

**WILL CARLETON ACADEMY BOARD OF DIRECTORS  
BOARD POLICIES**

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## **ARTICLE I. BYLAWS.**

### **A. GENERAL.**

#### **Section 1. Name and Legal Status.**

The legal name of the public school academy is Will Carleton Academy (“the Academy”). The Academy is a Michigan public school academy organized and operated under the Michigan Nonprofit Corporation Act, 450.2101 *et seq.*, Section 6a of the Michigan Revised School Code (“RSC”), MCL 380.501 *et seq.* and MCL §380.1, *et seq.* The Academy shall act exclusively as a governmental agency or entity and political subdivision.

#### **Section 2. Authority.**

The business, property and affairs of the Academy shall be managed by the Academy Board of Directors (“Academy Board”). As part of the public school academy authorization process, the Authorizer and the Academy Board have entered into a Contract to Operate a Public School Academy (“Charter Contract”) in accordance with Michigan law. The Academy Board may exercise any and all of the powers granted to it under the Michigan Nonprofit Corporation Act and Part 6a of the RSC. The Academy Board may delegate these powers to the officers and committees of the Academy Board as it deems appropriate or necessary, as long as such delegation is consistent with the Academy’s Articles of Incorporation, Bylaws, the Charter Contract and applicable federal, state and local laws, rules and regulations.

#### **Section 3. Bylaws.**

The Bylaws of the Academy shall be the Bylaws set forth in the Charter Contract, unless amended pursuant to the provisions of the Charter Contract. To the extent that the Bylaws included herein may be inconsistent with applicable state, federal or local laws, rules or regulations or the Charter Contract, the Charter Contract shall govern as long as it complies with applicable federal, state and local laws, rules and regulations.

#### **Section 4. Academy Board Policies.**

In addition to the Bylaws adopted by the Academy Board in accordance with its Charter Contract and applicable federal, state and local laws, rules and regulations, the Academy Board shall adopt policies to govern the administration of the Academy.

#### **Section 5. Amendment of Bylaws or Policies.**

The Academy Board may amend the Bylaws or the Policies of the Academy Board by a majority vote, or as required by the Charter Contract. Any amendment to the Bylaws or Academy Board Policies shall take effect on the date specified by the Academy Board or required by the Charter Contract. If the dates are inconsistent, the effective date specified by the Charter Contract controls.

**Section 6. Suspension of Bylaws or Policies.**

Bylaws or policies may be suspended during an Academy Board meeting by a two-thirds (2/3) vote of the Academy Board members present at such meeting, unless the Charter Contract provides otherwise. Unless amended by the Academy Board, the suspended bylaw or policy shall resume full force and effect upon the adjournment of the Academy Board meeting at which the suspension of the Academy Board’s bylaw(s) or policy(ies) occurs.

**Section 7. Education Service Provider.**

The Academy Board shall contract with an Education Service Provider (“ESP”) in conformity with the Charter Contract and applicable law. The ESP shall enforce Board policies and local, state and federal law, rules and regulations. The ESP shall, as necessary, adopt Administrative guidelines for the implementation of Academy Board policies. The Administrative Guidelines do not require formal approval of the Academy Board, but shall be provided to the Academy Board at the time or before they become effective. The Academy Board may require formal approval of certain Administration Guidelines. References in these bylaws and Academy Board policies shall also mean the ESP’s designee except if action solely by the ESP is expressly required.

**B. ORGANIZATION OF THE ACADEMY BOARD.**

**Section 1. Composition of the Academy Board.**

The Academy Board shall be composed of seven (7) members appointed by the Authorizer and as provided by the Charter Contract and Michigan law. The Academy Board may seek to change the number of Academy Board members pursuant to the procedure contained in the Charter Contract.

**Section 2. Qualifications of Academy Board Members.**

To be qualified to serve on the Academy Board, a person shall: (a) be a citizen of the United States; (b) reside in the State of Michigan; (c) submit all materials requested by the Authorizer; (d) not be an employee of the Academy; (e) not be a director, officer, or employee of a company or other entity that contracts with the Academy; (f) not be an employee or representative of the Authorizer; and (g) not have a conflict of interest as defined by state law.

**Section 3. Term of Office; Removal.**

An appointed Academy Board member is an “at will” board member who shall serve at the pleasure of the Authorizer for a term of office not to exceed three (3) years. Regardless of the length of term, terms shall end on June 30 of the final year of service, unless shorter due to other provisions of the Academy’s Bylaws or the Bylaws contained in the Charter Contract. A person appointed to serve as an Academy Board member may be reappointed to serve additional terms. When an Academy Board member is appointed to complete the term of service of another Academy Board member, their service ends at the end of the previous Academy Board member’s term.



If the Authorizer determines that an Academy Board member's service in office is no longer required, then the Authorizer may remove an Academy Board member with or without cause and shall specify the date when the Academy Board member's service ends. An Academy Board member may be removed from office by a two-thirds (2/3) vote of the Academy Board for cause.

**Section 4. Board Vacancies.**

The Academy Board may nominate individuals for subsequent Academy Board positions or if a vacancy occurs. As part of the appointment process, the Academy Board may submit to the Director of the Charter Schools Office (hereinafter "CSO Director"): (i) the name of the nominee; (ii) the board member candidate application materials; and (iii) a copy of the Academy Board nominating resolution. The CSO Director may or may not recommend the proposed nominee submitted by the Academy Board to the Authorizer's Board of Trustees for approval. If the CSO Director does not recommend a nominee submitted by the Academy Board, the CSO Director shall select a nominee and forward that recommendation to the Authorizer's Board of Education for appointment. The Authorizer shall have the sole and exclusive right to appoint members to the Academy Board.

**Section 5. Exigent Appointments.**

When the CSO Director determines that an "exigent condition" exists which requires him/her to make an appointment to the Academy Board, the CSO Director may immediately appoint a person to serve as an Academy Board member for the time specified, but not longer than the next meeting of the Authorizer's Board of Trustees, when a regular appointment may be made by the Authorizer's Board of Trustees. The CSO Director shall make the appointment in writing and notify the Academy Board of the appointment. Exigent conditions include, but are not limited to, when an Academy Board seat is vacant, when an Academy Board cannot reach a quorum, when the Authorizer determines that an Academy Board member's service is no longer required, when an Academy Board member is removed, when an Academy Board fails to fill a vacancy, or other reasons which would prohibit the Academy Board from taking action without an appointment.

**Section 6. Acceptance and Oath of Office.**

Following appointment by the Authorizer's Board of Trustees, Academy Board appointees may begin their legal duties, including the right to vote, after they have signed an Acceptance of Public Office form and taken the Oath of Affirmation of Public Office administered by the Authorizer, member of the Academy Board, other public official or notary public, or as required by the Charter Contract.

**Section 7. Academy Board Officers.**

Members of the Academy Board shall elect by majority vote, a President, Vice-President, Secretary and Treasurer at the Academy Board's annual organizational meeting. Officers shall hold office for one year, or until a successor is appointed and takes office. Officers are eligible for re-election to their offices.

**Section 8. Vacancies in Academy Board Offices.**

An Academy Board office shall become vacant if the holder of the office ceases to be an Academy Board member, resigns from the office held on the Academy Board, dies, is convicted of a felony, ceases to be qualified or is incapacitated or is removed from the Academy Board office by the Academy Board in accordance with the Academy Bylaws.

**Section 9. Resignations.**

A member of the Academy Board may resign from office by submitting a written resignation to the Academy Board President or by notifying the CSO Director. The resignation is effective upon receipt by the CSO Director, unless a later date is specified in the resignation. A written notice of resignation is not required. If no such written notification is provided, then the CSO Director shall confirm a resignation in writing. The resignation shall be effective upon the date the CSO Director or the Authorizer's designee sends confirmation to the resigning Academy Board member.

**Section 10. Compensation and Reimbursement.**

Academy Board members shall not receive any compensation to attend Academy Board meetings. Academy Board members shall be reimbursed for actual and necessary expenses incurred in the discharge of their official duties. Academy Board members will not be reimbursed for entertainment expenses. Academy Board members may be reimbursed for attendance at conferences, seminars or other Academy Board events, subject to approval by the Academy Board prior to the conference, seminar or other Academy Board event. The Academy Board may establish more detailed policies and procedures for the reimbursement of expenses of Academy Board members.

**Section 11. Committees.**

The Academy Board may create standing or *ad hoc* committees to gather information for and make recommendations to the Academy Board. The President shall appoint the members of committees. No committee may consist of more than two (2) Academy Board members of a five (5) member Academy Board and no more than three (3) Academy Board members of a seven (7) member Academy Board.

**C. FUNCTIONS OF THE ACADEMY BOARD.**

**Section 1. Duties of Board Officers.**

A. **President.**

The President shall preside at all meetings of the Academy Board and shall conduct meetings in the manner prescribed by the Academy's Bylaws and state law. The President is the official spokesperson for the Academy Board. The President, in cooperation with the ESP, shall prepare agendas for the Academy Board meetings. In the absence of the

Secretary at a meeting of the Academy Board, the President shall appoint an Acting Secretary, who shall sign the minutes of that Academy Board meeting. The President shall perform such other duties as authorized by the Academy Board, or as otherwise required by law and appropriate to the office. The President may consult with the ESP and/or legal counsel prior to bringing an issue before the Academy Board. The President shall perform such other duties as authorized by the Academy Board and the Charter Contract.

**B. Vice-President.**

The Vice-President shall preside at Academy Board meetings when the Academy Board President is not in attendance, and shall have the duties and responsibilities of the Academy Board President in the absence of the Academy Board President. The Vice-President shall perform such other duties as authorized by the Academy Board and the Charter Contract.

**C. Secretary.**

The Secretary shall take and keep the minutes of meetings of the Academy Board in conformity with the Open Meetings Act and other state law, and shall perform all other duties as may be authorized by the Academy Board and the Charter Contract.

**D. Treasurer.**

The Treasurer, working with the ESP or other Academy staff designated by the ESP shall perform such duties as may be authorized by the Academy Board, federal, state and local laws, rules and regulations, and as required by the Charter Contract.

**Section 2. Duties and Role of Individual Academy Board Members.**

The Academy Board acts as a whole, and only at properly convened and noticed Academy Board meetings. Individual Academy Board members do not possess the powers that reside in the Academy Board, and may not act or purport to act for the Academy Board unless the Academy Board has specifically delegated the authority of an individual Academy Board member to act. Individual members of the Academy Board may not speak for the Academy Board. An Academy Board member who speaks to or otherwise communicates with the media, the public or other officials on Academy matters shall make clear to the audience that the Academy Board member is expressing only that Academy Board member's views, and that those views do not necessarily reflect the views of the Academy Board as a whole or any other Academy Board member.

**Section 3. Confidentiality.**

Academy Board members will on occasion receive information that is not available to the general public, including information about students, employees or staff of the EMO/ ESP/ or third party vendor, information subject to the attorney-client or another privilege, and information disseminated during a closed session of the Academy Board. An individual Academy Board member shall not disclose or share confidential information without the authorization of the Academy Board or as may be required by federal, state or local laws, rules and regulations.

**Section 4. Board Ethics.**

The Academy Board shall, by majority vote, prescribe a Code of Ethics applicable to the conduct of individual Academy Board members. Each Academy Board member shall be requested to acknowledge and sign the Code of Ethics at the commencement of his or her term.

**Section 5. Conflict of Interest.**

Academy Board members shall perform their official duties in a manner free from conflict of interest and shall refrain from actions that create the appearance of a conflict of interest prohibited by law. Academy Board members shall familiarize themselves with and at all times comply with the requirements and prohibitions of federal and state law relative to conflicts of interest.

The Academy Board may adopt a policy that prohibits the hiring of immediate family or other relatives of Academy Board members by the EMO/ ESP/ third party vendor or other contracted company.

Legal References: MCL§ 380.1204 and §15.23  
Federal Uniform Grant Guidance, 2 CFR Part 200, Subpart E and 2 CFR Part 3474

**Section 6. Indemnification.**

The Academy shall indemnify the Academy Board and individual Academy Board members to the fullest extent permitted by law. The Academy will purchase and maintain in effect, insurance policies for the indemnification and defense of the Academy Board and individual Academy Board members.

**Section 7. Professional and Consulting Services.**

The Academy Board shall employ an independent auditor to examine the books and records of the Academy, to render an opinion on the financial statements of the Academy prepared at the close of the fiscal year, and to perform such other services as may be requested by the Academy Board. The Academy Board may appoint qualified individuals or firms to provide legal, financial, architectural, insurance and other professional services for the Academy and may appoint other consultants as it deems appropriate.

**Section 8. Discipline of Academy Board Members.**

The Academy Board may censure an Academy Board member for violating the bylaws and/or policies of the Academy Board, federal, state or local laws, rules or regulations, or otherwise acting in a manner inconsistent with the duties and responsibilities of an Academy Board member.

## **D. MEETINGS OF THE BOARD.**

### **Section 1. Organizational Meeting.**

The Academy Board shall conduct an organizational meeting annually in accordance with the Charter Contract. During the annual organizational meeting, the Academy Board shall elect its officers for the coming fiscal year, establish a schedule of regular Academy Board meetings for the coming year, and authorize an organizational board resolution as required by the Charter Contract. The Academy Board may conduct any other business it elects to address during the organizational meeting.

### **Section 2. Regular Meetings.**

Regular meetings of the Academy Board shall be held in accordance with the schedule established by the Academy Board at its organizational meeting. The schedule of regular meetings may be amended by the Academy Board.

### **Section 3. Special Meetings.**

Special meetings of the Academy Board may be called by the President, or by any two (2) members of the Academy Board, consistent with notice requirements of the Open Meetings Act.

Notice to Academy Board members of a special meeting may be provided by personally delivering a notice to the Academy Board member, delivering the notice to the Academy Board member's household and leaving it with a responsible member of the household, or by sending the notice to the Academy Board member on his or her Academy provided email account.

### **Section 4. Emergency Meetings.**

In the event of a severe and imminent threat to the health, safety or welfare of the Academy, its students or staff, the Academy Board President may call an emergency meeting, and the Academy Board may meet and take action without complying with public notice requirements, provided that two-thirds of the members of the Academy Board determine that delay would detrimentally affect the ability of the Academy Board to respond to the threat. Actual notice to all Academy Board members of an emergency meeting shall be attempted, but is not required.

### **Section 5. Meetings Open to the Public.**

All meetings of the Academy Board in which a quorum is present for the purpose of deliberating toward or rendering a decision on public policy shall be open to the public.

### **Section 6. Open Meetings Act.**

Meetings of the Academy Board are subject to and shall comply with applicable provisions of Michigan's Open Meetings Act ("OMA"), MCL §15.261, *et seq.* Depending upon its function and the Academy's Bylaws, an Academy Board committee may be a public body whose meetings are subject to the OMA.

**Section 7. Public Notice of Meetings.**

Public notice of the Academy Board’s organizational, regular and special meetings shall be given as provided in the OMA.

**Section 8. Closed Sessions of the Academy Board.**

In accordance with the Open Meetings Act, the Academy Board may meet in closed session for the following purposes upon the affirmative vote, on a roll call vote, of a majority of the Academy Board members voting:

1. To consider the dismissal, suspension, or disciplining of, or to hear complaints or charges brought against, or to consider a periodic personnel evaluation of, an Academy Board member, employee, staff member or individual agent of the District, if such person requests a closed hearing.
2. To consider the dismissal, suspension, or disciplining of a student, if the student or the student’s parent or guardian requests a closed hearing.
3. For strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement, if either negotiating party requests a closed session.

In accordance with the Open Meeting Act, the Academy Board may meet in closed session for the following purposes upon the affirmative vote, on a roll call vote, of not less than two-thirds of the members of the Academy Board then appointed and serving:

1. To consider the purchase or lease of real property, up to the time an option to purchase or lease that property has been obtained.
2. To consult with its attorney(s) 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 litigation or settlement position of the Academy Board.
3. To consider the specific contents of an application for employment or appointment if the candidate requests that the application remain confidential. Interviews of candidates must take place in open session.
4. To consider material exempt from disclosure or discussion by state or federal statute (including, without limitation, written opinions of legal counsel).

**Section 9. Minutes of Meetings.**

- A. **Open Meetings:** Minutes of open meetings of the Academy Board shall be kept, made available and approved as provided by the OMA. Minutes shall, at a minimum, include the date, time and place of the meeting; Academy Board members present and

absent; decisions made by the Academy Board; roll call votes; a record of other votes; the purpose(s) of a closed session; and corrections to the minutes of a previous meeting.

B. **Closed Sessions**: A separate set of minutes of a closed session shall be maintained. Closed session minutes shall be provided to Academy Board members confidentially, shall be retained by the Secretary, and may be destroyed one year and one day after approval by the Academy Board.

C. **Committee Meetings**: Minutes of meetings of committees whose function renders them subject to OMA shall be kept, made available and approved in the same manner as for open meetings of the Academy Board.

## **Section 10. Meeting Procedures.**

A. **Location**. All meetings of the Academy Board or Academy Board Committees shall be held in Academy facilities.

B. **Agenda**. The Board President, in consultation with the ESP, shall prepare and publish a written agenda prior to each regular meeting and each special meeting unless otherwise directed by the Academy Board. Individual Academy Board members may include items on the agenda upon the concurrence of the President. The Academy Board shall adopt or amend the agenda at the start of the meeting.

C. **Quorum**. A majority of the serving members of the Academy Board shall constitute a quorum. A meeting of the Academy Board may not be called to order in the absence of a quorum.

