or at Academy-sponsored events.

A service animal that meets the definitions set forth in the ADA and this policy shall be under the control of the student with a disability, or a separate handler if the student is unable to control the animal. A service animal shall have a harness, leash, or other tether, unless either the student with a disability is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the student's control (e.g., voice control, signals, or other effective means), or under the control of a handler other than the student.

If the student with a disability is unable to control the service animal and another person serves as the animal's handler, that individual shall be treated as a volunteer and, as such, will be subject to Policy 4120.09.



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

If a service animal demonstrates that it is not under the control of the student or its handler, the School Leader is responsible for documenting such behavior and for determining if and when the service animal is to be removed and/or excluded from the Academy.

Similarly, in instances when the service animal has demonstrated that it is not housebroken, the School Leader shall document such behavior and determine whether the service animal is to be removed and/or excluded from Academy property.

The ESP shall be notified when a service animal is removed and/or excluded, and, immediately subsequent to such notification, document the reasons for the removal and/or exclusion.

The ESP decision to remove and/or exclude a service animal from Academy property may be appealed in accordance with the complaint procedure set forth in Policy 2260 - Nondiscrimination and Access to Equal Educational Opportunity.

The procedures set forth in Policy 2260 - Nondiscrimination and Access to Equal Educational Opportunity do not interfere with the rights of a student and his/her parents or an eligible student to pursue a complaint with the United States Department of Education's Office for Civil Rights or the Department of Justice.

### Service Animals for Employees

In accordance with Policy 1623, Policy 3123, and Policy 4123 - Section 504/ADA Prohibition Against Disability Discrimination in Employment, the Board provides qualified individuals with disabilities with reasonable accommodation(s). An employee with a disability may request authorization to use a service animal while on duty as such an accommodation. The request will be handled in accordance with the ADA mandated interactive process.

### Service Animals for Parents, Vendors, Visitors, and Others

Individuals with disabilities who are accompanied by their service animals are permitted access to all areas of the Academy's facilities where members of the public, as participants in services, programs or activities, as vendors, or as invitees, are permitted to go. Individuals who will access any area of the Academy's facilities with their service animals should notify the ESP that their service animal will accompany them during their visit.

An individual with a disability who attends an Academy event will be permitted to be accompanied by his/her service animal in accordance with Policy 9160 - Public Attendance at Academy Events.

Adopted 1/14/16

## 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 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. See Board Policy 3217, and Policy 5772. This prohibition is reasonably related to legitimate educational concerns, including the ability to provide a safe and secure learning and social environment for its students and controlling and minimizing disruptions to the educational process. The presence of dangerous weapons on academy property or at academy-sponsored events, except under very controlled circumstances, creates a potentially dangerous situation for students, staff and visitors, and may trigger precautionary safety responses, which disrupt the educational process and learning environment for students.

Federal law establishes a "Student Safety Zone" that extends 1,000 feet from the boundary of any academy property in relation to weapons and drugs. Individuals are prohibited from possessing or using weapons or drugs at any time on academy property, within the Student Safety Zone, or at any academy-related event.

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

The ESP shall hold a meeting for the purpose of conferring regarding the School Safety Information Policy Agreement and making modifications deemed necessary and proper, discussing additional training that might be needed; and, discussing any other such related matters as may be deemed to be necessary by the participants. Participants in this meeting shall include the School Leader, members of the Board, the County Prosecutor or his/her designee, and representatives from the local law enforcement agency. The following may also be invited to participate in the meeting:

- A. building administrators;
- B. teachers;
- C. parents;
- D. Fire Marshal or his/her designee;
- E. representative(s) from emergency medical services.

The ESP 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 Educational Service Provider 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 School Leader shall be provided to the Michigan State Police in the manner and frequency required by law.

The Academy contact person shall notify the School Leader of the academy of attendance of a student about whom information is received from law enforcement officials, prosecutors, or court officials within twenty-four (24) hours of the receipt of that information. The School Leader shall, in turn, notify the building staff members who s/he determines have a need to know the information that has been received within twenty-four (24) hours of receipt of that information.

The Educational Service Provider 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 ESP 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 ESP 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 Educational Service Provider 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 Educational Service Provider 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 a 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 Educational Service Provider shall discuss this at the annual meeting, for the purpose of reviewing the School Safety Plan, so that a plan of corrective action can be developed and implemented to reduce the number of these incidents in the subsequent year.