D. **Procedure for Academy Board Action**. The Academy Board shall take action by way of motions duly offered and approved. No motion shall be acted upon until it has been supported by a second member of the Academy Board.

E. **Voting**. The vote on motions shall be “Yes” or “No,” and will be taken by voice vote or, if required by law or requested by an Academy Board member, by roll call vote. Unless otherwise required by law or these Bylaws, the affirmative vote of a majority of the serving Academy Board members is required to exercise the Academy Board’s authority. Following the vote, the President shall announce that the motion either passed or failed, and, if not a unanimous vote, shall announce the number voting “Yes” and the number voting “No.” No Academy Board member shall abstain from a vote of the Academy Board absent an identified conflict of interest.

F. **Public Attendance at Academy Board Meetings**. Any member of the public may attend an open Academy Board meeting. A person shall not be excluded from an open meeting except for a breach of the peace committed at the meeting. Closed sessions of the Academy Board may be attended by members of the Academy Board and any necessary resource persons, such as administrators or legal counsel, designated by the Academy

Board. Members of the public may not attend closed sessions unless specifically authorized by the Academy Board.

G. **Public Participation at Open Academy Board Meetings.** Members of the public may address the Academy Board at open meetings, subject to guidelines to be published by the Academy Board.

H. **Rules of Order.** To the extent not addressed by these Bylaws or the Academy Board's Policies, issues of procedure shall be governed by the current edition of *Robert's Rules of Order*. The President, or Vice-President, in the absence of the President, shall decide all procedural issues, but may be overruled by majority vote of the Academy Board.

## **ARTICLE II. ADMINISTRATION.**

### **Section 1. Education Service Provider Services.**

The Academy Board may exercise its executive power, in part, and contract with an ESP to provide services to the Academy. "Services" to the Academy may include management, operational, financial, supervision, staffing, implementation of the Educational Program, facilities management, and compliance with and enforcement of applicable federal, state and local laws, rules and regulations, the terms of the Charter Contract and the policies of the Academy Board, and in accordance with the negotiated agreement between the Academy Board and the ESP.

The ESP shall employ the administrators and staff assigned to work at or on behalf of the Academy. ESP shall make its employment policies, methods and procedures known to its staff. The ESP shall follow federal, state and local laws, rules and regulations, develop administrative guidelines, procedures and regulations as requested by the Academy Board or required by federal, state or local laws, rules and regulations. If the ESP does not develop or implement administrative guidelines, procedures and regulations as may be required by the Academy Board Policies or applicable federal, state and local laws, rules and regulations, the Board Policies approved and adopted by the Academy Board and/or as required by applicable state, federal and local laws, rules and regulations shall be followed by the ESP and its staff.

The ESP and its designated staff shall attend all Academy Board meetings, when feasible and as necessary. The Academy Board is responsible for oversight of the ESP's implementation of the Educational Program of the Academy and the Academy Board's educational, financial and operational goals through regular evaluations of the ESP's performance.

### **Section 2. Responsibilities of the ESP.**

The ESP shall provide administrators, teachers, instructional and non-instructional staff to work at or on behalf of the Academy necessary to deliver the Educational Program. The ESP shall direct and supervise the administrators, teachers, instructional and non-instructional staff assigned to work or who provide Services to the Academy. The ESP is charged with the responsibility to manage and operate the Academy and to implement the Academy's Educational Program as adopted by the Academy Board. The ESP shall be directly responsible to the Academy Board for the "Services" and duties and responsibilities set forth in the negotiated agreement between the



Academy and the ESP. The ESP shall work with the Academy Board to determine staffing needs and shall recommend to the Academy Board the number and identity of the administrative positions, such School Leader(s)/Director/Assistant Director, dean of students and the like, front office administrative personnel positions, and instructional and non-instructional staff.

In a situation in which action must be taken to maintain the orderly operation of the Academy, and no Academy Board policy or administrative guidelines, procedures or regulations govern the situation, the ESP is authorized to take appropriate action. The ESP shall thereafter report the situation and the action taken to the Academy Board, and shall recommend to the Academy Board whether a formal policy should be adopted. The Academy Board may decide whether to adopt a formal policy regarding the issue.

### **Section 3. Employer of ESP Staff.**

The Academy and the Academy Board do not employ any employees or staff members who work at or on behalf of the Academy whether on or off the Academy's premises. The School Leader/Director, administrators, teachers, instructional and non-instructional staff who work at or provide services to the Academy shall be employed by the ESP or other third party vendor pursuant to a negotiated agreement between the Academy Board and the ESP or other third party vendor. The ESP shall have the sole authority to hire, fire, promote, demote, reassign, discipline, evaluate, and terminate its employees/staff assigned to work at or on behalf of the Academy. The Academy and/or the Academy Board does not employ and is not the joint employer of the ESP staff.

### **Section 4. Parent/Student Handbooks.**

The ESP is responsible for the development and issuance of employee handbooks for its employees/staff assigned to work for or on behalf of the Academy. The ESP shall ensure that its employee handbook is consistent with Academy Board policies, administrative guidelines, federal, state and local laws, rules and regulations, the Charter Contract and applicable Authorizer policies.

The ESP shall develop and annually update parent/student handbooks in conjunction with a designee appointed by the Academy Board, that are consistent with Academy Board policies, administrative guidelines, state, federal and local laws, rules and regulations, the Charter Contract and applicable Authorizer policies. The Academy Board shall approve a final copy of the parent/student handbook before it is distributed to parents and students by the ESP.

### **Section 5. Organizational Chart.**

The ESP shall create, maintain and provide to the Academy Board at least annually, a current, detailed organizational chart, for reference by the Academy Board. If the organizational chart changes during the school year, the ESP shall identify those changes to the Academy Board and provide the Academy Board with a revised organizational chart.

## **Section 6. Job Descriptions.**

The ESP shall develop and maintain job descriptions required by the Authorizer and included in the Charter Contract, and shall develop and maintain job descriptions for any new positions in the Academy. The ESP shall not revise job descriptions of positions authorized in the Charter Contract or add new job descriptions without prior Academy Board approval. All job descriptions must be submitted to the Authorizer as required by the Charter Contract for approval and shall be included within the Charter Contract Schedule for Job Descriptions.

## **Section 7. Evaluation of Administrators and Teachers by the ESP.**

The ESP shall create evaluation protocols for all administrators and teachers that comply with Michigan laws, rules and regulations and shall ensure that evaluations are carried out in a timely manner prescribed by Michigan law.

## **Section 8. Academy Board Evaluation of ESP.**

The Academy Board shall evaluate the ESP's work performance periodically to assess the ESP's discharge of its contractual duties and responsibilities and implementation of the Academy Board's Educational Program and student academic growth and achievement as required by the Academy Board polies, administrative guidelines, the Charter Contract, the Authorizer's policies, and applicable state, federal and local laws, rules and regulations.

The Academy Board shall approve an assessment tool/rubric for the ESP and shall assess the ESP at the most appropriate time(s) during the year to yield the most effective evaluation and assessment of the ESP's progress toward consistent student academic growth and achievement, professional development of its administrators, instructional and non-instructional staff, satisfying the Academy's goals of the Educational Program, and evaluating the effective management, operation and financial stability of the Academy.

The ESP shall have an opportunity to respond in writing to the Academy Board's written evaluation within 45 days of the Academy Board's formal evaluation of the ESP.

The Academy Board's evaluation and any written response to the evaluation by the ESP shall be maintained by the Academy along with supporting data, information, and documentation regarding the reason(s) for the ESP's progress and/or lack of progress toward the accomplishment of student academic growth and achievement, and the Academy's Educational, managerial, operational and financial goals set forth by the Academy Board in its evaluation rubric.

## **Section 9. Termination of the ESP By the Academy Board.**

The Academy Board may terminate its Agreement with the ESP in accordance with the terms and conditions of the Agreement.

**Section 10. ESP Compliance with Applicable Federal, State and Local Laws, Rules, and Regulations.**

The ESP shall comply with all applicable federal, state and local laws, rules and regulations.

**ARTICLE III. CURRICULUM AND INSTRUCTION.**

**Section 1. Curriculum.**

The ESP is responsible for the development, implementation and ongoing evaluation of the Academy's curriculum in accordance with the Charter Contract and the Academy Board's requests. The Academy's curriculum shall:

- A. Be consistent with the Academy's mission, the Academy's Board Policies, the negotiated agreement between the Academy and the ESP and the Charter Contract relative to student learning and achievement;
- B. Meet or exceed all requirements of the State of Michigan;
- C. Be standards-based and based upon legally compliant, research-based learning and achievement standards geared toward the award of an Academy diploma;
- D. Include standards-based, legally compliant, research-based learning and achievement standards for students who participate in career and technical education programs; and
- E. Address the needs of and provide opportunities for students with disabilities consistent with federal, state and local laws, rules and regulations.

**Section 2. Online and Blended Learning Opportunities.**

It is the policy of the Academy Board to comply with Michigan law if the Academy offers online and blended learning opportunities to students. The Academy Board directs its ESP to develop and implement appropriate and lawful practices and procedures for online and blending learning opportunities for eligible students. The practices and procedures should include, but are not limited to: procedures to inform students and parents of expanded online learning options offered by the Academy, eligibility and enrollment procedures, parental consent, student supervision and support services, technology access, academic credit for online courses, acceptance/denial procedures for online and blended learning courses, and methodology for determining sufficient rigor and quality. Prior to offering any online/blended learning courses to students enrolled in the Academy, the ESP must obtain Academy Board approval for the proposed online/blended learning courses.

Legal References: MCL §380.1621f & MCL §388.1622f(2)(d)

### **Section 3. Family Involvement.**

Parent and family involvement within the Academy is necessary to develop shared educational goals, and to have a positive effect on student learning for all learners. Educational research has shown that strong partnerships between home and school lead to higher levels of achievement. Parents and families are encouraged to provide input through Academy committees, parent-teacher organizations, school improvement teams, and other committees regarding matters of interest to students and families. Parents and families are also encouraged to visit the Academy and participate in Academy activities.

References to “parent” or “parents” in these policies shall be understood to include a student’s legal guardian, unless the policies or their context clearly indicate otherwise.

Academy teachers and administrators will strive to encourage family involvement through:

**Effective Means of Communication**, by facilitating open and ongoing communication between home and school; providing information and resources to families regarding safety, proper health and wellbeing; ensuring accessibility to information about Academy programs and policies; providing accurate and timely information regarding State and local academic standards and assessments; and engaging families in monitoring student growth and progress reports.

**Facilitating Volunteering**, by creating volunteer opportunities for parents and families to participate in and contribute to Academy activities and events and encouraging family participation in volunteer activities and events; and

**Community Collaboration**, by integrating programs, activities and events that support and encourage family involvement and their participation in their child’s educational growth and development; and supporting parents and students in the educational process through referrals to community resources or agencies that support the Academy’s mission.

### **Section 4. Title I Services.**

The Academy Board elects to augment its Educational Program for educationally disadvantaged students by the use of Federal funds and in accordance with Title I of the Amendments to the Elementary and Secondary School Improvement of 1965.

The ESP shall prepare and present to the State Department of Education a Plan for the delivery of services which meets the requirements of the federal law, rules and regulations. The Plan shall be developed by appropriate staff members and parents of students who will be served by the Plan.

### **Section 5. Parental Participation in Title I Programs.**

Parental involvement is a key component of federal Title I programs. In order to help build a partnership between home and the Academy for purposes of Title I, the Academy shall:

- A. Inform parents of the Title I programs, the reasons for their children’s participation in the programs and the specific instructional objectives;
- B. Support parents to work with their children to attain instructional objectives;
- C. Train teachers and other staff involved in Title I programs to work effectively with the parents of participating students;
- D. Provide feedback to parents on a regular basis;
- E. Provide opportunities for parents to provide input into the design, operation and evaluation of the Title I programs; and
- F. Provide opportunities for parents who lack literacy skills or whose native language is not English, to provide input.

The ESP shall develop and implement procedures, rules and regulations that comply with Title I. The procedures, rules and regulations shall support the above principles and actions and also assure that services provided with state and local funds in Title I schools are comparable to those provided in non-Title I schools within the Academy.

**Section 6. Parents’ Right to Know.**

In accordance with Title I, for each school receiving Title I funds, the ESP shall ensure that all parents of students in that school are notified that they may request, and the Academy shall provide, the following information on the student’s classroom teachers:

- A. Whether the teacher(s) have met the State qualification and licensing criteria for the grade level and subject areas they are teaching.
- B. Whether the teacher(s) is teaching under any emergency or provisional status in which the State requirements have been waived.
- C. The undergraduate major of the teacher(s) and the area of study and any certificates for any graduate degrees earned.
- D. The qualifications of any paraprofessionals providing services to their child(ren).
- E. Information on the level of achievement of their child(ren) on the required State academic assessments.
- F. Timely notice if the student is assigned to a teacher who is not "highly qualified" as required, or if the student is taught for more than four (4) weeks by a teacher who is not highly qualified.

## **Section 7. Special Education.**

The Academy is required to provide a comprehensive, free, and appropriate public education program to all eligible disabled persons to age 25 that complies with applicable federal, state and local laws, rules and regulations. To assist in achieving this legal requirement, the Academy may enter into an agreement with the Hillsdale ISD to provide a comprehensive, free, and appropriate educational program to all eligible disabled persons through age 25 which complies with federal, state and local laws, rules and regulations.

The ESP shall prepare administrative guidelines, rules and regulations necessary to ensure effective implementation of the Academy's special education program.

## **Section 8. Programs for Gifted Students.**

The Academy shall conduct appropriate instructional programs to meet the needs of gifted students in grades K through 12. A "gifted student" is one who, through valid assessment, shows specific academic ability superior to that of children of the same age or grade level within the Academy; creative ability in a particular area superior to that of his/her peers within the Academy; or superior leadership ability to that of his/her peers within the Academy.

The ESP shall develop administrative guidelines for identification, curriculum development and implementation, and assessment of learning outcomes for gifted students.

## **Section 9. Students with Limited English Proficiency.**

All students are to be provided a meaningful education and access to the programs provided by the Academy. Limited proficiency in the English language should not be a barrier to equal participation in the instructional or extra-curricular programs of the Academy. Students identified as having limited English proficiency will be provided additional support and instruction to assist them in gaining English proficiency and in accessing the educational and extra-curricular programs offered by the Academy.

The Academy will endeavor to assist the student and his/her parents in their access to Academy programs by sending notices to the parents in a language designed to enable them to understand.

## **Section 10. Postsecondary (Dual) Enrollment Options.**

The Academy recognizes the value to students of participating in courses offered by accredited and degree-granting colleges and universities in Michigan. Eligible postsecondary institutions shall include state universities, community colleges, and independent nonprofit degree-granting colleges or universities located in Michigan and that choose to comply with the Postsecondary Enrollment Options Act.

The Academy will allow eligible high school students who meet the criteria established in the Curriculum Guidelines to enroll in eligible postsecondary courses while in attendance in the Academy. The ESP shall allow a student in 9<sup>th</sup> grade or above, upon written request of his/her

parent, to take approved readiness assessment(s) in order to establish eligibility for postsecondary enrollment. Students shall be eligible to receive appropriate credit for completing any of these courses providing they meet all requirements for the type of credit they wish to earn.

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

### **Section 11. Homebound Instruction.**

The Academy shall provide, pursuant to requirements of state, federal and local laws, rules and regulations, and the State Board of Education, individual instruction to students of legal school age who are not able to attend classes because of a physical or emotional disability.

The Academy reserves the right to withhold homebound instruction when the instructor's presence in the place of a student's confinement presents a hazard to the health of the instructor; a parent or other adult in authority is not at home with the student during the hours of instruction; or the condition of the student is such as to preclude his/her benefit from such instruction. The ESP shall develop administrative guidelines for implementing this Policy.

### **Section 12. Career and Technical Education.**

The Academy recognizes the importance of career and technical education in meeting the needs of youth, adults, business, industry, and labor of this State, and agrees to coordinate and cooperate with the Intermediate School District, and State and Federal educational agencies in an effort to support, where appropriate, Career and Technical Education (CTE) in the Academy.

The ESP and staff will work and plan in cooperation with business, industry and labor to reflect their changing needs for trained personnel. The ESP shall develop administrative guidelines necessary to implement this Policy.

### **Section 13. Guidance and Counseling.**

A planned program of guidance and counseling is an integral part of the educational program of the Academy. The ESP shall implement an appropriate counseling and guidance program, and shall adopt administrative guidelines with respect to the program.

### **Section 14. Interscholastic Athletics.**

The Academy's interscholastic athletic program is designed to provide the benefits of an athletic experience to as large a number of students as feasible within the Academy.

The Academy adopts those eligibility standards set by the Constitution of the Michigan High School Athletics Association (MHSAA) and shall review such standards annually to ascertain that they continue to be in conformity with the objectives of the Academy.

Use of a performance-enhancing substance by a student is a violation that will affect a student's athletic eligibility and extra-curricular participation, as determined by the Academy Board.

The ESP shall develop appropriate administrative guidelines for the operation of the Athletic Program and an Athletic Code of Conduct for those who participate. The Athletic Code of Conduct may be made applicable to participants in other extracurricular activities in the Academy.

To participate in interscholastic athletics an athlete and parent must, as part of the orientation to a high school team, indicate that they have been made aware of the Athletic Code of Conduct, including its provisions banning illicit and performance enhancing drugs, nicotine, vaping and alcoholic beverages, and the penalties for violating the Code. A list of banned performance-enhancing substances shall be made available on the Academy website and communicated to student athletes and parents at least annually.