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

Adopted 1/14/16  
Revised 8/10/17; 7/18/19; 11/21/19; 6/18/20; 8/19/21

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

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

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

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

Adopted 1/14/16

## 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 7/18/19

## ENVIRONMENTAL HEALTH AND SAFETY ISSUES

The Board recognizes its responsibility relative to student, staff, and visitor health and safety and to the need for the development of a comprehensive program designed to provide a healthy, safe, and secure environment on school property and at school-sponsored activities. To achieve this, the Board intends for the Academy to take advantage of the most current, proven technologies in the fields of health, safety, and environmental sciences.

### Student, Employee, and Visitor Health and Safety

The Educational Service Provider shall develop and implement a positive, proactive environmental health and safety program that integrates responsibilities within the Academy and promotes and incorporates the following:

- A. Procedures that describe a hazard identification and abatement program requiring the following: periodic inspection of school facilities; the implementation of immediate and programmed corrective actions, when deemed necessary by such inspections; and the development of an Academy-wide hazard reporting procedure that enables employee/parent/school community participation. This program should also provide procedures for identifying and responding to hazards created by outside entities, inspecting activities of contractors, and inspecting new facilities to determine if appropriate requirements for environmental health and safety have been met.
- B. Procedures that promote environmental health and safety awareness among employees, students, parents and community. These procedures shall include, but not be limited to, the establishment of Academy safety committees and the establishment of a program of regular communication with students, employees, and parents about pertinent safety and health issues through available mediums in the Academy.
- C. Procedures that address the safety and health of students during transportation to the school, in the school, on school property, and during participation in school-related activities. These procedures shall include, but not be limited to, promoting bus safety for students; assessing the safety of school traffic patterns; operating school clinics; administering medication and medical treatment; promoting laboratory and shop safety; promoting safety in sports and other outdoor activities; inspecting playground equipment and promoting safety on playgrounds; and assessing environmental exposure.
- D. Procedures that relate to employees' health and safety issues, including, but not limited to, provision of work areas free from recognized hazards; OSHA-related programs required by Federal and State law (e.g., employee safety and health training and training in hazard recognition); and definition of employer and employee responsibilities and expectations related to health and safety.
- E. Procedures that establish a system for reporting and investigating accidents, including identification of root causes, determination of remedial and programmed corrective actions, and communication about accidents to employees, parents and members of the Academy community.
- F. Procedures that detail plans for foreseeable emergencies and fire prevention.

### Phase-out/Banned Products

The Educational Service Provider shall immediately ban the use, on Board property, of any chemicals, insecticides, or other materials, which the Federal government is phasing out and/or banning by a certain date.

### Indoor Environmental Quality (IEQ)

The Board recognizes that excessive moisture levels within the Academy can lead to conditions optimum for the development of biological contaminants (e.g., mold and fungi on building surfaces). The Board further recognizes the presence of these contaminants can be harmful on contact with respiratory tissue.

Contributing factors to excessive moisture levels include the following:

- A. roof leaks;
- B. structural defects in the building;
- C. improperly controlled humidity levels;
- D. faulty HVAC systems.

As preventive measures, the Academy shall do the following:

- A. address prevention of water intrusion as a priority IEQ issue and implement strategies toward its elimination;
- B. maintain environmental conditions in occupied areas in compliance with applicable regulations and strive to conform to industry standards;
- C. implement a preventative maintenance program for HVAC systems that includes, but is not be limited to, periodic filter replacement; inspection; cleaning and disinfecting processes; and procedures to eliminate the contribution to indoor air quality problems caused by this equipment;
- D. implement a system to ensure materials used (and purchased for use) in the construction, furnishing and maintenance (including cleaning), do not contribute to health hazards for employees and students by degrading the quality of indoor air. In addition, activities that create indoor air quality health hazards shall not be permitted.

In addition, the Educational Service Provider shall develop Administrative Procedures for properly monitoring factors that contribute to excessive moisture and for developing mitigation plans when, and if, problems with IEQ are identified.

### Diesel Exhaust and School Bus Idling

In accordance with the Environment Protection Agency's initiative to reduce pollution caused by buses on school property, the Board will take the recommended steps to reduce the negative effects of diesel exhaust on indoor and outdoor air quality on school campuses, including, but not limited to, reducing bus idling time and reinforcing smart driving practices.



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

Pollution Control and Prevention

In an effort to comply with environmental policy and applicable regulations, the Academy shall develop and implement procedures designed to prevent air and water pollution; minimize or eliminate waste streams, where possible; and identify possible sources of air and water pollution.

**Related Policies:**

- Policy 7430 Safety Standards
- Policy 8410 Crisis Intervention
- Policy 8420 Emergency Evacuation of Schools
- Policy 8431 Preparedness for Toxic Hazard and Asbestos Hazard
- Policy 8442 Reporting Accidents
- Policy 8450 Control of Casual-Contact Communicable Diseases
- Policy 8453 Direct Contact Communicable Diseases
- Policy 8453.01 Control of Blood-Borne Pathogens

Adopted 1/14/16

## **INTEGRATED PEST MANAGEMENT**

Reference: MCL 324.8316

### Purpose

The goal of this integrated pest management policy is to provide a safe and healthy learning environment that is relatively pest-free with the least possible use of pesticides. To achieve this goal, it is the policy of the Academy to develop, implement and maintain an integrated pest management program for the control of pests and minimize pesticide exposure to children, faculty, and staff. This policy is consistent with MCL 324.8316, which encourages schools to adopt an IPM strategy.

Sanitizers, germicides, disinfectants, or antimicrobials are exempt from the IPM notification requirements. This policy adheres to the principles of IPM and is conducted in accordance with all federal and state laws and regulations and local ordinances.

Pests are controlled to protect the health and safety of students and staff, maintain a productive learning environment and maintain the integrity of the school building and grounds. IPM is a pest management system that uses all suitable techniques in a total management system to prevent pests from reaching unacceptable levels or to reduce existing pest populations to acceptable levels while balancing the risk of the pest with the potential risk of the management technique.

### Development of IPM program

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

- A. Site evaluation, including site description, inspection, and monitoring and the concept of threshold levels;
- B. Consideration of the relationship between pest biology and pest management methods;
- C. Consideration of all available pest management methods, including population reduction techniques, such as mechanical, biological, and chemical techniques and pest prevention techniques, such as habitat modification;
- D. Pest controls methods selection, including consideration of the impact on human health, especially for children, and the environment; and
- E. Continued evaluation of the integrated pest management program.

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

### Education /Training

The Academy community will be educated about potential pest problems and IPM methods used to achieve the pest management objectives.

The IPM Coordinator, school staff and pesticide applicators involved with implementation of the Academy IPM program will be trained in appropriate components of IPM as it pertains to the school environment.

Students, parents/guardians will be provided with information on this policy and instructed on how they can contribute to the success of the IPM program.

#### Record keeping

Records of pesticide use shall be maintained on-site to meet the requirements of the Michigan Department of Agriculture and the Board. Records shall also include, but are not limited to, pest surveillance data sheets and other non-pesticide pest management methods and practices utilized.

#### Notification/Posting

The School Leader or IPM Coordinator of the Academy is responsible for timely pre-notification to students' parents or guardians and the school staff of pesticide treatments pursuant to the requirements under the Natural Resources and Environmental Protection Act, MCL 324.8316.

#### Re-entry

In accordance with the Natural Resources and Environmental Protection Act, Part 83, reentry to a pesticide treated area may not occur less than 4 hours after application unless the product label requires a longer reentry period. Outdoor ornamental and turf applications of liquid spray pesticides shall not be made on school grounds within 100 feet of an occupied classroom during normal school hours or when persons are using the treatment area.

#### Pesticide applicators

The IPM coordinator shall ensure that pesticide applicators, as well as school staff and volunteers follow state regulations, including licensing requirements, applicator certification or registration, and IPM training, label precautions, and comply with all components of the IPM Program.

#### Evaluation

Annually, the Educational Service Provider will report to the Academy Board on the effectiveness of the IPM plan and make recommendations for improvement as needed.

The Educational Service Provider is responsible to develop Administrative Procedures for the implementation of this policy.

Adopted 1/14/16

# PREPAREDNESS FOR TOXIC HAZARD AND ASBESTOS HAZARD

Reference: MCL 324.8316, 380.1256  
15 USC 2601  
20 USC 4022  
20 USC 4014  
20 USC 4011  
20 USC 4011 et. seq.  
Asbestos Hazard Emergency Response Act of 1986 (AHERA)  
Asbestos School Hazard Abatement Act of 1984  
Asbestos School Hazard Abatement Reauthorization Act of 1990

The Board is concerned for the safety of the students and staff members and will comply with all Federal and State statutes and regulations concerning hazards resulting from industrial accidents beyond the control of Academy officials and/or from the presence of asbestos materials used in previous construction.

## Toxic Hazards

These hazards exist in chemicals, pesticides, and other substances used in school settings such as laboratories, science classrooms, and kitchens. Such toxins are also found in the cleaning supplies for the school's rooms and equipment. The Educational Service Provider will appoint an employee to serve as Toxic Hazard Preparedness (THP) Officer. The THP Officer will be responsible for the following:

A. Hazard Determination

Identifying potential sources of toxic hazards, in cooperation with material suppliers, who shall supply the Toxic Hazard Preparedness Officer with Material Safety Data Sheets (MSDSs). The School Leader will rely on MSDSs from material suppliers to meet hazard determination requirements.