#### **Section 15. Textbooks, Technology, and Other Essential Curricular Materials.**

The ESP shall recommend to the Academy Board, for its approval, textbooks, technology, and other essential curricular materials in order to implement and enhance the educational program. The ESP may designate qualified administrators and teachers to assist in the selection of textbooks, technology, and essential curricular materials to be recommended to the Academy Board.

#### **Section 16. Selection of Media Center Materials.**

Academy students shall be provided access to a wide variety of educational materials, in various media, to support learning. Consistent with Academy purchasing protocols, the ESP may make or approve purchases for Academy media centers and may receive recommendations for such materials from administrators, instructional staff, parents and students, subject to the Academy budget.

#### **Section 17. Parental Objections.**

The ESP shall develop rules and regulations that provide an opportunity for the presentation and fair consideration of parental objections to the Academy's curriculum, the selection of textbooks and other instructional materials and media center materials.

#### **Section 18. Wellness.**

The ESP shall prepare and implement administrative guidelines and SMART Goals, in accordance with applicable law, with input from the Academy's Wellness Committee, that promotes students' health, nutrition, well-being, and regular physical activity as part of the learning environment, in



accordance with applicable state laws, rules and regulations. The ESP shall have the authority and responsibility to ensure that each school building complies with this policy.

The Academy shall inform the public annually about this Wellness Policy, provide a link to the Wellness Policy online, review the Wellness Policy at least triennially, and provide information to the public on how they can participate on the Wellness Committee and assist with the development, implementation and periodic review and update of this policy.

### **Section 19. Non-Discrimination, Sexual Harassment, Harassment and Anti-Retaliation**

The Academy Board is committed to maintaining an education and work environment free from all forms of unlawful discrimination, sexual harassment, harassment, and retaliation. No member of the Academy community shall be excluded from participation in, denied the benefits of, or subjected to discrimination, in any Academy operations, programs, and activities. The Academy shall not discriminate on the basis of race, color, national origin, sex, age, religion, height, weight, marital or family status, disability, military status, genetic information, or any other legally protected category, in its programs and activities, including employment. All allegations of unlawful discrimination, sexual harassment, harassment and/or retaliation shall be investigated by the ESP or other Academy Board designated representative. The Academy Board, through the ESP or other designated representative shall take prompt, remedial action where unlawful discrimination, sexual harassment, harassment, and/or retaliation is substantiated. Individuals found to have engaged in unlawful discrimination, sexual harassment, harassment and/or retaliation in any Academy building or on Academy premises or at Academy sponsored activities or events shall be subject to removal/suspension from the Academy, and if ESP staff, any other appropriate action determined by the ESP.

#### **Sexual Harassment**

Sexual harassment is a form of sex discrimination, and shall not be permitted with respect to students, the ESP staff or third party vendor assigned to work at or on behalf of the Academy. Sexual harassment is defined as unwelcome conduct of a sexual nature, requests for sexual favors, and other verbal, nonverbal, graphic, or physical conduct of a sexual nature, when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or status in a class, or academic standing.
2. Submission or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual.
3. Such conduct is sufficiently severe, persistent or pervasive such that it has the purpose or effect of interfering with an individual's work or educational performance; or of creating an intimidating, hostile, or offensive work or learning; or of interfering with one's ability to participate in or benefit from a class or educational program or activity.

Sexual harassment may involve the behavior of a person of either gender against a person of the same or opposite gender.

Prohibited acts that constitute sexual harassment may take various forms, including, but not limited to:

1. Unwelcome sexual propositions, invitations, solicitation, and flirtations.
2. Unwanted physical and/or sexual contact whether or not they involve physical touching.
3. Threats or insinuations that a person's employment, wages, academic grade, promotion, classroom work or assignments, academic status, participation in athletics or extra-curricular programs or events, or other conditions of employment or education may be adversely affected by not submitting to sexual advances.
4. Unwelcome verbal expressions of a sexual nature, including graphic sexual comments about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading comments, jokes or innuendoes; unwelcome suggestive or insulting sounds, whistles, telephone calls or similar conduct.
5. Sexually suggestive objects, pictures, videotapes, digital or audio recordings or literature, placed in the work or educational environment.
6. Unwelcome and inappropriate touching, patting, pinching or obscene gestures.
7. A pattern of conduct which has sexual overtones that is intended to create or has the effect of creating discomfort, humiliation, or a hostile education or work environment.
8. Remarks about an individual's sexual activities/history or remarks about one's sexual activities or history.

Not all behavior of a sexual nature constitutes unlawful sexual harassment. Sex-based or gender-based conduct must be sufficiently severe, persistent and pervasive 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.

### **Other Violations**

The Academy Board, through its ESP or other designated representative shall take immediate steps to remove or suspend an individual(s) from the Academy who engages in any of the following prohibited acts:

1. Retaliates against a person who has made a report or filed a complaint alleging unlawful discrimination, sexual harassment or other unlawful harassment, or who has participated as a witness in an investigation of a claim or complaint alleging same.
2. Files a malicious or knowingly false report or complaint of unlawful discrimination, sexual harassment or other unlawful harassment.

3. Disregards, or fails to adequately investigate or delays investigations of unlawful discrimination, sexual harassment or other unlawful harassment, when the individual has responsibility for reporting and/or investigating unlawful discrimination, sexual harassment, unlawful harassment and/or retaliation.

The Academy and the ESP shall comply with all applicable federal and state civil rights statutes, including, without limitation: Title VI and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendment of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, Michigan’s Elliott-Larsen Civil Rights Act, Michigan’s Persons with Disabilities Act, and the Individuals with Disabilities Education Act.

A student, staff member, third party vendor, or any other person who believes he or she has been or is the victim of discrimination, sexual harassment, harassment, and/or retaliation should immediately report the situation to a teacher, counselor, building principal, Director or a Compliance Coordinator listed below. A staff member or third party vendor who observes, has knowledge of, or learns that a student has been or is the victim of discrimination, sexual harassment, harassment or retaliation shall immediately report the situation to the building principal, Director or a Compliance Coordinator. Complaints against the building principal should be reported to the Director. Complaints against the Director should be reported to the Academy Board President.

The ESP shall designate two (2) compliance officers per Academy building, responsible for coordinating the Academy’s compliance with applicable state, federal and local laws, rules and regulations, and for investigating reports of discrimination, sexual harassment, harassment and/or retaliation. The ESP shall ensure that all required notices under the civil rights laws or other laws, as required, are provided to all students and staff members and third party vendors.

The ESP shall implement administrative guidelines regarding the investigation of complaints of discrimination, sexual harassment, harassment and retaliation.

The Academy Board designates the following compliance officers for reporting purposes:

The Sexual Harassment Compliance Officers are:

[Insert Title and Contact Information-2 individuals per building One male and one female]

ESP Area Superintendent, (616) 785-8440

ESP Area Superintendent Designee if appropriate, (616) 785-8440

The Academy’s Title VI of the Civil Rights Act of 1964 Coordinator is:

ESP Area Superintendent, (616) 785-8440

The Academy’s Title VII of the Civil Rights Act of 1964 Coordinator is:

ESP Area Superintendent, (616) 785-8440

The Academy's Title IX Coordinator is :

Title IX is part of the Education Act of 1972 stating that no person shall because of sex be denied the benefits of any educational program or activity.

ESP Area Superintendent, (616) 785-8440

ESP Area Superintendent Designee if appropriate, (616) 785-8440

The Academy's Section 504/Americans with Disabilities Act Coordinator is:  
(Third party contracted staff, vendors, or members of the public)

Colleen Vogt, Director, (517) 437-2000

ESP Area Superintendent, (616) 785-8440

The Academy's Section 504/Americans with Disabilities Act Coordinator is:  
(Students and prospective students)

Colleen Vogt, Director, (517) 437-2000

## **Section 20. Title IX Grievance Procedure.**

If any person believes that the Academy, staff members, or third party vendors have not adequately implemented the requirements of Title IX of the Education Amendment of 1972, they may file a complaint/grievance with the Academy's Title IX Coordinator. In addition, if any person believes that the Academy, any student, staff member, third party vendor or other third party has engaged in discrimination on the basis of sex, including sexual and/or gender-based harassment, they may file a complaint/grievance with the Academy's Title IX Coordinator.

Sex discrimination under Title IX may include, but is not limited to:

- A. Sexual and/or gender-based harassment;
- B. Failure to provide equal opportunity in athletics and other Academy programs and activities;
- C. Discrimination based on pregnancy.

Sexual harassment is prohibited under Title IX. Sexual harassment is defined as unwelcome conduct of a sexual nature. It includes unwelcome sexual advances, request for sexual favors, sexual assault (including rape), and any other verbal, nonverbal, or physical conduct of a sexual nature. Title IX also prohibits gender-based harassment, which includes acts of a verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping.

An individual(s) who has a complaint under Title IX and wishes to file a grievance with the Academy shall provide the Academy's Title IX Coordinator with a signed, written statement alleging specific violations of Title IX. The written statement must include the individual(s) full name, address and telephone number, and submitted to the Academy's Title IX Coordinator listed above.

If the individual(s) filing the grievance alleges that the Title IX Coordinator has engaged in discrimination on the basis of sex, the individual(s) filing the grievance must provide the documentation requested above to the Second Title IX Coordinator.

The Second Title IX Coordinator shall fulfill the role and follow the procedures required of the Title IX Coordinator as set forth below:

1. The Academy's Title IX Coordinator shall meet with the individual(s) within five (5) school days receipt of the written statement.
2. During the meeting, the individual(s) may present witnesses and any other evidence to support their complaint/grievance. The Title IX Coordinator shall investigate the complaint/grievance which investigation shall include, but is not limited to: interviews of relevant individuals identified by the individual(s) or subsequent witnesses, review of any and all documentation, video or digital tapes, audio recordings, text, email, and social media messages, photographs, video/audio/digital recordings and any other physical evidence related to the alleged sex discrimination/sexual harassment.
3. The Title IX Coordinator shall notify the individual(s) who submitted the complaint/grievance, in writing, within ten (10) school days of the initial meeting with the individual(s). The Title IX Coordinator's written response shall address the outcome of the investigation and any corrective action recommended or taken to prevent the reoccurrence of the alleged sex discrimination/sexual harassment to remedy the effects of same.
4. A signed statement of appeal of the Title IX Coordinator's written response may be submitted to the Director within ten (10) business days after the individual(s) receipt of the Title IX Coordinator's written response to the complaint/grievance. The Title IX Coordinator and the Director may not be the same person. The Director shall meet with all parties involved, conduct an additional investigation of the facts and circumstances surrounding the complaint/grievance as needed, and issue a final determination in writing within ten (10) business days of receipt of the appeal.
5. The Title IX Coordinator and the Director shall each maintain all written findings of facts, transcripts, video, audio or digital recordings of the initial investigation, text, email or social media messages, photographs, or video, audio, digital recordings and any subsequent investigative information obtained by the Director as result of an appeal.
6. The Academy Board reserves the right to appoint an independent Hearing Officer to conduct a hearing of an appeal in lieu of the Director deciding the appeal. The Academy Board has fifteen (15) business days from the date the appeal is submitted to the Head of School to appoint a Hearing Officer to hear the appeal. The Hearing Officer shall conduct the hearing within ten (10) business days of being appointed by the Academy Board to hear the appeal. The Hearing Officer shall allow the complainant/grievant and Administration to present witnesses, documentary evidence,

and any other relevant evidence for the Hearing Officer's consideration. Each party may be represented by an attorney or other representative at the party's expense. The Hearing Officer shall have ten (10) business days after the close of the hearing to prepare written findings of fact and issue a determination which determination shall be final.

This grievance procedure is not a prerequisite to an aggrieved individual from filing a complaint with the Office for Civil Rights. The individual(s) may file a complaint with the Office for Civil Rights at the address below, at any time before or during the Academy's grievance procedure:

Office for Civil Rights  
United States Department of Education  
1350 Euclid Avenue  
Suite 325  
Cleveland, Ohio 44115

Retaliation against any individual who files a complaint or participates in the grievance process is prohibited.

**Section 21. Grievance Procedure for Violation of Section 504 of the Rehabilitation Act and Title II of the Americans with Disabilities Act.**

Section 504 of the Rehabilitation Act of 1973 ("Section 504") and Title II of the Americans with Disabilities Act ("ADA") prohibit discrimination against students with a disability and retaliation. These federal laws also prohibit the Academy, staff members, other students and third party vendors, including but not limited to, before and after school care program provider(s) from engaging in discriminatory and/or retaliatory behavior based on an individual's disability. Discrimination and/or retaliation against a student with a disability in any Academy program or activity is strictly prohibited.

If any individual believes that the Academy, ESP staff, or third party vendor, including, but not limited to a before and after school care program, or any Academy program or activity has discriminated against a student based on the student's disability or retaliated against a student based on a claim of disability discrimination, the individual may file a complaint/grievance with the Academy's Section 504 Coordinators at the following address:

Will Carleton Academy  
2001 West Hallett Road  
Hillsdale, MI 49242

Colleen Vogt, Director, (517) 437-2000  
ESP Area Superintendent or Designee, (616) 785-8440

A written statement of the complaint/grievance, signed by the complainant and any other party or parties to the complaint/grievance shall be submitted to the Academy's Section 504 Coordinator.

The complaint/grievance shall contain specific information of the allegations, the full name, address and telephone number.

If the individual(s) filing the complaint/grievance alleges that the Section 504 Coordinator has engaged in discrimination on the basis of a disability, the individual(s) filing the complaint/grievance must provide the documentation requested above to the following:

ESP Area Superintendent or Designee, (616) 785-8440

The Second Section 504 Coordinator shall fulfill the role and follow the procedures required of the Section 504 Coordinator as set forth below.

1. The Academy's Section 504 Coordinator shall meet with the individual(s) within five (5) school days receipt of the written statement.
2. During the meeting, the individual(s) may present witnesses and any other evidence to support their complaint/grievance. The Section 504 Coordinator shall investigate the complaint/grievance which shall include, but is not limited to: interviews of relevant individuals, review of any documentation, text, email, social media, video, digital and audio recordings and other physical evidence related to the alleged discrimination.
3. The Section 504 Coordinator shall notify the individual(s) who submitted the complaint/grievance, in writing, within ten (10) school days of the initial meeting with the individual(s). The Section 504 Coordinator's written response shall address the outcome of the investigation and any corrective action recommended or taken to prevent the reoccurrence of the alleged disability discrimination/harassment to remedy the effects of same.
4. A signed statement of appeal of the Section 504 Coordinator's written response may be submitted to the Director within ten (10) business days after the individual(s) receipt of the Section 504 Coordinator's written response to the complaint/grievance. The Section 504 Coordinator and the Director may not be the same person. The Director shall meet with all parties involved, conduct an additional investigation of the facts and circumstances surrounding the complaint/grievance as needed, and issue a final determination in writing within ten (10) business days of receipt of the appeal.
5. The Section 504 Coordinator and the Director shall each maintain all written responses, transcripts, video, audio and digital recordings, text, emails or social media messages, photographs of the initial investigation and any subsequent investigative information obtained by the Director as a result of the appeal.
6. The Academy Board reserves the right to appoint an independent Hearing Officer to conduct a hearing of an appeal in lieu of the Director deciding the appeal. The Academy Board has fifteen (15) business days from the date the appeal is submitted to the Director to appoint a Hearing Officer to hear the appeal. The Hearing Officer

shall conduct the hearing within ten (10) business days of being appointed by the Academy Board to hear the appeal. The Hearing Officer shall allow the complainant/grievant and Administration to present witnesses, documentary evidence, and any other relevant evidence for the Hearing Officer's consideration. Each party may be represented by an attorney or other representative at the party's own cost. The Hearing Officer shall have ten (10) business days after the close of the hearing to prepare written findings of fact and issue a determination which determination shall be final.

This complaint/grievance procedure is not a prerequisite to an aggrieved individual(s) from filing a complaint with the Office for Civil Rights. The individual(s) may file a complaint with the Office for Civil Rights at the address below, at any time before or during the Academy's grievance procedure:

Office for Civil Rights  
United States Department of Education  
1350 Euclid Avenue  
Suite 325  
Cleveland, Ohio 44115

Retaliation against any individual who files a complaint/grievance or participates in the grievance is prohibited.

## **Section 22. Field Trips and Other Academy-Sponsored Trips.**

The Academy recognizes that field trips, when used for teaching and learning integral to the curriculum, are an educationally sound and important ingredient in the instructional and Educational Program of the Academy. Properly planned and executed field trips should supplement and enrich classroom procedures by providing learning experiences in an environment outside of school. A field trip is any planned journey by an administrator or professional staff member, involving one or more students away from Academy premises, under the supervision of an administrator or professional staff member(s) and includes an integral part of a course of study. Other Academy-sponsored trips are any planned, student-travel activity proposed by an administrator or professional staff member which are approved as part of the Academy's total Educational Program.

Academy Board approval is required for field trips and other Academy-sponsored trips which are planned to take students out of the State of Michigan or the United States. Approval of the ESP is required for all other field trips or Academy events.

Students on all field trips and other Academy-sponsored trips remain subject to the Academy's policies, administrative guidelines, rules and regulations, including the Student Code of Conduct.

The Academy does not assume liability for any ESP staff member, volunteer, or parent who takes students on trips not approved by the Academy Board or the ESP. No staff member may solicit students of the Academy for such trips on school property without permission from the ESP.



The ESP shall prepare a parent consent form for the student's participation in the field trip or school sponsored event and administrative guidelines for the operation of field trips and other Academy-sponsored trips, including athletic trips.