B. Labeling

Ensuring that all incoming materials are properly labeled with the identity of the chemical, the hazard warning, and the name and address of the manufacturer or responsible party and making certain that any containers to which the materials are transferred are also properly labeled.

C. Material Safety Data Sheets

Maintaining a current file of MSDSs for all hazardous materials present on school property. The MSDS files will be kept at Staff Planning Room, with additional copies for employees' use will be located at School Office.

MSDSs will be available for review by all employees. Copies will be available upon request of the Toxic Hazard Preparedness Officer. Posters will be displayed, identifying the person responsible for monitoring MSDSs and where MSDSs are located at Custodians Room. When new MSDs are received, notification posters for employees will be displayed in the same location.

The Toxic Hazard Preparedness Office shall contact the supplier, in writing, if a required MSDS is not received and shall promptly procure the MSDS before releasing the material for use.

If s/he is unable to obtain an MSDS from a supplier, s/he should contact MIOSHA's Occupational Health Division (OHD) or General Industry Safety Division for assistance in obtaining the MSDS.

#### Multi-Employer Work Sites – Informing Contractors

Informing contractors and their employees of any hazardous substances to which they may be exposed; determining measures to be employed to control or eliminate exposure; labeling system for container and pipes used onsite; and informing staff where applicable MSDSs can be reviewed or obtained. Whenever employees may potentially be exposed to hazards brought on site by contractors, the THP Officer will obtain information from the contractor pertaining to the chemicals brought on-site, and the measures that should be taken to control or eliminate exposure the chemicals.

#### Employee Information and Training

Providing information and conducting a training program for all employees on topics such as detection of hazards, explanation of the health hazards to which they could be exposed in their work environment, and the plan for communication and labeling. Information given to employees shall include the following:

- A. regulations of MIOSHA's hazardous communication standard;
- B. all operations in the employee's work area in which hazardous chemicals are present;
- C. location and availability of written hazardous communication policy and program, with the list of hazardous chemicals and the MSDSs in the Academy.

Employee training should include the following:

- A. techniques used to detect the presence or release of hazardous chemicals in a work area;
- B. physical and health hazards of hazardous chemicals;
- C. measures the employees should take to protect themselves from these hazards;
- D. details of the hazardous communication program including an explanation of the labeling system and MSDSs and how employees can obtain and use hazard information.

Employees shall be informed of the employer's anti-discrimination/discharge policy for employees accessing hazard information and how the employee can contact the Michigan Department of Industry and Consumer Services, Bureau of Safety Regulation and Occupational Health for assistance in obtaining an MSDS if s/he is unable to obtain the MSDS from the employer.

Records of each employee's hazardous communication training should be maintained, and all new employees should receive training regarding any hazardous chemicals with which they may potentially have contact as part of their job.

#### Hazardous non-routine tasks

Before an employee is required to start a non-routine task (e.g., enter confined space), the employee will be given information about the hazards of the area, including specific chemical hazards, the procedures for protection or safety to lessen the hazard, and measures the company has taken to eliminate or control the hazard.

Any staff member or contractor who applies pesticides on school property shall meet the requirements of AG 8413A, in addition to requirements established by the State. S/he shall provide written notification each year, prior to any application, to all parents and staff members regarding the pesticide to be applied; the type of pesticide; its potential side effects; the location of the application; and the scheduled date of the application.

In fulfilling these responsibilities, the THP Officer may enlist the aid of county and municipal authorities and, if possible, the owners or operators of identified potential sources of toxic hazard.

#### Asbestos

In its efforts to comply with Asbestos Hazard Emergency Response Act (AHERA) and the Michigan Occupational Safety and Health Act (MIOSHA), the Board recognized its responsibility to:

- A. inspect the building for the existence of asbestos or materials containing asbestos;
- B. take appropriate actions, in accordance with State Law and EPA regulations, based on the inspections;
- C. establish a program for dealing with friable asbestos, if found;
- D. maintain a program of periodic surveillance and inspection of facilities or equipment containing asbestos;
- E. comply with EPA regulations governing the transportation and disposal of asbestos and materials containing asbestos.

The Educational Service Provider shall appoint a person to develop and implement the Academy's Asbestos-Management Program to ensure proper compliance with Federal and State laws and appropriate instruction of staff and students. Upon completion the Academy's Asbestos Plan must be submitted to the Michigan Department of Consumer and Industry Services, Occupational Health Division, Lansing, Michigan 48909.

When conducting asbestos abatement projects, the Educational Service Provider shall also ensure each contractor employed by the school is licensed, pursuant to the Michigan Department of Health Regulations.

Nothing in this policy should be construed in any way as an assumption of liability by the Board for any death, injury, or illness that may be a consequence of an accident, an equipment failure, a negligent act, or a deliberate act beyond the control of the Board or its officers and Educational Service Provider employees.

However, the Board may provide legal representation and indemnification against civil liability regarding claims or actions resulting from, or arising out of, negligence (or alleged negligence) of persons responsible for inspecting, monitoring, removing, treating asbestos or material containing asbestos or supervising these activities -- provided the employee was performing the duties while in the course of his/her employment or while acting within the scope of his/her authority. The Board reserves the right to deny representation and indemnification in those circumstances wherein the employee's actions demonstrate gross negligence or willful and wanton misconduct.

Adopted 1/14/16

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

References M.C.L. 380.1169

The Board of Directors recognizes control of communicable diseases spread through casual contact is essential to the well-being of the community and the efficient operation of the Academy.

For purposes of this policy, *casual-contact communicable disease* shall include the following:

- A. diphtheria;
- B. scarlet fever and other strep infections;
- C. whooping cough;
- D. mumps;
- E. measles;
- F. rubella;
- G. and others diseases designated by the Michigan Department of Community Health.

To protect the health and safety of students, personnel, and the community at large, the Board shall follow all State statutes and Health Department regulations pertaining to immunization and other means for controlling casual contact communicable diseases spread through normal interaction (casual contact) in the school setting.

If a student exhibits symptoms of a communicable disease, the School Leader will isolate the student in the building and contact the parents/guardians. Protocols established by the County Health Department shall be followed.

The Educational Service Provider shall develop Administrative Procedures for the control of casual-contact communicable diseases to provide for the following:

- A. instruction of professional staff members about the detection of these common diseases and the measures to be taken for their prevention and control;
- B. removal of students from school property and into the care of a responsible parent;
- C. preparation of standards for the readmission of students who have recovered from casual-contact communicable diseases;
- D. submission of reports, as required by statute State Department of Education and the State Department of Community Health.

Adopted 6/18/20



## **STUDENT ABUSE AND NEGLECT**

Reference: MCL 380.1505, 722.621 et. seq.

The Board is concerned with the physical and mental well-being of the students in the 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 1/14/16  
Revised 11/21/19; 6/18/20

## FOOD SERVICES

Reference: Healthy, Hunger-Free Kids Act of 2010 and Richard B. Russell National School Lunch Act, 42 USC 1751 et seq.  
Child Nutrition Act of 1966, 42 USC 1771 et seq.  
M.C.L. 380.1272, 1272a, 1272d et seq.  
7 CFR Parts 15b, 210, 215, 220, 225, 226, 240, 245, 3015  
42 U.S.C. 1758, 1760  
OMB Circular No. A-87 USDA Smart Snacks in School Food Guidelines (effective July 1, 2014)  
SP 32-2015 Statements Supporting Accommodations for Children with Disabilities in the Child Nutrition Programs

The Educational Service Provider may provide food service for the purchase and consumption of lunch for all students.

The Educational Service Provider may also provide a breakfast program in accordance with procedures established by the State Department of Education.

The Board's Policy 2260 – Nondiscrimination and Access to Equal Educational Opportunity shall apply to any food service program offered by the Academy.

Any food-service program shall comply with Federal and State regulations pertaining to the selection, preparation, delivery, consumption, and disposal of food and beverages, including but not limited to the current USDA school meal pattern requirements and the USDA Smart Snacks in School nutrition standards, and to the fiscal management of the program. Operation of such a program shall be as follows.

### Substitutions

If determined appropriate by a student's Section 504 team, substitutions to the standard meal requirements shall be made, at no additional charge, for students for whom a healthcare provider who has prescriptive authority in the State of Michigan has provided medical certification that the student has a disability which restricts his/her diet, in accordance with all applicable law.

If determined appropriate by a team of qualified individuals, substitutions to the standard meal requirements may be made, at no additional charge, for a student who is not a "disabled person" but has a signed statement from a qualified medical authority that the student cannot consume certain food items due to medical or other special dietary needs.

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

The operation and supervision of the food-service program shall be the responsibility of the Educational Service Provider. Food services shall be operated on a self-supporting, nonprofit basis with revenue from students, staff, Federal reimbursement, and surplus food. The Board shall assist the program by furnishing available space, initial major equipment, and utensils. Maintenance and replacement of equipment is the responsibility of the program. In addition, as required by law, a food safety program based on the principles of the Hazard Analysis and Critical Control Point (HACCP) system shall be implemented with the intent of preventing food-borne illnesses. For added safety and security, access to the facility and the food stored and prepared therein shall be limited to food service staff and other authorized persons.