**Section 23. Student Assessment.**

The Academy shall, in compliance with state law, rules of the State Board of Education and the Charter Contract, assess student achievement and needs in designated subject areas in order to determine the progress of students and to assist students in attaining Academy Educational goals and student academic growth and achievement.

The ESP shall develop and present to the Academy Board annually, a program of testing and assessments that comports with state law, rules and regulations, is consistent with Academy policies, and the Charter Contract. The ESP shall develop administrative guidelines as necessary to implement this policy.

**Section 24. Placement and Promotion.**

The Academy recognizes that the personal, social, physical, and educational growth of students vary and that students should be placed in the educational program and setting most appropriate to their individual needs at their various stages of growth.

It is the policy of the Academy that each student be moved in a continuous pattern of achievement and growth that is in harmony with his/her own development.

The ESP shall develop administrative guidelines for the placement and promotion of students consistent with this Policy.

**Section 25. Third Grade Reading Requirements.**

The Academy shall comply with the requirements of MCL §380.1282f, governing third grade reading proficiency and requirements. The ESP shall develop administrative guidelines as necessary to implement this policy and the state statute.

**Section 26. Reporting Student Progress.**

The cooperation of school and home is a vital ingredient to the growth and education of the whole child. The Academy recognizes its responsibility to keep parents informed of student welfare and progress in school.

The Academy shall establish a system of reporting student progress which shall include written reports and/or parent conferences with teachers, and shall require all appropriate staff members to comply with such a system as part of their professional responsibility.

The ESP shall develop procedures for reporting student progress to parents.

## **Section 27. Grading.**

The Academy is responsible for providing a system of grading student academic achievement that will assist the student, teachers, and parents to accurately judge how well a student is achieving the goals of the Academy's program.

The ESP shall develop administrative guidelines for grading that contain clear, concise and consistent criteria and standards.

## **Section 28. Graduation Requirements.**

The Academy shall acknowledge each student's successful completion of the instructional program or a personal curriculum appropriate to the achievement of Academy goals and objectives and personal proficiency by the awarding of a diploma at graduation ceremonies. A student receiving a diploma does not have a legal right to attend graduation based on discipline or other circumstances.

The ESP shall develop administrative guidelines containing requirements for graduation consistent with state law and the requirements adopted from time to time by the Academy Board. The guidelines shall also identify the requirements and process to be followed by students that desire to graduate early.

## **ARTICLE IV. STUDENTS.**

### **Section 1. Enrollment: Eligible Students.**

The Charter Authorizer, consistent with Michigan or federal law, defines students to be admitted to the Academy. The Academy may not charge for tuition. The Academy does not discriminate on the basis of intellectual or athletic abilities, measures of achievement or aptitude, race, gender, national origin, ancestry, color, religion, height, weight, marital status, disability, veteran's status, genetic information, homeless status, English proficiency, or any other protected class or basis that would be illegal for an Academy.

The ESP shall implement administrative guidelines in accordance with this section. The Director is authorized to deny admission to any student who has a discipline record that she or he believes is a threat to the safety and well-being of students and employees.

Students may enroll under the terms of the Charter Contract and circumstances described below. Preference will be afforded to students enrolled in the Academy in the preceding school year and siblings of enrolled students. A lottery system, with a waiting list in chronological order, shall be maintained for admission of students when maximum enrollment is reached. The waitlist does not carry over from year to year.

**Foreign Exchange Students:** The ESP may develop and administer a program for the enrollment of foreign exchange students.

**Homeless Students:** The Academy shall comply with the requirements of federal law, particularly the McKinney-Vento Homeless Assistance Act, with respect to the enrollment of homeless students. The Academy shall designate an administrator to act as the Academy's liaison with homeless students and their parents or guardians and to coordinate with state and local officials.

**Student In Foster Care:** If a child who is under probate court jurisdiction and/or is under the care and responsibility of a child welfare agency is placed in foster care, the child will be permitted to enroll in and attend the appropriate grade in the school selected by the department of human services or a child placing agency without regard to where the child resides.

The Academy Board shall delegate to the ESP, the development and implementation of admission and enrollment practices and procedures for students in accordance with federal, state and local laws, rules and regulations. Detailed application, lottery, admission and waitlist practices and procedures shall be available to parents and the general public at the Academy's main office.

**Section 2. Enrollment: Entrance Age.**

A child who is entitled to attend school by the Charter Contract or Michigan law may enroll in the Academy if he or she is less than twenty (20) years old on September 1<sup>st</sup> of the school year of enrollment. A child who is otherwise entitled to enroll in the Academy may enroll in kindergarten if the child is at least five (5) years of age on September 1<sup>st</sup> of the school year of enrollment, or under the early enrollment provisions of MCL §380.1147. Extended age eligibility may apply to certain students qualifying for special education services. The student's birth certificate or other legal documentation of the student's age is required at the time of student registration.

**Section 3. Student Behavior: Governing Principles.**

The Academy strives to create a school environment that cultivates the development of knowledgeable, responsible and caring citizens. To create and maintain such an environment, respect for the rights of others, considerations of their privileges, and cooperative citizenship is expected of all members of the school community. When a student infringes upon others' education, it becomes the duty of the Academy to discipline the student and restore the conditions that promote learning for all students. In disciplining students and regulating their conduct, the Academy strives to assure that guidelines and consequences are appropriate and proportionate in nature, consistent with applicable laws, rules and regulations, constructive and limited to that reasonably necessary in the judgment of the Academy Board and administration to promote the Academy's educational objectives and the program.

**Section 4. Student Code of Conduct.**

The ESP shall develop and implement, and shall publish to all students and their parents, on an annual basis, a Student Code of Conduct consistent with these principles.

## **Section 5. Levels of Discipline.**

The Academy Board recognizes that exclusion from the educational programs of the Academy for disciplinary purposes is a serious sanction. The following levels of discipline are permitted in the Academy.

**Emergency Removal:** A student may be removed from any class, subject, or activity for up to one (1) day by the student's teacher for certain conduct as specified in the Student Code of Conduct pursuant to MCL §380.1309. A student so removed will be allowed to attend other classes taught by other teachers during the term of the one (1) day removal.

**Suspension:** The Director may suspend a student for a period of up to ten (10) school days. An appeal process shall be described in the Student Code of Conduct.

**Long Term Suspension of More Than Ten (10) Days:** The Director may recommend suspension of a student for more than ten (10) school days to the Board Discipline Committee. An appeal process shall be described in the Student Code of Conduct.

**Permanent Expulsion or Expulsion of Greater Than 180 Days:** Only the Discipline Committee may permanently expel a student or expel a student for greater than 61 days. An appeal process shall be described in the Student Code of Conduct.

**Removal of a Student From The Academy Pending Investigation or Provision of Due Process.** When an administrator deems it necessary to remove from school a student charged with, suspected of committing, or suspected of being involved in, an infraction or incident, for a reasonable period of time necessary:

1. to complete the investigation of an alleged infraction or incident, or
2. to defuse a situation that could become worse without such removal, or
3. in unusual circumstances, to permit the student to be accorded due process, as defined in this policy, which shall be accorded as soon as possible thereafter, or
4. for other reason(s) as renders such a removal in the best interests of a particular student, the school, its students, or its staff.

Such a removal shall not constitute disciplinary action, although the infraction or incident may result in disciplinary action. If the infraction or incident that has prompted removal results in discipline, the time during which the student has been removed from the Academy shall be credited to any disciplinary time imposed.

## **Section 6. Due Process.**

The Academy Board recognizes the importance of safeguarding a student's constitutional rights, particularly when subject to the Academy's disciplinary procedures. The due process to be accorded students is as follows:

**Students subject to suspensions greater than 10 days or expulsions of 180 days or less.**  
Except in emergency situations, prior to the implementation of a suspension or expulsion

a student must be given oral or written notice of the charges against him or her, a summary of the evidence supporting the charges, and, if the student denies the charges, the opportunity to be heard and to respond to the charges. When such suspension or expulsion has occurred, notice and opportunity to respond shall occur as soon as reasonably possible. The Board Discipline Committee shall provide the student an opportunity to be heard and shall be responsible for making the long-term suspension or expulsion decision.

**Students subject to permanent expulsion or expulsion greater than 180 days.** Prior to the imposition of a permanent expulsion or an expulsion of greater than 180 days, a student and the student's parent or guardian must be given written notice of the intention to permanently expel or expel for more than 180 days, a summary of the evidence supporting the expulsion, and notice that the Board Discipline Committee shall conduct a hearing to determine whether to accept the recommendation for expulsion. The student and the student's parent or guardian must also be provided a brief description of the student's rights and the hearing procedure. The ESP shall establish guidelines in the Student Code of Conduct governing the procedure to be followed in the hearing to determine whether the expulsion shall be implemented.

### **Section 7. Considerations Prior to Imposition of Discipline.**

In accordance with state law, and except as specifically provided in this policy, before a student may be suspended, expelled or permanently expelled, the Academy Director, in consultation with the ESP, making the disciplinary recommendation shall consider each of the following factors:

1. the student's age;
2. the student's disciplinary history;
3. whether the student is a student with a disability;
4. the seriousness of the violation or behavior committed by the student;
5. whether the violation or behavior committed by the student threatened the safety of any student or staff member;
6. whether restorative practices will be used to address the violation or behavior committed by the student; and
7. whether a lesser intervention would properly address the violation or behavior committed by the student.

The fact that consideration of these factors has occurred shall be documented in the record of the disciplinary decision. The ESP shall develop an appropriate checklist to be used to document consideration of these factors.

Whether student misconduct shall result in discipline, and the level of discipline to be imposed, shall be within the discretion of the Director and designees, in consultation with the ESP. In the exercise of this discretion, there is a rebuttable presumption that a suspension, expulsion or permanent expulsion is not justified unless administration can demonstrate that it considered each of the factors listed above. The obligation to consider these factors shall not apply to a student being permanently expelled under state law for possessing a firearm in a weapon-free school zone.

The Academy shall consider using restorative practices as an alternative or in addition to suspension or expulsion of a student. The obligation to consider restorative practices shall not apply to a mandatory permanent expulsion for possession of a firearm in a weapon-free school zone. "Restorative practices" means practices that emphasize repairing the harm to the victim and the school community caused by a student's misconduct. The ESP shall establish procedures for the use of restorative practices within the Academy.

### **Section 8. Appeal of the Imposition of Discipline.**

A student may appeal a suspension greater than ten (10) days or an expulsion of 180 days or less to the Board of Directors. The Student Code of Conduct shall identify the process to be used for such appeals. The decision of the Board of Directors shall be final.

A student may appeal a permanent expulsion or an expulsion of greater than 180 days to the Board of Directors in accordance with the following procedures:

- A. Such expulsion may be appealed to the Academy Board by the student or parent by filing with the ESP's office a written request for appeal within fifteen (15) school days after mailing of the notice of such expulsion. The Academy Board shall hear the appeal within a reasonable time at a special meeting called for such purpose. If no such appeal is timely requested, the expulsion shall be deemed final.
- B. Upon receipt of an appeal to the Academy Board, the ESP shall provide the student or parent with a written notice that appeals to the Board shall be conducted in accordance with the rules and procedures described below.
- C. The Director, Board attorney, and any other resource persons that the Academy Board President deems appropriate may be present at the Board hearing. Only members of the Board shall have a vote in determining the appeal.
- D. Pursuant to the Open Meetings Act, the hearing before the Board shall be closed to the public at the request of the student or parent(s).
- E. Although a hearing to consider the appeal of a permanent expulsion or expulsion greater than 180 days is subject to due process and may have some similarities to a court proceeding, it is not conducted in a court of law and court rules are not applicable. The Academy Board President or presiding officer shall determine any procedural questions that arise during the hearing.
- F. At the hearing, the Director or other administrator shall first present to the Board the facts of the case and the basis for the discipline. Thereafter, the student (and/or the student's representative and parent(s)) may comment upon the facts as stated by the Director and may present the basis of the appeal. Academy Board members and other participants in the hearing may ask questions of witnesses.
- G. The Academy Board may:

1. set aside the expulsion and reinstate the student with or without any limiting conditions;
  2. reduce the expulsion to a suspension or expulsion of 180 days or less with any conditions the Academy Board deems advisable, or remand the matter to the ESP to impose a consequence less than permanent expulsion; or
  3. affirm the expulsion.
- H. The Academy Board shall decide the appeal within a reasonable time. The Academy Board Secretary, or designee, shall promptly notify the appealing party of the Academy Board's decision in writing. The Academy Board's decision shall be final.

### **Section 9. Reinstatement Following Permanent Expulsion.**

A student who has been permanently expelled from the Academy may apply for reinstatement in accordance with the following guidelines:

- A. If the student is in grade 5 or below at the time of the permanent expulsion, the parents or legal guardian 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 6 or above at the time of the permanent expulsion, the parents, legal guardian, the adult student, or the emancipated minor may submit a request for reinstatement after 150 school days from the date of the expulsion, but the student may not be reinstated before 180 school days from the expulsion date.
- C. The ESP or designee shall, within ten (10) school days after receiving the request, submit the request together with any other information he or she deems pertinent to the requested reinstatement, to a Board-appointed Discipline Committee consisting of two (2) Academy Board members, an Academy administrator, a teacher, and one (1) parent of an Academy student.
- D. The Board Discipline Committee shall, within ten (10) school days after being appointed, review all pertinent information, and submit its recommendation to the full Academy Board. The recommendation may be for unconditional reinstatement, conditional reinstatement, or non-reinstatement, based on the Committee's consideration of:
  1. the extent to which reinstatement would create a risk of harm to students or school personnel;
  2. the extent to which reinstatement would create a risk of Academy or individual liability for the Academy Board or Academy personnel;
  3. the age and maturity of the student;
  4. the student's school record before the expulsion incident;
  5. the student's attitude concerning the expulsion incident;
  6. the student's behavior since the expulsion and the prospects for remediation;

7. if the request was filed by a parent, the degree of cooperation and support the parent has provided and will provide if the student is reinstated, including, but not limited to, the parent's receptiveness toward possible conditions placed on the reinstatement. Such conditions may, as an example, include a written agreement by the student and/or a parent who filed the reinstatement request to:
  - a. abide by a behavior contract which may involve 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.

The Committee may also allow the parent, adult student, or emancipated minor to propose conditions as part of the request for reinstatement.

- E. In the event a student who has been permanently expelled from another school or public or Academy requests admission to this Academy, the Academy Board shall, in making its decision, rely upon the recommendation of the Director and the ESP.
- F. The Academy Board may:
  1. set aside the expulsion and reinstate the student with or without any limiting conditions;
  2. reduce the expulsion to a suspension or expulsion of 180 days or less with any conditions the Academy Board deems advisable under the circumstances;
  3. affirm the expulsion.
- G. The Academy Board shall make its decision no later than the next regular Board meeting following the Committee's submission of its recommendations. The Academy Board's decision shall be final and not subject to appeal.

#### **Section 10. Student Non-Discrimination, Sexual Harassment, Harassment and Anti-Retaliation.**

The Academy is committed to maintaining an education and work environment free from all forms of unlawful discrimination, sexual harassment, harassment and retaliation. No member of the Academy community shall be excluded from participation in, denied the benefits of, or subjected to discrimination, in any Academy operations, programs, and activities. The Academy shall not discriminate on the basis of race, color, national origin, sex, including sexual orientation or sexual identity, age, religion, height, weight, marital or family status, disability, military status, genetic information, or any other legally protected category, in its programs and activities, including



employment. Sexual harassment is a form of sex discrimination, and is likewise not permitted with respect to students or staff.

All allegations of unlawful discrimination, sexual harassment, harassment and/or retaliation shall be investigated by the Academy Board, or the ESP, in accordance with the administrative guidelines. The Academy and the ESP shall take prompt, remedial action where unlawful discrimination, sexual harassment, harassment and/or retaliation is substantiated. Individuals found to have engaged in unlawful discrimination, sexual harassment, harassment and/or retaliation in any Academy building or on Academy premises, or at Academy sponsored activities or events shall be subject to removal/suspension from the Academy, and if employed by the ESP any other appropriate action determined by the ESP.

### **Sexual Harassment**

Sexual harassment is a form of sex discrimination, and shall likewise not be permitted with respect to students or employees of the Academy, if any, and the staff of an ESP or third party vendor assigned to work at or on behalf of the Academy. Sexual harassment is defined as unwelcome conduct of a sexual nature, requests for sexual favors, and other verbal, nonverbal, graphic, or physical conduct of a sexual nature, when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or status in a class, or academic standing.
2. Submission or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual.
3. Such conduct is sufficiently severe, persistent or pervasive such that it has the purpose or effect of interfering with an individual's work or educational performance; or of creating an intimidating, hostile, or offensive work or learning; or of interfering with one's ability to participate in or benefit from a class or educational program or activity.

Sexual harassment may involve the behavior of a person of either gender against a person of the same or opposite gender.

Prohibited acts that constitute sexual harassment may take various forms, including, but not limited to:

1. Unwelcome sexual propositions, invitations, solicitation, and flirtations.
2. Unwanted physical and/or sexual contact whether or not they involve physical touching.
3. Threats or insinuations that a person's employment, wages, academic grade, promotion, classroom work or assignments, academic status, participation in athletics or extra-curricular programs or events, or other conditions of employment or education may be adversely affected by not submitting to sexual advances.

4. Unwelcome verbal expressions of a sexual nature, including graphic sexual comments about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading comments, jokes or innuendoes; unwelcome suggestive or insulting sounds, whistles, telephone calls or similar conduct.
5. Sexually suggestive objects, pictures, videotapes, digital or audio recordings or literature, placed in the work or educational environment.
6. Unwelcome and inappropriate touching, patting, pinching or obscene gestures.
7. A pattern of conduct which has sexual overtones that is intended to create or has the effect of creating discomfort, humiliation, or a hostile education or work environment.
8. Remarks about an individual's sexual activities/history or remarks about one's sexual activities or history.