A periodic review of the food-service accounts shall be made by the Educational Service Provider and such accounts shall be audited as part of the Academy's annual audit.

Bad debt incurred through the inability to collect lunch payment from students is not an allowable cost chargeable to any Federal program. Any related collection cost, including legal cost, arising from such bad debt after they have been determined to be uncollectable are also unallowable.

Bad debt is uncollectable/delinquent debt that has been determined to be uncollectable by the end of the school year in which the debt was incurred. If the uncollectable/delinquent debt cannot be recovered by the School Meals Program in the year when the debt was incurred, then this is classified as bad debt. Once classified as bad debt, non-Federal funding sources must reimburse the NSFSA for the total amount of the bad debt. The funds may come from the Academy general fund, State or local funding, academy or community organizations such as the PTA, or any other non-federal source. Once the uncollectable/delinquent debt charges are converted to bad debt, records relating to those charges must be maintained in accordance with the record retention requirements in 7 CFR 210.9(b) (17) and 7 CFR 210.15(b).

The Educational Service Provider is authorized to develop and implement an administrative guideline regarding meal charge procedures. This guideline will provide consistent directions for students who are eligible for reduced price or paid meals but do not have funds in their account or in hand to cover the cost of their meal at the time of service and shall also address feeding students with unpaid meal balances without stigmatizing them.

This guideline shall be provided in writing to all households at the start of each school year and to households transferring to the Academy during the school year.

With regard to the operation of the Academy food service program, the Educational Service Provider shall ensure:

- A. The maintenance of sanitary, neat premises, free from fire and health hazards;
- B. The preparation of food that complies with Federal food safety regulations;
- C. The purchase of foods and supplies, in accordance with State and Federal law, USDA regulations and Board policy;
- D. Complying with food holds and recalls in accordance with USDA regulations;
- E. The management (accounting and disposition) of food-service funds pursuant to Federal and State law and USDA regulations;
- F. The safety and safekeeping and storage of food and food equipment pursuant to State and Federal law and USDA regulations;
- G. The planning and execution of menus in compliance with USDA requirements; and
- H. The regular maintenance and replacement of equipment.

The Academy shall serve only nutritious food as determined by the Food Service Program in compliance with the current USDA Nutrition Standards for the National School Lunch and

School Breakfast Programs and the USDA Smart Snacks in School nutrition guidelines. Foods and beverages unassociated with the food service program must comply with the current USDA Nutrition Standards for the National School Lunch and School Breakfast Programs and the USDA Smart Snacks in School nutrition guidelines, and may be vended, subject to Board Policy 8540.

Adopted 1/12/17

Revised 8/10/17; 7/18/19; 8/19/21

## WELLNESS

Reference: 42 USC §§ 1751, **Sec. 204** 42 USC § 1771  
7 CFR Parts 210 and 220

The Board recognizes that good nutrition and regular physical activity affect the health and well-being of the Academy's students. Furthermore, research concludes that there is a positive correlation between a student's health and well-being and his/her ability to learn. Moreover, schools can play an important role in the developmental process by which students establish their health and nutrition habits by providing nutritious meals and snacks through the schools' meal programs, by supporting the development of good eating habits, and by promoting increased physical activity both in and out of school.

The Board, however, believes this effort to support the students' development of healthy behaviors and habits with regard to eating and exercise cannot be accomplished by the schools alone. It will be necessary for not only the staff, but also parents and the public at large to be involved in a community-wide effort to promote, support, and model such healthy behaviors and habits.

The Board sets the following goals in an effort to enable students to establish good health and nutrition habits:

The Board designates the Administration and Educational Service Provider as the individuals charged with operational responsibility for verifying that the Academy meets the goals established in this policy.

The Educational Service Provider shall appoint an Academy wellness committee that meets at least four (4) times per year includes parents, students, representatives of the Academy food authority, educational staff (including health and physical education teachers), mental health and social services staff school health professionals, members of the public and Academy administrators to oversee development, implementation, evaluation and periodic update of the wellness policy. The Wellness Committee shall be an ad hoc committee with members recruited and chosen annually. Academy-level health advisory teams may assist in the planning and implementation of these Wellness initiatives.

The Wellness Committee shall be responsible for:

- A. assessment of the current Academy environment;
- B. review of the Academy's wellness policy;
- C. presentation of the wellness policy to the Board for approval;
- D. measurement of the implementation of the policy;
- E. recommendation for the revision of the policy, as necessary.

Before the end of each school year the Wellness Committee shall recommend to the Educational Service Provider any revisions to the policy it deems necessary and/or appropriate. In its review, the Wellness Committee shall consider evidence-based strategies in determining its recommendations.

The Educational Service Provider shall report annually to the Board on the progress of the Wellness Committee and on its evaluation of policy implementation and areas for improvement, including status of compliance by individual schools and progress made in attaining goals of policy.

The Educational Service Provider is also responsible for informing the public, including parents, students and community members, on the content and implementation of this policy. In order to inform the public, the Educational Service Provider shall 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.

Adopted 1/14/16  
Revised 8/10/17; 8/19/21

## **SPECIFIC GOALS FOR OTHER ACADEMY-BASED ACTIVITIES DESIGNED TO PROMOTE STUDENT WELLNESS**

Free drinking water shall be available to students during designated meal times and may be available throughout the school day.

Revised 8/19/21

## **SPECIFIC GOALS FOR NUTRITION PROMOTION**

With regard to nutrition promotion, any foods and beverages marketed or promoted to students on the school campus, during the school day, will meet or exceed the USDA Smart Snacks in School nutrition standards.

Additionally, the Academy shall encourage students to increase their consumption of healthful foods during the school day.

Adopted 8/10/17



## **NUTRITION GUIDELINES FOR ALL FOODS AVAILABLE ON CAMPUS DURING THE SCHOOL DAY**

- A. In accordance with Policy 8500, entitled Food Service, the food service program shall comply with Federal and State regulations pertaining to the selection, preparation, consumption, and disposal of food and beverages, including but not limited to the USDA Dietary Guidelines for Americans and the USDA Smart Snacks in School nutrition standards, as well as to the fiscal management of the program.
- B. As set forth in Policy 8531, entitled Free and Reduced Price Meals, the guidelines for reimbursable school meals are not less restrictive than the guidelines issued by the U.S. Department of Agriculture (USDA).

The sale of foods of minimal nutritional value in the food service area during the lunch period is prohibited.

- C. The sale of foods and beverages to students that do not meet the USDA Dietary Guidelines for Americans and the USDA Smart Snacks in School nutrition standards to be consumed on the school campus, defined as the Academy's physical plant as delineated in the Academy's charter during the school day is prohibited.
- D. All food items and beverages available for sale to students for consumption on the school campus (any area of property under the jurisdiction of the school that is accessible to students during the school day) between midnight and thirty (30) minutes after the close of the regular school day (the "School day"), as defined in the Academy's charter contract shall comply with the current USDA Dietary Guidelines for Americans and the USDA Smart Snacks in School nutrition standards, including, but not limited to, competitive foods that are available to students a la carte or as entrees in the dining area (except entrée items that were offered on the National School Lunch Program (NSLP) or School Breakfast Program (SBP) menu on the day of and the day after they are offered from vending machines, from school stores, or as authorized fundraisers including those operated by student clubs and organizations, parent groups, or boosters clubs).
- E. All foods offered on the school campus during the school day shall comply with the current USDA Dietary Guidelines for Americans, including competitive foods that are available to students a la carte in the dining area, as classroom snacks, or from vending machines.
- F. All food and beverages that are provided, other than through sale, on the school campus during the school day (which may include classroom snacks, for classroom parties, and at holiday celebrations) shall comply with the food and beverage standards approved by the Educational Service Provider.

- G. The food service program will strive to be financially self-supporting; however, if it is necessary to subsidize the operation, it will not be through the sale of foods with minimal nutritious value.
- H. The food service program will provide all students affordable access to the varied and nutritious foods they need to be healthy and to learn well regardless of unpaid meal balances and without stigma.

Adopted 8/10/17

Revised 8/19/21

## TRANSPORTATION

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

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

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

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

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

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

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

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

Adopted 6/18/20

## RELIGIOUS AND PATRIOTIC CEREMONIES AND OBSERVANCES

Reference: 20 USC 4071 et. seq.  
Gregoire vs. Centennial School 907 F2d 1366, (3rd Circuit, 1990)  
Lee vs. Weisman, 112 S. Ct 2649, 120 L. Ed. 2d 467 (1992)  
MCL 380.1347, 380.1347a, 380.1565

Decisions of the United States Supreme Court have determined that public schools must neither advance nor inhibit religious beliefs or practices. Under the First and Fourteenth Amendments to the Constitution, this remains the inviolate province of the individual and the church of his/her choice. The rights of any minority, no matter how small, must be protected. No matter how well intended, either official or unofficial sponsorship of religiously oriented activities by the Academy are offensive to some and tend to supplant activities that should be the exclusive province of individual religious groups, churches, private organizations, and/or the family.