Not all behavior of a sexual nature constitutes unlawful sexual harassment. Sex-based or gender-based conduct must be sufficiently severe, persistent and pervasive 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.

### **Other Violations**

The Academy shall take immediate steps to remove or suspend an individual(s) from the Academy who engages in any of the following prohibited acts:

1. Retaliates against a person who has made a report or filed a complaint alleging unlawful discrimination, sexual harassment or other unlawful harassment, or who has participated as a witness in an investigation of a claim or complaint alleging same.
2. Files a malicious or knowingly false report or complaint of unlawful discrimination, sexual harassment or other unlawful harassment.
3. Disregards, or fails to adequately investigate or delays investigations of unlawful discrimination, sexual harassment or other unlawful harassment, when the individual has responsibility for reporting and/or investigating unlawful discrimination, sexual harassment or unlawful harassment.

The Academy and the ESP shall comply with all applicable federal and state civil rights statutes, including, without limitation: Title VI and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendment of 1972, Sections 503 and 504 of the Rehabilitation Act of 1973, Titles II and III of the Americans with Disabilities Act, Michigan's Elliott-Larsen Civil Rights Act, Michigan's Persons with Disabilities Act, and the Individuals with Disabilities Education Act.

The ESP shall designate not less than two (2) (one male and one female) compliance officers per school building, responsible for coordinating the Academy's compliance with applicable state, federal and local laws, rules and regulations, and for investigating reports of discrimination or harassment. The ESP shall ensure that all required notices under the civil rights laws or other laws, as required, are provided to all students and ESP staff members.

A student who believes he or she has been or is the victim of discrimination, sexual harassment, harassment and/or retaliation should immediately report the situation to a teacher, counselor, social worker, building principal or assistant principal or the ESP. A staff member who observes, has knowledge of, or learns that a student has been or is the victim of discrimination or harassment shall immediately report the situation to the Director or Assistant Director or ESP. Complaints against the Director should be filed with the ESP. Complaints against the ESP School should be filed with the Academy Board President.

A student reporting an incident(s) of discrimination, sexual harassment, harassment or retaliation shall not suffer any form of reprisal from the Academy.

The ESP shall develop and implement administrative guidelines to enforce this policy. The Academy Board hereby designates the following compliance officers:

#### **Section 11. Title IX Grievance Procedure.**

If any person believes that the Academy, staff member, third party vendor or other third party have not adequately implemented the requirements of Title IX of the Education Amendment of 1972, they may file a complaint/grievance with the Academy's Title IX Coordinator. In addition, if any person believes that any student, staff member, third party vendor or other third party has engaged in discrimination on the basis of sex, including sexual and/or gender-based harassment, they may file a complaint/grievance with the Academy's Title IX Coordinator.

Sex discrimination may include, but is not limited to:

- A. Sexual and/or gender-based harassment;
- B. Failure to provide equal opportunity in athletics and other Academy programs and activities;
- C. Discrimination based on pregnancy.

Sexual harassment is also prohibited under Title IX. Sexual harassment is defined as unwelcome conduct of a sexual nature. It includes unwelcome sexual advances, request for sexual favors, sexual assault (including rape), and any other verbal, nonverbal, or physical conduct of a sexual nature. Title IX also prohibits gender-based harassment, which includes acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping.

An individual(s) who has a complaint/grievance under Title IX and wishes to file a complaint/grievance shall provide the Academy's Title IX Coordinator with a signed, written statement alleging specific violations of Title IX. The written statement must include the individual(s) full name, address and telephone number, signed by the individual(s) and submitted to the Academy's Title IX Coordinator.

If the individual(s) filing the complaint/grievance alleges that the Title IX Coordinator has engaged in discrimination on the basis of sex, the individual(s) filing the complaint/grievance must provide the documentation requested to the Second Title IX Coordinator.

The Second Title IX Coordinator shall fulfill the role and follow the procedures required of the Title IX Coordinator below.

1. The Academy's Title IX Coordinator shall meet with the individual(s) within five (5) school days receipt of the written statement.
2. During the meeting, the individual(s) may present witnesses and any other evidence to support their complaint/grievance. The Title IX Coordinator shall investigate the complaint/grievance which investigation shall include, but is not limited to: interviews of relevant individuals identified by the individual(s) or subsequent witnesses, review of any and all documentation, video, digital, audio recordings, text, email and social media messages, photographs and any other physical evidence related to the alleged sex discrimination/sexual harassment.
3. The Title IX Coordinator shall notify the individual(s), who submitted the complaint/grievance, in writing, within ten (10) school days of the initial meeting with the individual(s). The Title IX Coordinator's written response shall address the outcome of the investigation and include any corrective action recommended or taken to prevent the reoccurrence of the alleged discrimination or remedy the effects of same.
4. A signed statement of appeal of the Title IX Coordinator's written response may be submitted to the Director within ten (10) business days after the individual(s) receipt of the Title IX Coordinator's written response to the complaint/grievance. The Title IX Coordinator and the Director may not be the same person. The Director shall meet with all parties involved, conduct an additional investigation of the facts and circumstances surrounding the complaint/grievance, as needed, and issue a final determination in writing within ten (10) business days of receipt of the appeal.
5. The Title IX Coordinator and the Director shall each maintain all written responses, transcripts, video, audio and digital recordings, text, emails, and social media message sand photographs from the initial investigation and any subsequent investigative information obtained by the Head of School as a result of the appeal.
6. The Academy Board reserves the right to appoint a Hearing Officer to conduct an a hearing of an appeal in lieu of the Director deciding the appeal. The Academy Board has fifteen (150 business days from the date the appeal is submitted to the Head of School to appoint a Hearing Officer to hear the appeal. The Hearing Officer shall conduct the hearing within ten (10) business days of receipt of the appeal. The Hearing Officer shall allow the complainant/grievant and Administration to present witnesses, documentary evidence, video, digital and audio recordings, text, emails and social media messages, photographs or the like, and any other relevant evidence for the

Hearing Officer's consideration. Each party may be represented by an attorney or other representative at the party's expense. The Hearing Officer shall have ten (10) business days after the close of the hearing to prepare written findings and issue a determination, which determination shall be final.

This grievance procedure is not a prerequisite to an aggrieved individual from filing a complaint with the Office for Civil Rights. The individual(s) may file a complaint with the Office for Civil Rights at the address below, at any time before or during the Academy's grievance procedure:

Office for Civil Rights  
United States Department of Education  
1350 Euclid Avenue  
Suite 325  
Cleveland, Ohio 44115

Retaliation against any individual who files a complaint/grievance or participates in the grievance process by the Academy is prohibited.

**Section 12. Grievance Procedure for Violation of Section 504 of the Rehabilitation Act and Title II of the Americans with Disabilities Act.**

Section 504 of the Rehabilitation Act of 1973 ("Section 504") and Title II of the Americans with Disabilities Act ("ADA") prohibit discrimination against students with a disability and retaliation. These federal laws also prohibits staff, other students and third party vendors, including, but not limited to, before and after school care program provider(s) from engaging in discriminatory and/or retaliatory behavior based on an individual's disability. Discrimination and/or retaliation against a student with a disability in any Academy program or activity is strictly prohibited.

If any individual believes that the Academy, staff member or third party vendor, including, but not limited to, a before and after school care program, or any Academy program or activity has discriminated against a student based on the student's disability or retaliated against a student who has filed a claim of disability discrimination, the individual may file a grievance with the Academy's Section 504 Coordinator.

A written statement of the complaint/grievance, signed by the complainant and any other party or parties to the complaint/grievance shall be submitted to the Academy's Section 504 Coordinator listed above. The complaint/grievance shall contain specific information of the allegations, the full name, address and telephone number.

If the individual(s) filing the complaint/grievance alleges that the Section 504 Coordinator has engaged in discrimination on the basis of a disability, the individual(s) filing the complaint/grievance must provide the documentation requested.

The Second Section 504 Coordinator shall fulfill the role and follow the procedures required of the Section 504 Coordinator below.

1. The Academy's Section 504 Coordinator shall meet with the individual(s) within five (5) school days receipt of the written statement.
2. During the meeting, the individual(s) may present witnesses and any other evidence to support their complaint/grievance. The Section 504 Coordinator shall investigate the complaint/grievance which shall include, but is not limited to: interviews of relevant individuals, review of any documentation, text, email social media messages, video, digital and audio recordings and any other physical evidence related to the alleged discrimination.
3. The Section 504 Coordinator shall notify the individual(s) who submitted the complaint/grievance, in writing, within ten (10) school days of the initial meeting with the individual(s). The Section 504 Coordinator's written response shall address the outcome of the investigation and include any corrective action recommended or taken to prevent the reoccurrence of the alleged discrimination or remedy the effects of same.
4. A signed statement of appeal of the Section 504 Coordinator's written response may be submitted to the Director within ten (10) business days after the individual(s) receipt of the Section 504 Coordinator's written response to the complaint/grievance. The Section 504 Coordinator and the Director may not be the same person. The Director shall meet with all parties involved, conduct an additional investigation of the facts and circumstances surrounding the complaint/grievance, as needed, and issue a final determination in writing within ten (10) business days of receipt of the appeal.
5. The Section 504 Coordinator and the Director shall each maintain all written responses, decisions, transcripts, video, digital and audio recordings, text, email and social media messages, and photographs of the initial investigation, if any, and any subsequent investigative information obtained by the Director as a result of the appeal.
6. The Academy Board reserves the right to appoint an independent Hearing Officer to conduct a hearing of an appeal in lieu of the Director deciding the appeal. The Academy Board has fifteen (15) business days from the date the appeal is submitted to the Head of School to appoint the Hearing Officer. The Hearing Officer shall conduct the hearing within ten (10) business days of being appointed by the Academy Board to hear the appeal. The Hearing Officer shall allow the complainant/grievant and Administration to present witnesses, documentary evidence, and any other relevant information for the Hearing Officer's consideration. Each party may be represented by an attorney or other representative at the party's expense. The Hearing Officer shall have five (5) business days after the close of the hearing to prepare written findings and issue a determination, which determination shall be final.

This complaint/grievance procedure is not a prerequisite to an aggrieved individual from filing a complaint with the Office for Civil Rights. The individual(s) may file a complaint with the Office for Civil Rights at the address below, at any time before or during the Academy's grievance procedure:

Office for Civil Rights  
United States Department of Education  
1350 Euclid Avenue  
Suite 325  
Cleveland, Ohio 44115

Retaliation against any individual who files a complaint or participates in the grievance process is prohibited.

### **Section 13. Bullying.**

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, administrators, faculty, staff, parents, 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 students are protected under this Policy, and bullying and cyberbullying are prohibited without regard to their subject matter or motivating animus.

#### **Definitions**

"**Bullying**" means any written, verbal, or physical act, or any electronic communication, but not limited to, cyberbullying, that is intended or that a reasonable person would know is likely to harm one (1) or more students either directly or indirectly by doing any of the following:

- A. Substantially interfering with educational opportunities, benefits, or programs of one (1) or more students.
- B. Adversely affecting the ability of a pupil to participate in or benefit from the Academy's educational programs or activities by placing the student in reasonable fear of physical harm or by causing substantial emotional distress.
- C. Having an actual and substantial detrimental effect on a student's physical or mental health.
- D. Causing substantial disruption in, or substantial interference with, the orderly operation of the Academy.

"**Cyberbullying**" means any electronic communication that is intended or that a reasonable person would know is likely to harm one (1) or more students either directly or indirectly by doing any of the following:

- A. Substantially interfering with educational opportunities, benefits, or programs of one (1) or more students.
- B. Adversely affecting the ability of a student to participate in or benefit from the Academy's educational programs or activities by placing the student in reasonable fear of physical harm or by causing substantial emotional distress.
- C. Having an actual and substantial detrimental effect on a student's physical or mental health.
- D. Causing substantial disruption in, or substantial interference with, the orderly operation of the Academy.

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 [Academy]. "At school" is defined as on Academy premises, at Academy-sponsored activities or events, in an Academy-related vehicle, or using a 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 Academy. "Telecommunications access device" and "telecommunications service provider" mean those terms as defined in MCL §750.219a.

Bullying and cyberbullying that does not occur "at school" [Academy], 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 promptly report any situation that he or she believes to be bullying behavior directed toward himself/herself or another student, to a teacher, a counselor, the Director, or Assistant Director or Athletic Director. Staff members shall report any reports made by students or situations that they believe to be bullying behavior directed toward a student to the Director. Complaints against the Director shall be reported to the ESP. Complaints against the ESP shall be reported to the Academy Board President.

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 who is 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 Director or the ESP is responsible for the investigation. If the investigation results in a finding that bullying has occurred, prompt and appropriate disciplinary action shall be taken up to and including expulsion for students, up to and including discharge for ESP 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.

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, ESP staff or other third party designated by the Academy Board investigating the 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 ESP is the school official responsible for ensuring that this policy is implemented.

### **Confidentiality**

The Academy shall comply with all applicable laws regarding confidentiality of personally identifiable information from education records. In addition, the identity of an individual who reports an act of bullying or cyberbullying shall be and remain confidential to the extent provided by law. The Director or the Director'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 publicly disclosed, to the extent provided by law.

### **Notification**

This policy shall be annually circulated to parents and students, and shall be posted on the Academy website.

### **Reporting**

As required by State statute, the ESP 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.

#### **Section 14. Use of Seclusion or Restraint.**

Pursuant to Public Act 395 of 2016, MCL §380.1307a, the Academy Board directs the ESP to adopt as an administrative guideline a policy, applicable to all administrators, staff and contractors who work at or on behalf of the Academy, that is consistent with the policy issued by the Michigan Department of Education in connection with the requirements of Public Acts 394 through 402 of 2016, MCL §380.1307, *et seq.*, regarding restrictions on the use of seclusion and restraint in public schools. This policy shall accomplish the following objectives:

- A. Promote the care, safety, welfare and security of the Academy community and the dignity of each pupil.
- 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 pupils.
- C. Ensure that seclusion and physical 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.

Legal References: MCL §380.1307a

#### **Section 15. Search and Seizure.**

The Academy Board has delegated to Academy administration, the responsibility of safeguarding the safety and well-being of the students in the Academy. In the discharge of this responsibility, Academy administration may search Academy property such as lockers used by students or the person or property, including vehicles, of a student, in accordance with the following policy.

##### **School Property**

Lockers and desks used by students remain at all times the property of the Academy. Where locks are provided for such places, students may lock them against incursion by other students, but in no such places shall students have an expectation of privacy as to prevent examination by a school official. Academy administrators may search student lockers and desks at any time and for any reason.

##### **Student Person and Possessions**

The privacy of students or his/her belongings may not be violated by an unreasonable search and seizure. No student may be searched without reasonable suspicion or in an unreasonable manner. The extent of the search will be governed by the seriousness of the alleged infraction, the student's age, and the student's disciplinary history. Reasonable suspicion shall not be required for the use of canines to search a student's possessions as part of a random drug sweep.

Searches may be conducted by ESP administrators, school resource officer(s), or their designees. Efforts should be made to conduct a search in the presence of the student and a staff member other than the principal. A search prompted by the reasonable belief that health and safety are immediately threatened may be conducted with as much speed and dispatch as may be required to protect persons and property.

A search of a student's person or intimate personal apparel shall be conducted by a person of the student's gender, in the presence of another staff member of the same gender, and only in exceptional circumstances when the health or safety of the student or of others is immediately threatened. Strip searches by Academy staff, school resource officer(s) or any other person acting on behalf of or as a representative of the Academy, on or off school premises, are not permitted.

Administrators or designated staff members are authorized to utilize a breath-test instrument for the purpose of determining if a student has consumed an alcoholic beverage.

The ESP shall prepare administrative guidelines to implement this policy.

#### **Section 16. Interrogation of Students.**

The Academy is committed to protecting students from harm that may or may not be directly associated with the school environment, but also recognizes its responsibility to cooperate with law enforcement and the State's child protection agency.

Such agencies should be encouraged to investigate alleged violations of the law off Academy property if at all possible. An investigation by such an agency may take place immediately on Academy property at the request of the building administrator 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 building administrator indicating the nature of their investigation and their desire to question a student or students.

Before a student is questioned by police as a witness to or suspect in an alleged violation of law, the building administrator shall attempt to contact the student's parent, and shall request to remain in the room during the questioning if the parent is not available.

If the student is the subject of a child abuse/neglect investigation, and the investigating agency indicates that the parent or a family member is believed to be the perpetrator, the building administrator will not contact either parent prior to the interview if so requested by the investigator.

If an authorized law enforcement officer or child protection agency removes a student, the administrator shall promptly notify the parent and the ESP.

No school official may release personally identifiable student information in education records to the police or children's services agency without prior written permission of the parent, a lawfully-issued subpoena, a court order, or as otherwise required by law, unless it is an emergency situation involving the health or safety of the involved student or other students. Directory information may be disclosed upon request.

### **Section 17. Education Records.**

The Academy shall comply with the applicable requirements of the Family Educational Rights and Privacy Act ("FERPA"), 20 USC §1232g and Public Act 367 of 2016 (MCL §380.1136). In accordance with FERPA, not later than the 30th day of each school year, the Director shall provide public notice, in writing or electronically, to students and their parents or legal guardians of the Academy's intent to make available, upon request, certain information known as "directory information."

The Academy Board designates as "directory information" the following information about students:

- A. name;
- B. participation in officially recognized activities and sports;
- C. height, if member of an athletic team;
- D. weight, if a member of an athletic team which requires disclosure to participate;
- E. grade level, and date of actual or expected graduation;
- F. awards or honors received;
- G. photographs;
- H. videos of students participating in school activities, events or programs.

The Academy Board determines that the following information about students shall not be considered "directory information," and shall not be disclosed unless otherwise permitted by FERPA:

- A. residence address;
- B. email address;
- C. telephone numbers;
- D. date and place of birth;
- E. major field of study;
- F. dates of attendance;
- G. most recent previous educational agency or institution;
- H. Social Security number.

The annual notice from the Director shall inform parents and eligible students that they may refuse to allow the Academy to disclose such "directory information" upon written or electronic notification to the Academy using the "opt out" form provided with the notice. If a parent or legal

guardian of a student or an eligible student elects to "opt out" of the disclosure of any specific type of directory information, the Academy will elect not to disclose any directory information for that student.

The Academy shall provide a copy of the notice and "opt out" form to a parent or legal guardian at any time upon request.

The Academy shall develop a list of uses for which the Academy would disclose a student's directory information.

Legal References: Family Educational Rights and Privacy Act of 1974 (FERPA),  
20 USC §1232(g); 34 CFR §99.1  
MCL §380.1136

### **Section 18. Prohibited Conduct Regarding Personally Identifiable Information.**

Except as permitted under Michigan law, the ESP shall not sell or otherwise provide to a for-profit business entity any personally identifiable information that is part of the Academy's student's education records. If the ESP receives information that is part of an Academy student's education records, the ESP shall not sell or otherwise provide the information to any other person or entity except as permitted under the Michigan law. For purposes of this policy, the terms "education records" and "personally identifiable information" shall have the same meaning as those terms in Section 1136, MCL §380.1136.

### **Section 19. Covered Data and Information.**

The ESP shall observe Academy Board policies and federal, state and local laws, rules and regulations regarding the confidentiality of Covered Data and Information. Covered Data and Information ("CDI") includes paper and electronic student record information and includes, without limitation, "education records" as defined under FERPA, 34 CFR §99.1. CDI also includes any new records created and maintained by the ESP using CDI.

The ESP shall not use or disclose CDI received from or on behalf of the Academy except as permitted or required by the Services Agreement between the ESP and the Academy, and/or applicable federal, state and local laws, rules and regulations. Upon termination or other conclusion of the Services Agreement between the ESP and the Academy, the ESP shall return all CDI to the Academy.

The ESP shall develop, implement, maintain and use appropriate administrative, technical and physical security measures to protect confidentiality, integrity and availability of all CDI received from, or on behalf of the Academy or its students. These measures shall be extended by contract to include any contractors or subcontractors used by the ESP.

The ESP shall immediately or within two (2) business days of discovery at the latest, report to the Academy Board, in writing, any use or disclosure of CDI not authorized by the Agreement between the ESP and the Academy, or by applicable federal, state or local laws, rules and regulations. The

ESP's report shall identify: (i) the nature of the unauthorized use or disclosure; (ii) the CDI used or disclosed; (iii) who made the unauthorized use or received the unauthorized disclosure; (iv) what actions, if any, the ESP has taken or shall take to mitigate any deleterious effect of the unauthorized use or disclosure; (v) what corrective action the ESP has taken or shall take to prevent future similar unauthorized use or disclosure; and (vi) such other information as reasonably requested by the Academy Board.

Legal References: Family Educational Rights and Privacy Act of 1974 (FERPA),  
20 USC §1232(g); 34 CFR §99.1

## **Section 20. Extra-Curricular Activities; Code of Conduct.**

The Academy Board encourages all students to become involved in extra-curricular, co-curricular and athletic activities. Such activities supplement the Academy's curriculum, and provides opportunities for student enrichment. Participation is contingent on following the rules and guidelines governing those activities, and is a privilege, not a right.

The Director shall develop and administer a program of student clubs and other activities, and the ESP shall develop guidelines for the maintenance of student activity funds in support of these organizations.

The Director shall develop and administer a program of interscholastic athletics.

### **Athletic Code of Conduct**

The Director will publish as an administrative guideline an Athletic Code of Conduct, which will apply to students participating in all athletic (including interscholastic) activities. This Code of Conduct shall apply on a twelve (12)-month basis to all student participants, and to conduct on and off Academy property. The Athletic Code of Conduct supplements, but does not supersede or modify, the Student Code of Conduct to be published by the Director.

### **Extra-Curricular Code of Conduct**

The Director may by administrative guideline direct that the provisions of the Athletic Code of Conduct shall also apply to students participating in extracurricular or co-curricular activities

## **Section 21. Equal Access for Academy Sponsored Activities.**

Secondary students of the Academy may also initiate other clubs and activities, which may use Academy facilities under the following rules. Academy facilities may not be used by non-Academy-sponsored student clubs and activities or Academy-sponsored, extra-curricular clubs and activities during instructional hours. During non-instructional time, no group of students, regardless of the size of the group, will be denied an opportunity to meet on the basis of the religious, political, philosophical, or other content of the activity.

An application for permission for non-Academy-sponsored student clubs and activities to meet on Academy premises shall be made to the Director or designee, who shall grant permission provided that:

- A. The activity has been initiated by students;
- B. Attendance at the meeting is voluntary;
- C. No agent or employee of the Academy will promote, lead, or participate in the meeting;
- D. The meeting does not materially and substantially interfere with the orderly conduct of instructional activities in the school; and
- E. Persons not affiliated with the Academy do not direct, conduct, control, or regularly attend the activity.

A student-initiated group granted permission to meet on Academy premises shall be provided the same rights and access and shall be subject to the same administrative guidelines that govern the meetings of student organizations sponsored by the ESP or the Academy Board, except as provided by this Policy. Participation in a student-initiated meeting must be available to all students who wish to attend and cannot be denied on the basis of a student's race, color, national origin, sex, gender orientation, age, religion, height, weight, marital or family status, disability, military status, genetic information, or any other legally protected category. There shall be no discrimination on the basis of the religious, political, philosophical, or other content of the speech at the meeting.

## **Section 22. Medications.**

### **Medications Generally**

The Model Policy and Guidelines for Administering Medications to Pupils at School ("the Model Policy"), published by the Michigan Department of Education, as currently in effect and as subsequently amended, and with the revisions noted below, is adopted as the Academy's Policy for medications at school.

Pursuant to the Model Policy, "medication" includes prescription, non-prescription and herbal medications, and includes those taken by mouth, by inhaler, those that are injectable, and those applied as drops to eyes, nose, or medications applied to the skin.

The following provisions of the Model Policy are clarified or revised as follows:

- A. As used in the Model Policy, the term "physician" means any health care provider licensed by the State of Michigan to prescribe medication.

- B. All documentation provided in connection with this Policy, including medication administration logs, shall be retained for three (3) years after the student graduates or otherwise leaves the Academy, or until the student's 19th birthday, whichever occurs later.

Administration is directed to publish the Model Policy, with the clarifications or revisions identified above, as an administrative guideline, and to amend the guideline to comport with any amendment(s) to the Model Policy.

Administration is authorized to make additional non-substantive wording changes in the Model Policy, and to revise or supplement the forms that accompany the Model Policy, to conform with practices in and the policies and needs of the Academy.

### **Epinephrine Auto Injectors (Epi-Pens)**

Each Academy building shall have at least two (2) staff members at the school who have been trained in the administration of epinephrine auto-injectors.

Each Academy building shall possess and maintain at least two (2) epinephrine auto-injectors. The epinephrine auto-injectors shall be stored in a secure location, and in accordance with manufacturer's instructions for the preservation of the medication.

Under state law, a prescriber of medication may issue a prescription for, and a dispensing prescriber or pharmacist may dispense, auto-injectable epinephrine. Administration shall take the necessary steps to obtain and fill prescriptions for epinephrine auto-injectors in order to ensure that sufficient quantities are distributed to and maintained by individual schools within the Academy.

An employee of the ESP who is a licensed registered professional nurse or who is trained in the administration of epinephrine auto-injectors may administer an epinephrine auto-injectors to a pupil who has an epinephrine auto-injector prescription on file at the school/Academy.

An employee of the ESP who is a licensed registered professional nurse or who is trained in the administration of epinephrine auto-injectors may administer an epinephrine auto-injectors to any pupil who is believed to be having an anaphylactic reaction, regardless of whether that pupil has an epinephrine auto-injector prescription on file at the school/Academy.

The ESP shall issue administrative guidelines to ensure the proper implementation of this Policy.

### **Section 23. Personal Communication Devices.**

A "personal communication device" is a privately-owned device that is used for audio, video or text communications. "Personal communication device" includes, but is not limited to, computers, tablets (*e.g.*, iPads and similar devices), electronic readers ("e-readers," *e.g.*, Kindles and similar devices), cell phones (*e.g.*, mobile/cellular telephones, smartphones (*e.g.*, BlackBerry, iPhone, Android devices, Windows Mobile devices, etc.)), telephone paging devices (*e.g.*, beepers or pagers), and/or other web-enabled devices of any type.



Except as authorized by a teacher, administrator or IEP team, or by regulations issued by the ESP, students are prohibited from using personal communication devices during instructional time, including while off-campus on a field trip, to capture, record and/or transmit words or sounds (*i.e.*, audio) and/or images (*i.e.*, pictures/video) of any student, staff member or other person. Students may utilize personal communication devices before and after instructional time, during the student's scheduled lunch time, or as directed by a teacher or other staff member for educational purposes. Students may possess personal communication devices on their person during times when their use is not permitted, but the devices must be powered off and kept out of sight in backpacks or purses, or in lockers during such times.

The Director is authorized to develop regulations to further control student use and possession of personal communication devices.

## **ARTICLE V. PERSONNEL.**

### **Section 1. Administrative, Instructional and Non-Instructional Staff.**

The Academy Board contracts with Choice Schools Associates to provide management services, including all employees of the Academy. Choice Schools is responsible to comply with federal, state, and local employment laws, rules and regulations and terms of the Charter Contract.

### **Section 2. Criminal Background Checks and Unprofessional Conduct Checks.**

The ESP shall comply with all applicable laws, rules and regulations regarding criminal history record information ("CHRI") fingerprint checks and unprofessional conduct checks for all of its staff who regularly and continuously work with students in an Academy building or on Academy premises.

### **Section 3. Performance Evaluations.**

Teachers and administrators shall be evaluated in accordance with state law using one of the evaluation tools allowable by the Michigan Department of Education. The goal of the evaluation system is to improve teacher and administrator work performance, and to locate those teachers and administrators who are less than "effective."

Non-administrators and staff shall be evaluated in accordance with the evaluation process and procedures developed by the ESP.

### **Section 4. Professional Development.**

The Academy shall provide professional development to staff as required by applicable laws, rules and regulations and as determined to be in the best interest of the Academy. The ESP must approve all professional development costs and ESP staff attendance at seminars, conferences and workshops at off-site locations.

## **Section 5. Gifts to Academy Staff.**

Parents, students and other third parties are discouraged from giving gifts to Academy staff. Gifts for staff appreciation, recognition and retirement may be appropriate. The value of the gift or contribution toward a group gift should be nominal and must be voluntary.

Academy staff may not accept gifts of any type or value that has the purpose or appearance of influencing a decision or judgment, or that may be considered a conflict of interest or creating an appearance of impropriety.

## **Section 6. Professional Appearance of Academy Staff.**

Academy staff are role models for all students and reflect the educational environment of the Academy. All staff shall be physically clean, neat and well-groomed, and dressed professionally in accordance with their job duties and responsibilities.

## **Section 7. Outside Activities.**

Academy staff members are prohibited from engaging in activities that interfere with their Academy work and responsibilities for the Academy or have an adverse impact on the Academy, students, other staff members or the school community. Staff members shall not use Academy property, Academy staff, resources, or information to solicit or accept customers for private business or personal gain

Academy staff members are prohibited from using work time to engage in an outside interest, activity, or association.

Staff members may not receive pay for tutoring or working with students currently assigned to them or their classroom. Staff members may only tutor or work with other students of the Academy with the permission of the Director. Staff members may not engage in private tutoring for compensation, during the regular school day, on Academy property at any time, or use Academy equipment or supplies.

Staff members shall not use their position with the Academy to influence parents, students, volunteers, subcontractors or vendors to expend or contribute monies for goods, services, programs, fundraisers or the like.

## **Section 8. Political Campaigns and Ballot Proposals or Initiatives.**

Staff members may not campaign for a candidate or ballot proposal on Academy property, in Academy buildings or during work hours. Staff members may not use students outside of school hours to campaign for a specific candidate(s) or ballot proposal or initiative without written permission from the student's parent or guardian. Michigan law prohibits the use in any manner of Academy resources to advance political activities.

## **Section 9. Proprietary Information.**

Staff members are encouraged to prepare scholarly articles, educational publications, manuals, and other written, audio, musical, theatrical, animated, artistic, or digital materials or the like to be considered for publication or distribution. Any works which reference the Academy require the prior written approval of the ESP.

Staff members who seek a copyright or patent interest in their work are subject to the following rules:

- A. Works developed within the scope of the staff member's specific job duties and responsibilities, or developed, created, prepared or finalized during the staff member's regular work hours or using Academy resources, data, facilities, technology, equipment, materials or supplies, are the exclusive property of the Academy. The Academy shall retain all rights and privileges pertaining to the ownership of those works.
- B. Works developed, created, prepared, or finalized by a staff member outside of their specific job duties and responsibilities, the staff member's regular work hours and without the use of Academy resources, data, facilities, technology, equipment, materials or supplies, may belong to the staff member.

## **Section 10. Confidentiality.**

Federal and state laws, rules and regulations protect the confidentiality of student educational records, medical records, social security numbers and other student and family information. Academy staff have a legal duty to keep information confidential as required by applicable laws, rules and regulations.

## **ARTICLE VI. FINANCES.**

### **Section 1. Fiscal Management.**

The Academy Board holds a position of public trust and accountability requiring it to be a good steward of funds received by the Academy, and to manage and operate the Academy in an efficient and effective manner. The Academy shall comply with all applicable federal and state laws, rules and regulations relative to the fiscal management of the Academy, including, but not limited to, the Uniform Budgeting and Accounting Act, MCL §141.421, *et seq.*

The ESP shall develop financial processes, procedures and internal controls to ensure the proper accounting of all Academy funds received and expended by the Academy in accordance with generally accepted accounting principles and applicable law. The ESP shall ensure that the Academy Board receives, in a timely manner, monthly financial statements and reports, quarterly reports, and any other financial reports necessary or requested by the Academy Board.

Legal Reference: MCL §141.421 *et seq.*

## **Section 2. Deposit of Academy Funds.**

Within one (1) business day after it receives funds, the Academy shall deposit such funds in the Academy Board designated bank, savings and loan association or credit union which is eligible to be a depository of surplus funds belonging to the state, as required by state law.

## **Section 3. Annual Budget and Fund Equity.**

The Academy Board is legally required to adopt an annual budget prior to July 1 of each year for the upcoming fiscal year. The budget is based on projected student enrollment and includes a statement of anticipated revenues from all sources and anticipated expenditures by the Academy. The annual budget shall be prepared and published in conformity with GASB 54. The Academy Board will make every effort to maintain a minimum end of fiscal year fund balance of at least five percent (5%) as required by state law, rules and regulations, with a targeted annual end of fiscal year fund balance of ten percent (10%) to fifteen percent (15%).

The ESP is responsible for preparation of the proposed annual budget and timely presentation to the Academy Board. The Academy Board shall hold a public hearing on the proposed budget in May/June of each year as required by law. The final adoption of the proposed annual budget shall be made by the Academy Board after completion of the public hearing, but no later than June 30.

On a monthly basis, the ESP shall inform the Academy Board of actual or anticipated budget variances and the reason(s) for the budget variances. The ESP shall prepare amended budgets for the Academy Board's consideration and adoption based on the budget variances, as necessary.

The Academy Board encourages the ESP to develop a rolling, detailed three (3) year forecast of estimated revenues, expenditures and fund balance, to be reported annually to the Academy Board during its June Board meeting.

The Academy Board may establish financial priorities for the Academy on a short-term, intermediate and long-range basis.

Within thirty (30) days after the Academy Board adopts its annual operating budget for the upcoming fiscal year, or adopts a subsequent revision to or amended budget, the Academy shall make available to the public all of the information required under federal and state law, through a link on its website home page in a form and manner prescribed by the Michigan Department of Education. The ESP shall ensure that the Academy complies with all federal and state reporting requirements.

## **Section 4. Grant Funds.**

The Academy Board encourages the solicitation and use of grant funds to enhance the Academy's educational program, school environment and opportunities for students. The ESP, administrators and staff are encouraged to identify, evaluate and apply for grants that will support the Academy's programs, goals, projects, and priorities. The ESP must approve each grant proposal prior to its submission and the Academy Board must approve and accept all grants offered to the Academy.

The ESP is responsible for the efficient and effective administration of grant funds. The financial management and administration of grants must adhere to all applicable federal, state and local laws, rules and regulations, any grantor rules, regulations and conditions of the grant award, and the Academy's policies and administrative guidelines, and shall comply with OMB Circular A-87 and EDGAR (part 76) regarding allowable costs for the use of federal grant funds.

#### **Section 5. General Purchasing.**

In order to maintain effective control over the purchase of supplies, materials and equipment for the Academy, the purchase of all supplies, materials and equipment shall comply with all applicable Academy Board policies and State and Federal laws, rules and regulations.