Staff members shall not use prayer, religious readings, or religious symbols as a devotional exercise or in an act of worship or celebration. The Academy shall not function as a disseminating agent for any person or outside agency for any religious or anti-religious document, book, or article. Distribution of such materials on school property by any party shall be prohibited in accordance with Policy and Administrative Procedures 7510 - Use of School Facilities and 9700 - Relations with Special Interest Groups.

The Board acknowledges that it is prohibited from adopting any policy or rule respecting or promoting the establishment of religion or prohibiting any person from the free, individual, and voluntary exercise or expression of the individual's/person's religious beliefs. However, such exercise or expression may be limited to lunch periods or other non-instructional time periods when individuals are free to associate.

Observance of religious holidays through devotional exercises or acts of worship is also prohibited. However, acknowledgement, explanation, and instruction about the special holidays of various religions are encouraged. Celebration activities, involving nonreligious decorations and use of secular works, are permitted. Nonetheless, faculty members have the responsibility to ensure that such activities are strictly voluntary, do not place an atmosphere of social compulsion or ostracism on minority groups or individuals, and do not interfere with the educational program of the Academy.

### The United States Flag and Pledge of Allegiance

The flag of the United States shall be raised above each public school building operated by the Academy at all times during school hours, weather permitting. This flag shall measure at least 4 feet 2 inches by 8 feet. A United States flag shall also be displayed in every classroom or other instructional site in which students recite the Pledge of Allegiance.

All students in attendance at school will be provided an opportunity to recite the Pledge each day that school is in session. However, no student shall be compelled to recite the Pledge of Allegiance. No student shall be penalized for failure to participate in the Pledge and the professional staff shall protect any such students from bullying as a result of their not participating in the Pledge.

The building-level school leader or administrator shall be responsible for determining the appropriate time and manner for reciting the Pledge, with due regard to the need to protect the rights and the privacy of a nonparticipating student.

Adopted 1/14/16

9000 **RELATIONS**

- |             |  |           |
|-------------|--|-----------|
| 9160        | Public Attendance at Academy Events  | LC        |
| <b>9250</b> | <b>Parent/Legal Guardian Review of Instructional Materials and Observation of Instructional Activities</b> | <b>LR</b> |

Adopted 1/14/16

## **PUBLIC ATTENDANCE AT ACADEMY EVENTS**

Reference: 28 C.F.R. Part 35

The Board welcomes the attendance of members of the community at athletic and other public events held by the schools in the Academy, but the Board also acknowledges its duty to maintain order and preserve the facilities of the Academy during the conduct of such events. The Board retains the right to bar the attendance of or remove any person whose conduct may constitute a disruption at an Academy event. Academy administrators are expected to call law enforcement officials if a person violates posted regulations or does not leave Academy property when reasonably requested. In accordance with Board Policy 7440 and AG 7440 B, administrators may use metal detectors and other devices to protect the safety and well-being of participants and visitors.

The Board directs that no alcoholic beverage or other controlled substance be possessed, consumed, or distributed nor any betting occur at any function occurring on Academy premises.

Raffles and similar forms of fund-raising by school-related organizations may be permitted by the School Leader 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 to Academy grounds.

The Board is aware of the increasing desire of many parents and other members of an audience to make audio and/or video recordings of Academy events.

Such recordings can be made by parents or other members of the audience without restriction if the performance is not of copyrighted material. However, if the performance is of copyrighted material, recording can be made if the appropriate license authorizing such recordings has been secured in advance by the Academy. If the performance is of copyrighted material and the necessary license has not been secured in advance by the Academy, the audience shall be advised before the performance begins that audio and/or video recordings that will be re-broadcast or distributed in any way, such as posting on the Internet, are prohibited.

The Board authorizes the Educational Service Provider to establish rules and procedures governing the use of non-school audio/visual recording equipment at any Academy sponsored event or activity. Such rules are to be distributed in such a manner that members of the audience who wish to record the event are aware of the rules early enough to make proper arrangements to obtain their recordings without causing delay or disruption to an activity.

Any person or organization seeking to film students or an Academy activity which is not a public event shall obtain prior permission from the School Leader.

The School Leader shall ensure that all notices, signs, schedules, and other communications about school events contain the following statement:

"Upon request to the Administration, the Academy shall make reasonable accommodation for a disabled person to be able to participate in this activity."

Adopted 1/14/16



## **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 1/14/16