The Academy Board authorizes the Director to purchase supplies, materials and equipment necessary for the management, operation and educational program of the Academy that cost less than the state statutory limit. All purchases must be within budget allocations. All procurement processes should use good administrative practices and judgment and free of any real or apparent conflict of interest. All procurements are to be conducted in a manner which provides open competition as required by law. The lowest responsible bidder shall generally be awarded the contract; however, the Academy Board reserves the right to accept any bid/proposal that it feels is in the best interest of the Academy.

If the reasonably anticipated purchase price for the supplies, materials or equipment exceeds the State of Michigan competitive bidding threshold, as adjusted annually, a procurement process with competitive bids/proposals is required. However, competitive bids/proposals are not required for the purchasing of food unless the food purchased in a single transaction costs \$100,000 or more. Academy Board approval is required for purchases over the State of Michigan competitive bidding threshold, as adjusted annually.

Purchases made using competitive bids provided through the State of Michigan programs, other consortiums, or cooperative bids shall satisfy the requirements of this Policy, unless applicable State or Federal law requires otherwise.

The Academy Board reserves the right to: i) accept or reject any and all bids/proposals, in whole or in part; ii) waive any informalities or irregularities in the procurement process or a bid/proposal; iii) award the contract to other than the lowest bidder.

#### **Section 6. Purchasing with Federal Funds (Procurement).**

In order to maintain effective control over the purchase of supplies, materials, equipment and services with Federal monies or under a Federal grant, the Academy shall follow all applicable Federal laws, regulations and standards, as well as all applicable Academy Board policies and applicable State laws, rules and regulations.

It is the general policy of the Academy Board that the purchase of all federally funded supplies, materials, equipment and services be at the lowest possible cost in the best interest of the Academy and all purchases shall be within budget allocations. All procurement processes shall use good administrative practices and judgment and be free of any real or apparent conflict of interest. All procurements are to be conducted in a manner which provides open competition. The lowest

responsible bidder shall generally be awarded the contract; however, the Academy Board reserves the right to accept any bid/proposal that it feels is in the best interest of the Academy.

When purchasing supplies, materials or equipment with Federal monies or under a Federal grant, the procurement processes shall also be in accordance with and follow Section 5 – General Purchasing.

When procuring services with Federal monies or under a Federal grant, if the reasonably anticipated cost is less than \$150,000, then the Academy shall contact a reasonable number of potential vendors and obtain informal written quotes for the services from at least three (3) vendors, to the extent possible. If the reasonably anticipated cost for services which will be funded by Federal monies or under a Federal grant is at or over \$150,000.00, competitive bidding shall be used for the procurement of those federally funded services. If it is determined that a formal competitive process for the procurement of services costing less than \$150,000.00 is in the best interests of the Academy, the Academy may use an appropriate competitive bidding process to obtain bids/proposals for the services.

The Director or designee assigned to procure and award federal contracts, shall perform a cost or price analysis in connection with each procurement action, including contract modifications. Detailed records to substantiate procurement decisions, rationale and history shall be maintained by the ESP on behalf of the Academy. The Academy shall resolve any contract or procurement disputes. The Academy shall take all necessary affirmative steps to ensure that minority firms, women's business enterprises and labor surplus area firms are used when possible in accordance with federal laws, rules and regulations.

Procurement of federally funded supplies, materials, equipment or services through solicitation of a proposal from only one source may be used only when one or more of the following circumstances apply:

- The item can be verified to be only available from a single source;
- The public necessity or emergency will not permit a delay resulting from the competitive bid process;
- A noncompetitive bid/proposal is expressly authorized by the awarding agency; or
- After solicitation of a number of sources, competition is determined inadequate.

The Academy Board reserves the right to: i) accept or reject any and all bids/proposals, in whole or in part; ii) waive any informalities or irregularities in the procurement process or a bid/proposal; iii) award the contract to other than the lowest bidder.

Legal References: Federal Uniform Grant Guidance, 2 CFR Part 200  
(See: 200.317, 318, 320 and 326).

## **Section 7. Construction.**

### **A. General Guidelines**

1. The Academy Board shall develop an efficient system for the construction of new school buildings, and additions to, repair or renovation of, or energy conservation improvements to existing Academy school buildings. All procurement processes should use good administrative practices and judgment and free of any real or apparent conflict of interest. All procurements are to be conducted in a manner which provides open competition.
2. Before commencing construction of a new Academy school building, or addition to or repair or renovation of an existing Academy school building, the Academy Board shall obtain competitive bids on all the materials and labor required for the complete construction of a proposed new building or addition to or repair or renovation of an existing Academy school building.
3. Subsection A(2) of this section does not apply to the following:
  - a. Repair work normally performed by Academy staff;
  - b. Construction of a new Academy school building, addition to or repair or renovation of an existing Academy school building if the total cost for the materials and labor costs less than the State of Michigan Competitive Bidding Threshold; and
  - c. Emergency Repairs to Academy School Buildings. However, such emergencies must arise as a result of circumstances which if not timely repaired could affect the health, safety or welfare of the Academy's students or staff. All emergency repairs must be reported to the Academy Board after repair and should be ratified by the Academy Board at its next regularly scheduled Board meeting.

### **B. Bidding Procedures**

1. Construction projects where the materials and labor cost less than the State of Michigan Competitive Bidding Threshold may be made without obtaining competitive bids, provided that such procurement shall be made in accordance with Academy Administrative Guidelines and applicable law. Projects may not be divided into subunits or separate contracts for the sole purpose of avoiding the State of Michigan Competitive Bidding Threshold or the bidding requirements of this Paragraph.
2. Construction Projects where the materials and labor cost an amount equal to or greater than the State of Michigan Competitive Bidding Threshold:

- a. The Academy Board shall advertise for bids 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 website designated by the State of Michigan and maintained for this purpose.
- b. The advertisement for bids shall do all of the following:
  - i. Specify the date, time and location by which all bids must be received by the Academy Board;
  - ii. State that the Academy Board will not consider or accept a bid received by the Academy Board after the date and time specified for bid submission;
  - iii. Identify the time, date, and place of a public meeting at which the Academy Board, or its designee, will open and read aloud each bid received by the Academy Board by the date and time specified in advertisement; and
  - iv. 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 Academy Board or the Academy staff member. The Academy Board shall not accept a bid that does not include this sworn and notarized disclosure statement.
- c. The Academy Board shall require each bidder for a contract under this Policy to file with the Academy Board security in an amount not less than 1/20<sup>th</sup> 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 Academy Board.
- d. The Academy Board shall not open, consider, or accept a bid that the Academy Board receives after the date and time specified for bid submission in the advertisement for bids as described in Subsection B(2)(b) of this Section.
- e. At a public meeting identified in the advertisement for bids described in Subsection B(2)(b) of this section, the Academy Board, or its designee, shall open and read aloud each bid that the Academy Board received at or before the time and date for bid submission specified in the advertisement for bids. The Academy Board may reject any or all bids, and if all bids are rejected, shall re-advertise in the manner required by this Policy.
- f. Any procurement which ensues from a competitive bid solicitation shall be awarded to the lowest responsible bidder, and the purchase shall be approved by the Academy Board of Directors.



- g. Any construction projected funded in whole or in part by Federal monies or under a Federal grant, the Academy must follow all applicable Federal laws, regulations and standards, as well as all applicable Academy Board policies and applicable State laws, rules and regulations.
- h. All solicitation documents issued by the Academy shall reserve in favor of the Academy:
  - a. The right to accept or reject any or all bids, in whole or in part;
  - b. The right to waive any irregularities or informalities contained in any response/proposal to a bid solicitation to the extent not prohibited by law; and
  - c. The right to accept a bid other than the lowest bid.

### **Section 8. Academy Credit Cards.**

The Academy Board of Directors recognize that bank credit cards offer a convenient, efficient method of purchasing goods and services for the Academy. The ESP shall designate Academy staff authorized to use Academy credit cards for official Academy related purposes only. The Academy Board authorizes a limit of \$5,000.00 for each credit card. The ESP shall develop administrative guidelines and internal controls regarding the use of Academy credit cards.

All approved card holders must abide by the administrative guidelines and procedures for the use of credit cards. All purchases using an Academy credit card must be made by the individual to whom the card is issued, and a detailed report with the receipt(s) of the purchase must be submitted to the business office within five (5) business days of the purchase(s). The card may only be used for the purchase of goods or services for the official business of the Academy, and may not be used for purchases for personal purposes or cash advances. Under no circumstances shall the card be used to purchase alcohol, personal items or services, or personal entertainment.

All invoices/statements must be approved by the Director prior to payment. The balance, including any applicable interest, shall be paid within not more than sixty (60) days of the initial invoice/statement date. Card holders shall immediately surrender their card upon request of the Academy Board, ESP, or the Director, or upon separation from employment with the ESP or reassignment from the Academy. A lost or stolen card must be immediately reported to the Director and ESP.

Any unauthorized use or misuse of the credit card by a staff member may result in removal from the Academy and potential legal action by the Academy Board.

### **Section 9. Investments.**

Prudent oversight of the Academy's funds by the ESP and the Academy Board is required. The ESP, subject to approval by the Academy Board, is responsible for making prudent investment decisions of the Academy's funds that are not speculative, risky or subject to extreme volatility.

The ESP shall develop and implement procedures and internal controls to protect the Academy's funds and investments. The procedures must comply with the requirements of the Governmental Accounting Standards Board (GASB) and the Michigan Revised School Code.

The financial reports submitted to the Academy Board on a monthly basis shall disclose the Academy's investments with a summary of allocation of assets, credit, investments and risks to the Academy's investments in accordance with generally accepted accounting principles.

Investment professionals or advisors utilized by the Academy must be approved by the Academy Board in advance of any professional advice or work done on the Academy's behalf, and must be advised of the Academy's investment requirements and restrictions. All investment professionals utilized by the Academy must meet any required licensing, certification and bonding requirements under state and federal laws, rules and regulations and maintain insurance in the type and amount standard in the industry.

#### **Section 10. Risk Management.**

The ESP shall be responsible for developing and maintaining a risk management program for the Academy. The program shall contain methods and procedures for identifying, reducing and eliminating risk and, where prudent and feasible, providing for the purchase of insurance.

#### **Section 11. Audit.**

State law requires an annual audit of all accounts of the Academy by an independent, certified public accountant selected by the Academy Board. The audit shall be conducted in accordance with generally accepted auditing and accounting standards. The audit shall be presented to the Academy Board at a public meeting prior to being filed with the Michigan Department of Treasury and any other reporting entities required by state and federal law.

The auditor shall conduct single audits of grants as required by state and federal law, or the terms and conditions of the grant.

#### **Section 12. Fixed Assets/Inventory.**

The ESP shall develop and maintain a fixed asset/inventory procedure for equipment and supplies purchased for or on behalf of the Academy or donated to the Academy. Equipment is tangible personal property that has a useful life of more than one (1) year and an acquisition cost of \$1,000.00 or more. All equipment purchased should be properly tagged and inventoried in accordance with the fixed asset/inventory procedure. Equipment purchased with federal funds should be tagged and inventoried as such and used for the specified purpose only. Disposal of equipment purchased with federal, state or local grant funds must be done in accordance with applicable federal and state laws, rules and regulations. The fixed asset schedule shall be updated on a regular basis to reflect purchases and dispositions of assets.

Technology devices and other school equipment costing less than \$1,000.00 that may be subject to theft or misuse should also be inventoried and accounted for. The fixed asset schedule should be updated monthly to include new purchases, retirements or transfers of assets.

An annual inventory of assets should be performed. The annual inventory should determine the type and number, usability and location of each fixed asset.

**Section 13. Surplus Property.**

The ESP shall identify to the Academy Board at least annually Academy real and/or personal property that is no longer required for Academy purposes, and shall recommend procedures to be followed for the sale or disposition of such property. Academy Board approval is required for the process to be used to sell or dispose of the property and the ultimate sale or disposition of the property.

**Section 14. ESP Bonded Employees.**

The Academy Board shall require the ESP to purchase a blanket or surety bond, in an amount proscribed by the Academy Board, for ESP staff who routinely deal with funds or money of the Academy.

**Section 15. Electronic Transactions.**

The Academy may be a party to an Automated Clearing House (ACH) arrangement. The Academy Board must approve any ACH agreement, which includes payment approval, account and compliance. All ACH invoices shall be approved by the Academy Board or its designee(s) prior to payment.

**Section 16. Credit Card Holder Data Security.**

If the Academy Board permits the Academy to accept credit card payments, all cardholder data obtained by Academy staff will be protected while in the Academy's possession, will not be stored or maintained in any format, and will be destroyed when no longer required.

**Section 17. Student Activity Fund Management.**

All revenues and expenditures of student activity funds shall be properly processed through the internal accounting system of the Academy. All student activity funds shall be audited annually at the same time as the general fund budget.

**Section 18. Fundraising.**

Any fundraising project by an Academy school organization shall require the approval of the Director. All school-wide fundraising projects shall require the approval of the Director. All fundraising projects shall be compatible with the Academy's purpose, goals, and general community expectations. The use of the name of the Academy (either directly or through inference/affiliation) or the Academy Board shall not be used in any fundraising efforts or on any materials, notices or advertising unless the Director's approval is received prior to such use.

## **ARTICLE VII. FACILITIES AND OPERATIONS.**

### **Section 1. Toxic Hazard and Asbestos Hazard Emergency Response.**

The Director or his/her designee shall serve as the Toxic Hazard Preparedness (THP) Officer. The THP Officer shall be responsible for identifying potential sources of toxic hazards, obtaining Material Safety Data Sheets (MSDSs), ensuring that all incoming materials are properly labeled with the identity of the chemical, hazard warning and the source of the chemical, and maintaining a current file of the MSDSs for all hazardous materials present on the Academy's property, among other duties as required by law. The Academy Board will rely on MSDSs from material suppliers to meet hazard determination requirements.

In accordance with state and federal law, the Academy shall have an asbestos management plan for each Academy school building; maintain and update the plan to ensure that it is current with ongoing operations and maintenance; engage in periodic surveillance, inspection, re-inspection, and response action activities; and comply with the EPA regulations governing the transportation and disposal of asbestos and asbestos-containing materials. The ESP shall be responsible for creating and implementing the asbestos management plan. At least once each school year, the Academy will notify the parents, teachers and other staff of the availability of the asbestos management plan. The ESP shall be responsible to ensure proper compliance with federal and state laws and the appropriate training and instruction of staff and students.

### **Section 2. Pest Management.**

The ESP shall develop rules and regulations to minimize the use of pesticides in the Academy school buildings and on Academy property and use the least caustic pesticides available. Annual notices to the parents of children attending the Academy shall be given within thirty (30) days after the start of school and contain the information required by Michigan law. Advance notice of the application of the pesticide shall be given at least 48 hours before the application of the pesticide by posting the notice at the school building entrance and using one other method permitted by state law, except in cases of emergency. The integrated pest management program shall be available for review by the parents.

### **Section 3. Tobacco Free Environment.**

Under state law, the Academy must be tobacco free. Students, Academy staff, volunteers, third party contractors, visitors and the public shall not smoke, chew or otherwise use tobacco in any form in Academy school buildings, on Academy grounds, whether the Academy is in or out of session, or during Academy-sponsored events either on or off Academy premises. Likewise, the use of e-cigarettes and/or vaporizers are prohibited in Academy school buildings, on Academy grounds, whether the Academy is in or out of session, or during Academy-sponsored events whether on or off Academy premises.

**Section 4. Alcohol and Drug Free Workplace.**

All property of the Academy shall be free of alcohol, illegal drugs and abuse of prescription drugs. Any student, Academy staff member, volunteer, third party contractor, visitor or member of the public who possesses, manufactures, sells, distributes, dispenses, uses or is under the influence of alcohol, illegal drugs, marijuana or marijuana edibles, or is abusing prescription drugs, even with a current, valid prescription, in an Academy school building, on Academy property, attending an Academy-related event, or driving a vehicle either owned or under contract with the Academy, shall be removed/barred from the Academy premises.

**Section 5. Weapons.**

No person shall possess, store, make, or use a weapon in any setting that is under the control and supervision of the Academy, including, but not limited to, property leased, owned, or contracted for by the Academy, at an Academy-sponsored event, or in an Academy-owned or contracted vehicle.

The term "weapon" means any object which, in the manner in which it is used, is intended to be used, or is represented, is capable of inflicting serious bodily harm or property damage, as well as endangering the health and safety of persons. Weapons may include, but are not limited to, firearms, guns of any type, including air and gas-powered guns (whether loaded or unloaded), knives, razors, clubs, electric weapons, metallic knuckles, martial arts weapons, ammunition, and explosives.

The Director shall refer a person who knowingly violates this policy to law enforcement officials, as required by law, and may take any necessary steps to exclude the person from Academy property and Academy-sponsored events.

This Policy does not prohibit:

- A. weapons under the control of law enforcement personnel;
- B. items approved by the Director as part of a class or individual project or presentation under adult supervision, if used for the purpose of and in the manner approved (working firearms and ammunition shall never be approved);
- C. theatrical props used in appropriate settings;
- D. starter pistols used in appropriate sporting events; or
- E. instruments or equipment as required by the curriculum or Academy operations.

Staff members shall report possession of dangerous weapons and or/threats of violence by students, ESP staff members, or visitors to the Director or the ESO. Failure to report such information may subject the staff member to immediate removal from the Academy's premises and discipline by the ESP.

## **Section 6. Bloodborne Pathogens.**

All Academy staff must follow the Universal Precautions for Bloodborne Pathogens where there has been an exposure to blood or other potentially infectious disease. Under Universal Precautions for Bloodborne Pathogens all human blood and certain human bodily fluids are treated as if known to be infectious for HIV, HBV, Hepatitis B, and other bloodborne pathogens.

The ESP shall develop and implement an exposure control plan as required by law. A copy of the exposure control plan shall be maintained in the Director's office and in each school health office. Training for staff who are at daily or occasional risk of exposure shall be provided by the Academy.

## **Section 7. Communicable Diseases.**

The Academy shall work cooperatively with the Hillsdale County Health Department to enforce and comply with the Michigan Public Health Code relative to the prevention, control and containment of communicable diseases.

## **Section 8. Cardiac Emergency Response Plan.**

Cardiac emergencies may result from sudden cardiac arrest, heart attack, or other causes, and require immediate action. The Director shall develop and implement a written cardiac emergency response plan to provide an appropriate response in the event of a cardiac emergency in Academy school buildings and on the Academy's premises. The Academy Board must approve the Cardiac Emergency Response Plan.

The Director shall conduct an annual review and evaluation of the Academy's Cardiac Emergency Response Plan, focus on ways to improve the schools' response process, and report the evaluation results and Plan improvements to the Academy Board on an annual basis.

## **Section 9. Health, Safety and Welfare.**

The ESP shall develop and implement a custodial and maintenance program for the cleanliness, safety and efficient operation of the Academy buildings and premises that is legally compliant with all safety, health and environmental requirements.

The Director in consultation with the ESP shall develop a school crisis response plan to be implemented in case of an emergency. The Director is authorized to close schools in case of inclement weather or other emergencies, in the Director's sole discretion, when it is unsafe for students to attend school or engage in school activities.

## **Section 10. Fire and Emergency Safety.**

The Director shall develop a fire and emergency safety operations plan that complies with state and federal law, rules and regulations. In developing this Plan, the Director shall consult with local public safety agencies with which the Academy will work in the event of an emergency.

## **Section 11.                   Transportation of Students.**

The Academy may provide transportation services for field trips, co-curricular and extra-curricular activities, and a fee may be charged for such transportation. Violation of the Academy's transportation rules and regulations may result in the student's removal from Academy-provided transportation services.

## **Section 12.                   Web-Site Accessibility.**

The Academy shall adhere to the applicable and existing standards for website accessibility in order to render the online content accessible. In the event that current standards, laws and/or regulations change, the Academy shall conform its policies and procedures to meet these changes. The Academy shall perform periodic accessibility audits of its web site.

The Academy's website shall be compliant with Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act so that students, prospective students, employees, if any, contracted staff, parents, visitors, Academy's guests and members of the public 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 their nondisabled peers with substantially equivalent ease of use, and are not excluded from participation in, denied the benefits of, or are otherwise subjected to discrimination in any of the District's programs, services and activities that are delivered online, as required by Section 504 and Title II of the ADA.

The Academy will designate a Website Accessibility Coordinator and a Section 504/ADA Compliance Officer as required by law.

The ESP shall develop administrative regulations consistent with applicable law and sufficient to permit the Academy to comply with its legal obligations.

## **Section 13.    Acceptable Use Policy: Technology and Internet Safety.**

The Academy's technology resources may only be used for learning, teaching, and administrative purposes consistent with the Academy's mission, goals and Educational Program. The use of the Academy's computer system and access to the use of the Internet is a privilege, not a right. Users of the Academy's computer system and the Internet while using Academy technology have no legitimate expectation of privacy. The Academy reserves the right to monitor all technology resource activity.

The ESP shall develop and implement administrative guidelines, regulations and user agreements that are consistent with the purposes of the Academy, its mission, goals and Educational Program and that comply with applicable law, including the Children's Internet Protection Act (CIPA). The Academy shall use technological measures to block or filter access to portions of the Internet containing visual depictions of materials deemed obscene or pornographic, including child pornography, and other material that may be harmful to minors, and to comply with CIPA.

The Academy shall cooperate fully with local, state and federal authorities in any investigation concerning or related to any illegal activities or activities not in compliance with Academy

policies, administrative guidelines, regulations, procedures and user agreements using Academy provided technology and Internet.

#### **Section 14. Copyrighted Works.**

The Academy shall comply with the federal Copyright Act. The ESP shall develop and implement administrative guidelines and regulations to comply with this policy.

#### **Section 15. Privacy of Social Security Numbers.**

The Academy may maintain social security numbers of its students, staff and others in the ordinary course of business. The ESP shall implement necessary administrative guidelines, rules and regulations to protect the confidentiality of the social security numbers and the privacy rights of the individuals as required by applicable laws, rules and regulations.

#### **Section 16. Criminal Justice Information Security.**

As a Noncriminal Justice Agency (NCJA), the Academy is an Authorized Recipient (“AR”), wherein certain Authorized Personnel can request and receive finger-print based Criminal History Record Information (CHRI) checks. Authorization for ARs to receive CHRI is for the purpose of employment of ESP staff or volunteer determinations. The Academy shall ensure compliance with applicable state and federal laws, rules and regulations, and the most current version of the Federal Bureau of Investigation (FBI) Criminal Justice Information Services (CJIS) Security Policy, in addition to the Academy’s policies, procedures, and processes. The Academy shall implement this Information Security Policy to ensure appropriate access, maintenance, security, confidentiality, dissemination, integrity and audit requirements of CHRI in all of its forms, whether at rest or in transit.

#### **Local Agency Security Officer**

The Director shall designate a Local Agency Security Officer (“LASO”) to complete and return to the Michigan State Police, Security & Access Section (SAS), a Noncriminal Justice Agency Local Agency Security Officer Appointment (CJIS-015). The most current form of the LASO appointment form must be kept on file by the MSP and the Academy. Prior to access to CHRI, all Authorized Personnel and the LASO must have complete a finger-print based CHRI background check. The Academy shall retain and keep current a list of ESP personnel who are authorized to access CHRI, and shall make the list available to the MSP upon request.

Contractors and vendors with access to the Academy system hardware and software must have completed a state and federal finger-print based CHRI background check and may not have a felony record of any kind or a confirmed outstanding arrest warrant.

The LASO or authorized designee shall terminate access to CHRI within 24 hours’ notice that the individual’s employment with the ESP has been terminated. Individuals with access to CHRI that have been reassigned or transferred shall have their access to CHRI reviewed by the LASO or authorized designee to ensure access is still appropriate. If not, than access will be immediately terminated.

#### **CHRI Media Protection**



CHRI media, storage and access and transport (digital and/or physical) must be protected and secured at all times. Digital and physical CHRI media shall be securely stored within physically secured locations or controlled areas within the Academy's facility unless otherwise permitted. Access to such media is restricted to authorized personnel only and secured at all times when not in use or under the supervision of an authorized individual. Physical CHRI media must be maintained within a lockable filing cabinet drawer located in the locked office of the LASO. Digital CHRI media shall not be stored on any electronic devices at the Academy. All digital communications sent via email will be sent directly to the LASO's secured email address on the computer solely designated for CHRI and Academy Board information.

In the event, the CHRI media must be moved outside of its secured location or controlled area, the LASO and the Director shall establish and implement appropriate security controls to prevent compromise of the data while transporting. The transport of CHRI media may only be conducted by authorized CHRI personnel.

### **Digital Media Sanitation and Disposal**

If digital CHRI media devices are determined to no longer be needed by the Academy, or the media devices will be disposed of or replaced, the devices shall be sanitized and disposed of according to the most current FBI CJIS Security Policy. Due to the presence of temporary files (data remanence), devices where digital media was once stored, processed and/or used for dissemination (fax, scanners, computers, laptops etc.) shall be sanitized in a manner that gives assurance that the information cannot be recovered prior to disposal of or upon reassigning or recycling such devices. An "erase" feature (e.g. putting a document in a "trash can" icon) or deleting a file is not sufficient for sensitive information, because the information may still be recoverable. The Academy shall consult with its information technology professionals to sanitize the device, and clear (wipe) the data. This process shall be witnessed by the authorized user, or the LASO.

### **Disposal of Physical Media**

Once physical CHRI media (paper copies) is no longer needed by the Academy, media shall be destroyed and disposed of according to the FBI CJIS Security Policy. The LASO shall immediately shred the CHRI on the premises. The CHRI results shall not be placed in a shredding bin or recycling bin for shredding or disposal by another individual or organization. The Academy must follow the Michigan Public School CHRI record retention policies. CHRI shall be maintained for the duration of the ESP staff's employment plus ten (10) years.

### **Incident Response**

All individuals with direct or indirect access to CHRI shall be trained on how to handle an information security incident. Such training shall be included within the Academy's Security Awareness Training. Procedures shall be in place to track and document information security incidents, whether physical or digital, on an ongoing basis. When an incident has been determined to be a breach involving CHRI, the Academy, through its ESP shall report the security breach to the Michigan State Policy Information Security Officer by using the "Information Security Officer (ISO) computer Security Incident Response Capability Reporting" form (CJIS-016).

Should the LASO suspect a breach, the LASO shall notify the Director within 24 hours. The Director shall notify the Academy Board President immediately. If the Director suspects a breach,

the Director shall notify the Academy Board President within 24 hours. Should an ESP staff member suspect a breach, they shall notify the Director and the Academy Board President within 24 hours. Should a staff member of the ESP or a third party vendor or contractor suspect a breach, the individual shall notify the Director and the Academy Board President within 24 hours.

If any person suspects a CHRI security breach, that person shall confer with the Academy Board, and the Director regarding the suspected incident. The Director may confer with the ESP to determine whether any individual accessed or received CHRI information. The Director shall report the results to the LASO.

### **CHRI Safeguard Procedures**

The Academy shall utilize the following digital and physical safeguard procedures:

1. Follow this Information Security Policy to maintain hardware and software to prevent unauthorized access or intrusion into Academy information systems (firewalls, virus detection, malware/spyware detection). Maintain locked doors and/or cabinets to prevent unauthorized physical access to CHRI.
2. Use information security protocols to monitor and detect unauthorized access to electronic media. Monitor the secure aware by alarms and provide only electronic access and office keys to the LASO.
3. **Analysis:** If a suspected breach occurs, the LASO, Academy Board or the Director shall conduct an investigation to identify if a breach occurred, how the breach occurred and what systems or data were compromised and affected.
4. **Containment:** The LASO, Academy Board or the Director shall take action to stop the spread of suspected intrusion, prevent further disclosure or contain the suspected breach.
5. **Eradication:** When necessary, the LASO, Academy Board or Director shall create a removal plan of the intrusion before the system is restored and steps are taken to prevent reoccurrence.
6. **Recovery:** The LASO shall take steps to recover the missing or disclosed CHRI files or documents and store them according to Academy CHRI storage protocols.
7. **Reporting:** The Academy shall promptly report digital and physical incidents that significantly endanger the security or integrity of the Criminal Justice Information (CJI) to the Michigan State Police "Information Security Officer (ISO) on CJIS-016 FORM in compliance with the FBI Criminal Justice Information Services (CJIS) Security Policy. The CJIS-016 FORM is located at the SAS website: [www.michigan.gov/cjicats](http://www.michigan.gov/cjicats) (Forms).
8. The Academy, through the LASO, Academy Board or the Director may contact law enforcement and make a report or contract the ESP's and the Academy's legal counsel, if considering pursuit of a civil and/or criminal action.
9. The LASO shall retain any completed CJIS-016 Form(s) in the same locked filing cabinet that stores the Academy CHRI results at the Academy's facility.

### **Lost Mobile Device**

If a mobile device with CHRI information has been lost, the Academy shall report if the owner of the device believed the device was locked or unlocked, whether CHRI was stored on the device and whether the Academy is capable of remote tracking or wiping the device. The Academy shall report any compromise of the device when the intrusion occurs within the owner's possession and whether the owner is outside of the United States.

If the LASO loses a device or believes that a breach of security has occurred, the LASO shall immediately report to the Director and complete the CJIS-016 Form. The Academy shall use and retain completed CJIS-016 forms on an ongoing basis in order to meet the requirements in this policy for tracking.

### **Secondary Dissemination**

If permitted by law, and the Academy releases a CHRI response to another Authorized Recipient pursuant to authorized sharing provisions, a log of such releases shall be established, implemented and kept current. The log shall be maintained indefinitely and shall be made available to the Michigan State Police representative for audit purposes. Fields required for the log are:

1. Date the record was shared.
2. Record disseminated.
3. Requesting agency.
4. Requestor's name.
5. Method of sharing; U.S. Mail, landline fax, or within the Criminal History Record Internet Subscription Service (CHRISS). (No emailing may be used unless encrypted).
6. Academy personnel that shared the CHRI.

### **Security Awareness Training**

The Academy shall establish, implement and administer basis Security Awareness Training (SAT) that meets the minimum standards provided within the most current version of the FBI CJIS Security Policy. The LASO will, every two (2) years and starting from the date the Academy adopts the SAT, review the FBI CJIS Security Policy to ensure that the Academy implemented SAT meets the current requirements.

All individuals having access to CHRI, whether digital or physical, shall complete the SAT provided by the Academy within six (6) months of assignment and every two (2) years thereafter. The Academy shall also include any or all Information Technology (IT) personnel having access to digital systems used to process CHRI. The Academy shall document and keep current completed SAT records.

## **ARTICLE VIII. COMMUNITY RELATIONS.**

### **Section 1. Information Generally.**

The Academy Board recognizes and affirms the right of citizens to be regularly informed and to be able to obtain information about the objectives, conditions and achievements of the Academy.

### **Section 2. Freedom of Information Act.**

In accordance with Michigan's Freedom of Information Act ("FOIA"), MCL §15.231, *et seq.*, the Academy shall make public records, as defined in FOIA, available for inspection or copying. ESP representative is designated as the Academy's FOIA Coordinator. The Coordinator may designate another individual to act on his or her behalf when the Coordinator is unable to do so. The ESP will issue procedures and guidelines necessary to implement the Act, including a schedule of costs to be charged in responding to FOIA requests, and shall publish those procedures and guidelines as required by FOIA.

### **Section 3. Community Input.**

The Academy welcomes input from community members at Academy Board meetings or at other appropriate times. The Academy Board believes that community involvement in the affairs of the Academy is essential and valuable, and will endeavor to provide reliable and efficient ways to permit public input into the decision-making process.

### **Section 4. Complaints.**

The ESP shall issue administrative guidelines identifying procedures for investigating and responding to complaints by members of the public against the Academy or specific staff members. A complaint concerning the ESP may be made to the Academy Board President.

### **Section 5. Gifts, Grants, Bequests and Donations.**

The Academy appreciates receiving gifts, grants, bequests or donations from members of the public, decedents' estates, or corporate entities, as a reflection of public interest in and good will toward the Academy. The Director is authorized to accept gifts that: 1) are appropriate for Academy use; 2) are free of any restrictions that are contrary to law or inconsistent with Academy Board policy; 3) contain no commercial advertising; and 4) do not require excessive costs to install, maintain or utilize, or a large commitment of Academy resources. Income derived from gifts and bequests will be credited, if possible, to the fund designated or requested by the donor. If the request of the donor cannot be fulfilled, the gift or bequest will be deposited in any other fund specified by the Academy Board.

### **Section 6. Use of Academy Facilities.**

The Academy Board may permit the reasonable use of its buildings and grounds by responsible community groups, provided that such use does not interfere with the daily school routine or any Academy-sponsored activity, or unduly jeopardize the condition of Academy facilities. Rental or

use of Academy facilities may take place only if approved in advance by the Director or designee. The ESP in consultation with the Director shall issue administrative guidelines governing the use or rental of Academy facilities.

### **Section 7. School Visitors.**

The Academy encourages visits to school by parents, other adult community residents, or other educators, so long as those visits do not disrupt or otherwise interfere with the Educational Program or process. Any visit shall be arranged in advance with the building administration. The Director or designee have the authority to prohibit entry to an Academy building of any person, or to remove/expel any person, if there is reason to believe that such person's presence would be detrimental to the educational process or the good order of the Academy. The ESP shall develop administrative guidelines specifying the procedures that permit reasonable attendance by visitors and protect the educational environment.

### **Section 8. Academy Support Organizations.**

An Academy Support Organization is a non-profit entity formed and operating for the purpose of supporting Academy programs. The Academy's name shall not be used by an Academy Support Organization without the approval of the Academy Board of Directors.

### **Section 9. Advertising; Distribution or Posting of Information.**

Advertising for or against a political candidate or campaign is not permitted on Academy property. Advertising of religious services or religious-related activities is not permitted on Academy property. Commercial advertising is not permitted on Academy property without the written consent of the Director. Distribution or posting of information by outside organizations is permitted only with the prior review and authorization of the Director. The ESP shall issue and enforce regulations governing commercial advertising and distribution or posting of information on Academy property.

### **Section 10. Volunteers.**

The Academy Board recognizes and appreciates the value of volunteers. The ESP or designees, including building administrators, are responsible for recruiting volunteers, reviewing their capabilities, and placing volunteers. Any volunteer who will work with or have access to students on a regular basis shall be pre-screened using the Internet Criminal History Access Tool (ICHAT) or similar database. Academy administrators shall not be required to accept a volunteer whose history or skills are not in accord with Academy standards and needs. The ESP shall issue and enforce guidelines governing use of volunteers.

### **Section 11. High School Diplomas to Qualified Military Veterans.**

The Academy Board honors the service provided to our country by veterans of World War II, the Korean Conflict and the Vietnam Era. The Academy Board is honored to issue high school diplomas to veterans who began their service without completing high school, and who comply

with the provisions of MCL §35.341. The Director is authorized to accept applications and documentation from veterans identified above and shall make recommendations to the Academy Board whether the veteran should be awarded their diploma.